

# LICENSING SUB COMMITTEE

Monday, 3 June 2019 at 2.30 p.m.

The Council Chamber, 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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For further information, see the main agenda.

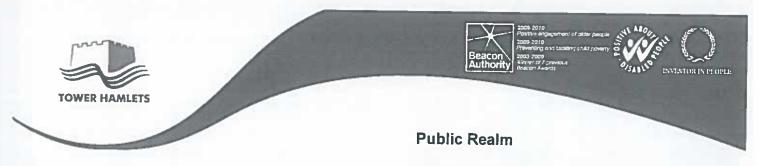
PAGE WARD(S)
NUMBER(S) AFFECTED
3 - 6 Whitechapel

3 .2 Application for a New Premises Licence for: Royal PFC 178a Whitechapel Road London E1 1BJ

Supporting documents submitted on behalf of the Objector (Licensing Authority)



## Agenda Item 3.2



Four Brothers Ltd (Royal PFC) 178a Whitechapel Road London E1 1BJ

Date 11th February 2019

My reference TSS/L!C/113916/LMI/093517

**Place Directorate** 

Head of Environmental Health and Trading Standards: David Tolley

John Onslow House 1 Ewart Place London E3 5EQ

Tel 020 7364 2665 Enquiries to Lavine Miller-Johnson Email lavine.miller-johnson@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Sir/Madam.

#### Licensing Act 2003

### Premises Licence: (Royal PFC) 178a Whitechapel Road London E1 1BJ

I write to advise you that the above premises licence has now lapsed and therefore the premises are longer licensed for any licensable activities.

You are advised to cease ALL unauthorised licensing activity with immediate effect.

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers:

1) the sale by retail of alcohol (off or on sales)

- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted quest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)

4) the provision of late night refreshment (selling hot food and drinks past 11pm)

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

Should you wish to discuss the above matter further or would like forms to make a new application, do not hesitate to contact me.

Yours faithfully,

Lavine Miller-Johnson

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Licensing Officer





Four Brothers (UK) Ltd. 178a Whitechapel Road London E1 1BJ

28th February 2019

Your reference My reference: CLC/LIC/094227

Dear Sir/Madam,

## Communities, Localities & Culture Safer Communities

Head of Environmental Health & Trading Standard: David Tolley

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

Tel 020 7364 5498 Fax 020 7364 0863 Enquiries to Samantha Neale

Email Samantha.neale@towerhamlets.gov.uk

**Licensing Act 2003** 

Premises: (Royal PFC) 178a Whitechapel Road, London, E1 1BJ

It has been brought to the Licensing Authority's attention that your business has dissolved.

Upon checking companies house records, it shows that the licence holder, "Four Brothers (UK) Ltd" (Company number 08551364) is "Dissolved". An entry dated 9<sup>th</sup> January 2018 shows the "Final Gazette dissolved via compulsory strike-off". There is no option to transfer the licence as it has been longer than 28 days since it was dissolved. It therefore means that the licence has <u>lapsed</u> and therefore the premises is no longer licensed for any licensable activities.

## <u>Licensing Act 2003, Section 27 Death, incapacity, insolvency etc. of licence holder</u>

- (1) A premises licence <u>lapses</u> if the holder of the licence—
  - (a) dies,
  - (b) becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence,
  - (c) becomes insolvent,
  - (d) is dissolved, or
  - (e) if it is a club, ceases to be a recognised club.
- (4) For the purposes of this section, a company becomes insolvent on (a) the approval of a voluntary arrangement proposed by its directors,
  - (b) the appointment of an administrator in respect of the company,
  - (c) the appointment of an administrative receiver in respect of the

company, or (d) going into liquidation.

Section 50 of the Act allows transfer to be made no later than 28 days of the company being lapsed. Unfortunately as the time period has expired, there is no alternative but to make a new application.

#### **Conclusion**

Unfortunately, I am obliged to advise you that your premises licence has now lapsed and you must cease the licensable activities (The provision of Late Night Refreshment) at your premises with immediate effect.

Licensing Act 2003 - Section 136 - Unauthorised licensable activities (1) A person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or (b) he knowingly allows a licensable activity to be so carried on.

A person guilty of an offence under above sections of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

You can apply for Temporary Event Notices to continue trading but are limited on the number of days to 21 per calendar year or 15 events, events (whichever comes first). There is the option to apply for Late Tens which must give at least 5 workings notice, however should the Police Licensing or Environmental Health Noise Team make any objection you would receive a counter notice advising you that the event cannot take place. A standard TEN requires 10 full working days' notice. Further advice and forms are available on our website. <a href="https://www.towerhamlets.gov.uk/licensing">www.towerhamlets.gov.uk/licensing</a>

Enforcement Officers will visit your premises to ensure that you are NOT conducting any unlicensed activities. This letter has been copied to the relevant responsible authorities and the directors of the company.

You may wish to seek independent legal advice. However, if you would like any further clarification, do not hesitate to contact me.

Yours faithfully

Samantha Neale Licensing Officer

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