

Licensing Sub Committee



Tuesday, 27 July 2021 at 6.30 p.m.

Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Supplemental Agenda

This meeting is open to the public to attend.

Further Information

For further information including Membership of this body and public information see the main agenda.

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Licensing Sub Committee

Tuesday, 27 July 2021

6.30 p.m.

	PAGE NUMBER(S)
4 .1 Application for Variation of a Premises Licence for Iberian Connections, 2-10 Ezra Street, London, E2 7RH	3 - 46
Supporting documents submitted on behalf of the Applicant.	
4 .2 Application for a New Premise Licence for Travel Goods, 79 Wentworth Street, London, E1 7TD	47 - 74
Supporting documents submitted on behalf of the Applicant.	
4 .3 Application for a New Premises Licence for Hyatt Place London City East Black Lion House 45 Whitechapel Road London E1 1DU	75 - 120
Supporting documents submitted on behalf of the Applicant.	



Peter Conisbee
Unit 16829
PO Box 6945
London
W1A 6US

Re: Variation of Premises Licence at
Iberian Connections, 2-10 Ezra Street, E2 7RH

Dear Committee members,

I write to you as the representative of Iberian Connections with regard to the recent application for a full variation of the premises licence at the above venue. This letter is sent to bring you up to date with some of the history of the premises, the reasoning behind the application, and the lengths that the company have gone to in order to prove that they are a responsible operator and conducting their business with due diligence and regard for the Licensing Act 2003

History

Iberian Connections have operated their Oyster Bar in Ezra Street for many years now and have had a premises licence to sell alcohol at the venue for over ten years. The premises licence permits them to trade on Sundays only, between 8am and 3pm. Aside from the mandatory conditions, there are no other conditions within the operating schedule.

During this time, they have had no complaints from customers, members of the public or issues with the responsible authorities.

In July 2020 an alteration was made to the lay out of the premises which necessitated a variation. A minor variation was submitted at the beginning of August 2020. Over four months later, in December 2020, this application was refused. The licensing authority stated they had refused it due to the manner of the floor plan change. Previously customers would enter a small open 2 metres squared area. Customers would be served and step directly out onto the street. The new variation of the floor plan sees customers stood in the street being served from hatches. Albeit this was a minor difference, the authority decided that it may impact on the licensing objectives, especially due to apparent issues in the area. For that reason, the licensing authority

requested it be dealt with by way of a full variation so as to enable the full consultation process. The licensing authority later stated that these issues did not centre around the business of Iberian Connections.

Application

As a result of having to submit a full variation they decided to apply for further amendments to move the hours of trade two hours forward from 8am to 3pm to 10am to 5pm. A movement of the 7 hours permitted, no extension to their licensable hours. With this they also submitted no less than 13 new conditions onto the licence to counter any concerns with the licensing objectives. Furthermore, the company submit an annual temporary event notice to operate one extra day mid-week during the Christmas market which runs through November and December. This has never been refused. As the licence is so minor, it seemed sensible to incorporate this annual event into the licence as a seasonal variation. The application was submitted in April 2021.

Representations

The responsible authorities did not submit any representations to the application. Six representations were submitted by residents, one of whom resides in Ezra Street, the others nearby. The concerns raised by the representations stated the following;

- That there was a serious problem of public nuisance, noise pollution, littering
- That there was an unprecedented level of ABH in the area long after the market closes
- Concerns that the consumption of alcohol brings with it ABH, public urinating and drug dealing
- The lives of the residents who live in Ezra Street and its surrounds were being made miserable by this one weekly event
- That this two hour later finish would necessitate extra resources from licensing, street markets and the police

A letter was sent to each of those submitting a representation and their individual concerns were addressed. A copy of one of the letters is attached to this letter marked document A

Three of those submitting original representations replied and re-iterated their concerns. Their replies have been copied and pasted directly from the emails and are compiled in document B

Evidence

Customers of the applicant enquired as to whether the application had been granted or not and were informed of the position, that six representations had been received. The applicant then started to receive emails of support, from residents of Ezra Street and nearby, customers and other businesses in the locality. Many of these emails you will note contradict representations and provide excellent evidence of the manner in which the applicant conducts his business each Sunday. These emails are compiled in document C

Considering the claims made within the representations, one can only assume that there is indeed a grave issue in Ezra Street on a Sunday. Issues that are so serious there would be numerous reports cataloguing the complaints and crimes. In order to try and gauge the real problems in the area and how much of which was serious enough to be reported to or raise the attention of the police and or the council, on behalf of the applicant I submitted two freedom of information (FOI) requests. One to the police, and one to Tower Hamlets Council.

In relation to the police, I asked them for the following;

1. How many crimes have been reported to have occurred in Ezra Street, E2 specifically on a Sunday since 01/01/2019
2. How many crimes have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019 where violence has been a feature
3. How many crimes have been reported in Ezra street, E2 specifically on a Sunday since 01/01/2019 where alcohol has been a feature
4. How many incidents of ASB have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019
5. How many incidents of drug related crimes have been reported to have taken place in Ezra Street, E2 specifically on a Sunday since 01/01/2019

The report is shown at document D

In brief, the total amount of crimes recorded in Ezra Street on a Sunday in 2019 was 3, in 2020 there were 5, and at the time of publication none in 2021

Neither violence nor alcohol was a feature of these crimes. Only one of these crimes was drug related. Two of the incidents related to anti-social behaviour, one in 2020 and one in 2021.

It would be a far greater task for the police to have defined exactly where these incidents took place and the exact timings. One has to bear in mind that when searching for these reports, they will include hits that contain 'opposite Ezra Street' 'near to Ezra Street' and 'junction with Ezra Street'. One

also needs to consider that these searches cover a 24 hour period. In terms of alcohol related crime, if a suspect is arrested having been drinking, police are required to note this on the crime report. Similarly, if a witness or victim states that a suspect was drunk or had been drinking, this would also be noted on the report.

This somewhat dilutes the information further but nevertheless gives an excellent indication as to the validity of the claims from those submitting representations. In two and a half years there has been one incident involving drugs reported to the police.

No reports of violence and more significantly no incidents where alcohol was a feature.

Considering that the council deal with noise complaints and ASB the following FOI was sent to Tower Hamlets Council;

I asked between 01/01/2019 to 31/05/2021

1. How many recorded complaints of ASB have been made to EZRA STREET specifically on a Sunday
2. How many recorded complaints of noise pollution have been made to EZRA STREET specifically on a Sunday?

The request and response is at document E

The response was equally contradictory to the representations, no complaints of noise and in two and a half years only one report of Anti-Social Behaviour.

Similarly, this report would cover every Sunday 24 hour period, and could well be identical to that within the police FOI.

Conclusion

- There is overwhelming support from residents, businesses and locals in favour of the applicant.
- There are no complaints or concerns with the applicant's business – and they have been trading here with effectively an empty operating schedule for many years.
- Neither the police, environmental health, the licensing authority or any other responsible authority submitted a representation. The first three mentioned making no comment is highly relevant given the concerns from the residents.
- The issues complained of within the representations are either not occurring on a Sunday, in which case they are irrelevant to the applicant's business, or they are not serious enough for anyone to officially complain to the council or report to the police. Equally one can say the same for the level of alleged crime.

The evidence to back the claims of this resident group is just not there. For that reason, we are respectfully requesting that the committee grant the licence as applied for.

Kind Regards

Peter Conisbee Q.Inst.Pa
Licensing Consultant and Independent Commercial Energy Broker
www.pclicensing.co.uk

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Peter Conisbee
Unit 16829
PO Box 6945
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W1A 6US

Wednesday 26th May 2021

Iberian Connections
2-10 Ezra Street
Full Premises Licence Variation

Dear Mr Campbell,

I am the licensing consultant dealing with the above application on behalf of Iberian Connections. Below you will find a letter to you from the applicant Conor in response to your objection. I'd be very grateful if you could contact either myself or Conor on the emails below, alternatively contact me on the number supplied to discuss. I have forwarded a copy of this to the licensing department of the council so that they are aware of our contact. Should you wish to contact them to discuss the matter the officer dealing with the application is Corinne Holland who is available on 020 7364 3986 or the generic email to the council is licensing@towerhamlets.gov.uk

Thank you for taking the time to respond, hopefully this will provide more clarity on the application.

Kind Regards

Peter Conisbee Q.Inst.Pa
Licensing Consultant and Associate Broker, Club Power
www.pclicensing.co.uk

Dear Mr Campbell,

We thank you for taking the time to respond to our variation application.

Like you, we care passionately about the area and community which we have serviced for nearly 15 years and we sympathise with many of the issues that you have raised.

In this response letter, we will attempt to address those issues and fully explain our position.

In the first instance, we feel there may be some confusion that this variation application is a request for a new license.

This is not the case.

'Iberian Connections' has been active in Columbia Road market for close to 15 years, serving an array of hot food, coffee, fresh oysters, refreshments and drinks since 2008.

We have a long-established premises license which was granted 11 years in 2010 and has been maintained since. It is important to note at this point that currently our premises licence at 2-10 Ezra Street has no up to date relevant conditions.

It is also important to point out that we have not received or been notified of any complaints against our business in the 15 years we have operated here. It could be said that we are a victim of our position, we cannot be held responsible for the manner in which clientele of other operators in the area behave. We only have the power to deal with our customers and to ensure that we as an operator conduct ourselves within the regulations of the licensing act 2003. In that respect we are beholden to operate with due diligence. The relevance of this point is that as stated, our premises licence currently unusually has no conditions beyond that which are mandatory. Hopefully that will explain partly why we have submitted this variation, a form of protection and assurance to the residents, businesses and visitors to this area that we are a truly responsible operator.

Hopefully the information below will help to explain in more detail why we have submitted this variation. We will also try to respond directly to your concerns later in this letter.

This variation application was made for four reasons;

- to update our floorplan with the council,
- to introduce 13 voluntary conditions onto the licence
- to add a seasonal variation of the Christmas market operation, and
- to alter the hours of operation, (we are NOT increasing our hours of operation).

Conditions

It is important to note that although we have decided to introduce these 13 conditions, we have already been operating many of them. We are all too aware of the issues in the area and made the decision to add these conditions in line with the four licensing objectives and our own due diligence. Their inclusion will make us more accountable not just to the responsible authorities but to the residents and our customers alike.

As stated, some of these conditions we have already been operating, and will continue to do so regardless, the point is that we are not currently enforced to do them, we are trying to show you the residents the local community and our customers that we take this position very seriously. We wanted to prove that we do not contribute to the issues of the area.

As many will not have had the opportunity to see the conditions that we have voluntarily offered, they are attached at the foot of this letter for your information.

Hours

Our intention in changing our hours from 8am – 3pm to 10am – 5pm is two-fold;

firstly, it is in response to frequent requests by members of the Columbia Road community, flower traders, market traders, residents, and businesses alike who wish to come together for a short time after packing down stalls after the rush of the market has died down to enjoy a civilised drink and to socialise with one and other.

Due to this demand we applied for TENs licences to check on the response of our new proposed hours and have been thrilled with the increased sense of community in allowing traders, visitors and residents to come together for a brief period as the market packs down.

While we work alongside the market we operate as a private business on private property that does not and should not be beholden to the market

itself and we feel 5pm is a reasonable cut off time which would allow for members of the community to enjoy our service post market but does not continue late enough to become a nuisance.

We also understandably have very limited income from the hours of 8am – 10am and after an incredibly hard year we have been asked to pay a new set of costly licenses each month.

We have not raised our prices since we opened many years ago and after a year of financial hardship for so many, we do not wish to do so now. Instead, simply wish to alter our service time to allow us to earn enough to survive.

Seasonal Christmas Market

Each year we have operated our business alongside the Christmas markets. As we only operate one day a week, to do this, we submit temporary event notices for every occasion. These are overseen by the police and the environmental health service and have never been refused. It was considered sensible to submit this within the full variation as it would prevent the necessity for annual applications and associated work by both the two responsible authorities to ratify them.

Representations

We are sorry to have received feedback which attribute problems in the area to our service.

In our 11 years of holding a premises license there has not been a single instance in which a complaint has been lodged, police been called or instances of ASB observed in relation to our business.

During our hours of service, which operate only one day a week, on the weekend and purely in daytime hours, our trained staff maintain a responsible presence to ensure visitors are respectful, demonstrated by when we have stepped in to ensure that noisy buskers are requested to keep the volume down.

We provide bins for litter where there would otherwise be none and chose the 5pm cut off point for our service in part to correspond with the waste collection service timings so that all of our waste would be collected immediately and not left in the street.

We also ensure anyone who wishes to buy alcohol are ID vetted and not at a level of inebriation that would be problematic. We simply do not serve

anyone who we consider has had too much to drink, in any case such incidents are documented and dealt with accordingly.

We understand that in a constantly developing metropolis such as London it is important for community minded residents to take an active stance to protect the atmosphere of the neighbourhood.

Regarding your objection, you mention at the beginning an extension of hours to our premises licence. As has been explained previously this is not the case. We trade for seven hours a week only. Currently our premises licence operates between the hours of 8am and 3pm. We are only moving two hours forward to 10am to 5pm, no actual extension of hours at all.

You have also said that each of the licence holders blames the other, but we honestly don't seek to do that.

We can only deal with our own operation and ensure that it is properly managed and we do this professionally and diligently.

On that note I refer you back to the earlier point where within this application we are also seeking to reinforce our premises licence with additional conditioning to safeguard residents, businesses and the visitors to the market.

You will also note that we have never been informed of any issues related directly to our operation, perhaps because we are so passionate about the area, its provision and the responsibility we have to protect it.

We stand with you against late night and weekday drinking and noise nuisance and all incidents of ASB. However, we strongly maintain that our business and proposed variation would not contribute to these problems but rather our business practices and intentions are of benefit to counter these issues during our hours of operation.

We worry that wider problems that are rightfully of concern to residents are being unfairly attributed to a small family business that operates only in the daytime hours, once a weekend to provide a popular community destination.

I hope this letter has explained our position and assuaged your concerns, but if you would like to discuss further please feel free to contact me at conor@oysterboyevents.com or email my consultant Peter Conisbee at info@pclicensing.co.uk or call him on 07877 851048. Alternatively please come and visit us on Sunday so we can have a direct chat and compromise as good neighbours should.

Many thanks and I wish you all the best,

Conor John Pearson

Oyster Boy Events & Iberian Connection

Conditions submitted as part of the variation which will, if the variation is granted, be added to the premises licence

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council 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. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.

2. A direct telephone number for the manager 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.

3. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;
 - The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request
 - The police must be informed if the system will not be operating for longer than one day of business for any reason
 - One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering
 - The system will provide coverage of any exterior part of the premises accessible to the public
 - The system shall record in real time and recordings will be date and time stamped
 - Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and
 - At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request

4. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises

5. No high strength beer, lager or cider in cans or plastic bottles of 6.5% abv or above shall be sold.

6. All sales of alcohol for consumption off the premises shall be in recyclable containers only and shall not be consumed on the premises.
7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale, a description of the person who was refused service and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by authorised officers of the council and the Metropolitan Police upon request.
8. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter emanating from the premises. A final check should be made at close of business.
9. The premises will provide a bin or bins which will be subject to regular emptying
10. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
11. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
12. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the council. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to;
 - The premises age verification policy
 - Dealing with refusal of sales
 - Proxy purchasing
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication

Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council and the Metropolitan Police upon request.

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Three replies from the letter sent by the applicant to the six people submitting representations. These have been copied and pasted directly in their original form from the emails which are available should the committee request to see the originals.

Dear Conor,

I have received the letter from Peter at PC Licensing Consultancy, but wanted to reply to you personally.

I appreciate you making the effort to provide a detailed explanation of your position, but unfortunately it does not change my opinion, as outlined in the attached email.

We do not object to your business in particular. The problem is a saturation of licensed premises in the immediate area. There are four of them within 10 m of your corner of Ezra Street, and another six within 100 m. That is far too many for what is – and should remain – a primarily residential area.

We do not believe that anyone can seriously argue that there is not a link between serving alcohol for consumption on the street and anti-social behaviour.

I appreciate that you are saying you are not increasing your licensing hours, but only moving them later. But it is precisely that later opening time which is going to add to the problem.

We will continue to object to any increases in licensing of any description in the immediate area, regardless of the nature of the business or how “community oriented” it may be

Our appeal to the Council’s licensing authorities is to recognise the cumulative impact of increased alcohol sales in the area and to have a clear, comprehensive policy to limit this, regardless of the merits of individual applications.

I’m sorry not to be more positive, but I hope that you can accept that this is nothing against your individual business.

With very best wishes,
Christopher

Received 29th May 2021

Dear Conor,

Thank you for taking the time to write to me about your application. My objection to changing your licensed hours from 3pm to 5pm on Sunday however stands. I do not object to you having a license for the Christmas market - however as you rightly point out this can be achieved by a TENS.

The area that your business is directly fronted onto is a hot spot for serious noise pollution and antisocial behaviour from the crowds gathering who are staying drinking long after the market has stopped.

Unfortunately the council, police, licensing and street markets have not been able to implement any guidance that would control this.

Although you state you are 'seeking to reinforce our premises licence with additional conditioning to safeguard residents' you also state 'wider problems that are rightfully of concern to residents' there is nothing in this application for later hours that would resolve this, indeed it would only add and further propel this corner as a destination for street drinking.

Residents are rightfully concerned. As much as others want to hang out and have a drink as the markets close - residents who have been woken at 5:30 am are looking forward to a much needed quiet evening.

I am a customer of your business and have supported it for many years, I do hope you can understand the seriousness of the situation for the life of residents and my objection.

Kind regards,

Kristin Perers

Received 03/06/2021

Dear Mr Pearson

Thanks for your letter and enclosures, following my objection to the variation of your licence.

My objection, which I'm afraid still stands, makes no assumptions about how responsible you are as a licence holder but is in response to the fourth of your four reasons to vary the application - namely the hours of operation and the extension to 5pm, two hours after the closure of the market.

This may not represent an extension in the quantum of hours you operate but it does represent an extension of the hours which will allow and encourage street drinking on a Sunday after the official closure of the market. .

Unfortunately - as you acknowledge - these streets have become the scene of antisocial behaviour and Sunday afternoons after the market is time when residents particularly need to enjoy the amenity of peace and quiet after an early start on Sunday morning and, as is now typically the case, a late night of partying on Friday and Saturday night.

I trust that the licensing authority will take steps to use its powers to manage this situation.

All best wishes

William Taylor

Received 4th of June 2021

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Over twenty emails of support from residents, customers and other businesses in Ezra Street to the applicant. These have been copied and pasted directly in their original form from the emails which are available should the committee request to see the originals.

Hello,

I live in Columbia Road and have known the Oyster Boy team for the past 7 years.

Columbia Road is a lively place. When you move there, it shouldn't come as a surprise that there are people around on a Sunday, and that Ezra street particularly fills up with laughs, families and friends meeting for a jovial drink. It baffles me that anyone would want to kill even some of that wonderful energy that fills our streets and that make that one corner of London so special. There are hundreds of thousands of lifeless streets in this city – they could've opted for any of those!

Oyster Boy is part of our community, and respectful of the space and the street. Conor knows everyone around and is well liked by everyone I know (I tend to mix with the people who understand where they've moved and enjoy it for what it is, I guess). He keeps the street clean and by sun down there is no sign of him, or anything left behind. In fact, as soon as the cleaning trucks come, 90% of the people around just leave – they do their dispersing job extremely well. I can't imagine Ezra street without his delicious oysters or his wonderful energy.

This is part of an ongoing campaign to strip Columbia Road of its identity and make it a dull, neurotic copy of every other dull, middle class street in this city. They came late and now want the street to mould into their terms – namely, kill the market so they can keep all of that beauty and quaintness of the street for themselves. It's selfish and lifeless. I didn't move to Columbia Road because I wanted to be surrounded by killjoys. The street – and Conor, and the oysters, and the lovely people who come visit every Sunday – has been there longer than any of those complaining have. If they don't like it, Jesus Green down the road is dead quiet.

I hope we can all stop wasting time with this and move on with life. I for one would love to know who's complaining so I can make a complaint about them. Columbia road is better off without people who don't get what the street – and the strong community that Oyster Boy is an integral part of – stands for.

All the best,

Maurizio Von Trapp

Received 27/05/2021

To who it may concern

I'm a Tower Hamlet resident and I know personally Conor and I want to give my support for the renewal of his Licence.

The service Conor is offering is absolutely respectful and loved by the totality of the people who are coming every Sunday to enjoy the flower market. What I consider anti social is rather the attempt of closing down a family business that is providing quality food and drinks to the community with great kindness and following all the rules required.

Mattia Volta

Received 27th May 2021

Hello. My Name is Jessica Brown-Findlay and I am a tower hamlets resident. I am an actor and I have lived in and around Jesus green since 2011 And one of my reasons for buying our house on Elwin Street was our beloved market on a Sunday. The flowers and great, but where the real love and joy comes for locals is on Ezra street.

I understand that Oyster boy, a stall that I have come to for over 10 years is under threat. This is run by my dear friend Conner and the family vibe and love that this man brings to the corner is immeasurable. Firstly, the stall is unique, with a personable touch that people travel back every week for! He brings an eye to the street that knows it's residents, the locals, their children, growing families and friends and for 15 years.

I hear that Some concerns have been coming from very few residents regarding noise and night life, and I can't stress how much this these worries do not apply to this incredible slice of London, to this business in particular. Conner take great care in the running of Oyster Boy. Is kind and involved with the other businesses on the street. Always helping out. The recycling at the end of the day at 5 when the stall closes is always put away, with him and Bruno (his incredible Father) running about the road to collect the days debris (by all the coffee shops) are swept away and collected by the bin men. The stall collets it's own waste in an impeccably organised manner. It doesn't play music, it simply provides something for special, that week Andres week brings thousands of visitors wanting to taste an oyster and meet our brilliant self made Conner.

OysterBoy May look small but the heart it brings to this area is HUGE. It is bringing awareness to local food. Using the best oysters around. Bringing conversation. And Joy.

I moved to be as near to my Favorite organic and community lead small business championing area of London. Once they get pushed out they can never be recreated. This is a very special nook of London. Please let this continue.

We have dreams of showing our children a place we have been coming to for years. And Conner even turned up at our wedding with Oysters as a gift for everyone there! He is a very Special and passionate human being.

Jessica Brown-Findlay.

Received on 29th May 2021

Dear Peter,

My name is Ziggy Heath and I'm a Tower Hamlets resident living on Elwin Street, E2 7BU - just behind Columbia Road itself.

I've been made aware that a handful of local residents have objected to Oyster Boy Events' variation application.

I would like to place on record my full support for Oyster Boy Events.

Simply put, they are a vital part of the Sunday market community. I have been to the market every Sunday for the last three years, lockdowns aside, and I have only ever seen Oyster Boy Events being run with the utmost care and responsibility. They operate with complete consideration for their surroundings and on top of that, they provide a fantastic service; one that is rightly appreciated every Sunday by all sorts of different people passing through.

In Connor and Bruno, the market has two people that go well out of their way to make sure Sundays run as smoothly as possible. They clean up Ezra street regardless of whose litter it is, they help other shop/café/restaurant owners and they are extremely mindful of the behaviours of their own guests.

To me, 5pm seems like a very reasonable time to close, mainly because there is absolutely no chance of presenting any late night issues.

My family and I love Oyster Boy Events. They were a major part of our decision to buy a house in the area, because they made the Sunday market at Columbia Road feel like a welcoming and kind place to come to. And that is surely something that Tower Hamlets as a council need to be working to preserve, not remove.

Best,
Ziggy Heath

Received 30th May 2021

Hi Conor,

I am very sorry to hear the latest and surprising news about what is happening. Not only I love to visit your small and authentic place myself but I am bringing every friend of mine who visits London to taste your oysters and see your inspiring and creative business. I never had witnessed any antisocial behavior when I was around but I always enjoyed the elegance and kindness of yours.

Please let me know if there is anything I can help, All my best and please keep in touch. I am at Avantgarde Tower; E1 6GS

C. Efe Onbilgin

Received 1st June 2021

Dear Peter Conisbee,

I'm a resident of Jesus Green Hospital Estate.

I'd like to write in support of Conor Pearson and his Oyster Boy business on Ezra Street. He has operated in Ezra Street for more years than I care to remember and I have always known him to run a fine establishment. It adds to atmosphere of Columbia Road Flower Market on a Sunday.

I gather he just wants to change the location of his alcohol license.

I support him in this application.

Best wishes

Sara Dixon

Received 1st June 2021

Thank you Sara,

Very much appreciated. Essentially it is an application to change the floor plan lay out, the premises will remain exactly where it is. In addition Conor has submitted a few extra conditions and would like to amend the time from 0800-1500 to 1000-1700, it is this two hour time change that seems to be upsetting many.

We very much appreciate you taking time out to support the application. Thank you again

Kind regards

Peter

To be honest Peter - I'm sure his business is struggling after the Pandemic and I highly doubt people are eating oysters at 8am! And five seems a reasonable time to finish trading at.

I open my market stall on Ezra Street market at 8am and he's never there at that time - I mean why would he be?

It's really a well behaved crowd on Ezra Street, I know as a local I would miss it if it wasn't there! We are lucky to live in a place with such atmosphere and it does add to the area!

Thanks for your response,

Sara

Dear Conor,

Oyster Boy is a very responsibly run service within reasonable hours that enriches the Columbia Market experience. Litter is always collected and closing at 5pm is reasonable as there's no loitering or noise into the late hours.

Amelia Hunt

Received 1st June 2021

Having worked in Ezra St for over 28 years in our business S & B Evans & Sons, we watched the area progress from illegal trash dumps to today's collective of thriving and well managed, independent, small trader enterprises.

During our working lives there, Tower Hamlets Council were notorious for repeatedly attempting to clumsily contain the Sunday Market on the basis of perceived resident hostility.

This peaked at a time when proposals were put by one Lib Dem councillor to hold a referendum on closure of the Market and a move to Spitalfields. The council intended to count the votes themselves in their offices, but when we, as an organised group of traders called in the Electoral Reform Society, the votes were supervised and counted with due diligence.

The results out of about 1,500 votes, confirmed only 3 residents voted for closure.

One of the comments reported by the ERS was that Tower Hamlets should now cease threatening the area and simply manage it correctly.

Little seems to have changed.... forget the history at your peril.

Now outside London we both still have a proprietorial interest in Ezra St. and as visitors (pre pandemic..) thoroughly enjoyed our many visits.

Hope all goes well for you,

Sheila & Bob Evans.

Received 2nd June 2021

Dear Conor

I hope this email finds you well.

Just wanted to write a few words in support of your business (as a frequent customer, an oyster&wine lover and as a concerned citizen).

I strongly believe that in this vulnerable pandemic period of time it's in the primary interest of any London council to keep local places of interest as vibrant, diverse and alive as possible. It also goes without saying that supporting local businesses that make these unique London places such as Ezra Street is vitally important. In light of this, I was extremely saddened to learn that the Oyster Boy company's variation application had been opposed by some Tower Hamlets residents.

I am a frequent visitor of Columbia Road flower market and Ezra Street and through the last 5 years stopping by Oyster Boy has become somewhat a ritual. I have never witnessed any antisocial behaviour and the staff at the Oyster Boy have always been mindful of the customers, providing responsible service and keeping the surroundings tidy. They offer the best type of adult snack to local residents and visitors that, needless to say, should not and cannot be consumed without a glass of wine.

I very much hope that Oyster Boy's variation application will be ultimately accepted and they can carry on providing their excellent service fully in these very turbulent times.

My details are the following:

Dan Leover

Kind regards
Dan

Received 2nd June 2021

Hi Peter,

I just wanted to write a letter in support of Conor and his delicious Oyster Bar.

It's a fantastic thing to have on our doorstep here, which really adds to the charm of the market, as well as a nice drop-in for locals to catch up. I live on Ezra Street and have always been greeted there with positivity and good vibes! Long may it continue.

Kind regards,
Richard Adam

Received 6th of June 2021

To Peter,

As Tower Hamlets residents and business owners, we were absolutely appalled at the unjust rejection of the variation application and license for brilliant local business, Oyster Boy.

They have provided an outstanding hospitality service to the local community for 15 years (and more broadly to all Londoners and tourists who visit Columbia Road Market and Ezra Street). We have been faithful customers for the entire duration.

Why?

They are an exemplary operation: always respectful of local residents, monitoring guest behaviour and noise levels, and maintaining a clean business space. In addition, they play an integral role in bringing character to the local area and benefitting the community enormously.

They are only operational for daytime hours and with an intended close time of 5pm (an entirely reasonable hour and in keeping with surrounding businesses), they pose no threat of late-night nuisance and so there can be no justified objection on these grounds.

The steps taken to update the floor plan on council records and the subsequent voluntary conditions introduced were done to hold their business more accountable than ever - a move that should only be applauded by the Tower Hamlets Council and the local community.

To allow this to happen to a small, family-run business is a travesty and would be an incredibly bold oversight on behalf of the council. After an incredibly difficult year for hospitality businesses, we should be giving them all the support they need.

Best Wishes,

Sophie Abrahamovitch & Adam Sargent

Received 7th June 2021

Hi Peter,

I am writing to you in support of one of my favourite Tower Hamlet businesses, Oyster Boy. I believe the decision to reject the variation application is unfair and should be reviewed at your earliest convenience.

The stand has become part of the community – and it would be a travesty for such a well run local business to be closed when the concerns expressed by a very small number of residents don't apply.

I visit the stall most weekends and the staff are very mindful of the foot print of their surroundings – and most importantly they are only trading during daytime hours (closing at 5pm). I understand some of the concerns of local residents but I truly believe it would be an error to stop this great business from continuing to trade.

Regards,
James Lever

Received 7th June 2021

To Whom It May Concern,

As a resident of Tower Hamlets since 2016, I have had to the opportunity to experience the friendly neighbourhood experience of the Columbia Road flower Market, in particular the Oyster Boy shed. Operating on Sundays in Ezra street, Oyster Boy has created and contributes to an incredibly local community experience.

One of the great joys of living in the Columbia Road area is heading down to Ezra street on a Sunday afternoon whilst the markets stalls are packing up and enjoying a few oysters and a glass of wine in the sun, or a glass of mulled wine in Winter. This creates a very inclusive community atmosphere and experience where Conor can often be seen striking up conversations with locals or collecting rubbish left by the visitors to the flower markets.

It is my understanding that there have been several concerns that this type of establishment could contribute to anti-social behaviour in the area. As a resident of the area for the past 5 years I would assert that serving visitors and locals sangria, wine and oysters until 5pm does precisely the opposite. It creates a space for locals to come together in an area that is all too often developed and geared towards tourists and visitors.

As such I would like to support the variations to the existing license to allow Oyster Boy to continue operating in Ezra street, including the provision to serve alcohol until 5pm on Sundays.

Regards
Tom McNamara
Received 8th of June 2021

I write in support of Conor 'Oyster Boy' Pearson's business which I have been pleased to use on a quite regular basis on a Sunday afternoon in Ezra St. I am surprised and a little dismayed that complaints have been made against the Oyster Stall which provides an excellent alternative to the usual take away

provision of sandwiches, filled rolls and burgers etc. This is a business that invariably closes at around 5pm on a Sunday afternoon and attracts what I perceive to be an amiable and good humoured clientele enjoying the outstanding facilities of Columbia Rd in this case Oysters expertly served and cheap!! When the highly effective street cleaning activities begin the lorry driver has little difficulty accessing the road area in front of the stall. It would be interesting to know if the cleaning team has registered a complaint - I doubt it It would seem to me that there are no valid reasons for any members of the general public to complain other than vexatious litigants. Indeed the opposite scenario applies with many visitors to the market I know fully appreciative of what the market offers to include the Oyster Stall. I would be happy to verbally support all aspects of this submission as a very local resident who would not want inappropriate anti social behaviour on my doorstep. Thomas Mannion OBE. 81 James Hammett House Ravenscroft St E2 7QJ

Received 12th June 2021

Dear Conor,

I have been saddened to hear your news that you are having difficulty in relation to your license for the Oyster Stand on Ezra Street near the Columbia Road Flower Market. You have become an institution on that street and add so much to the community on the weekend in the area. I do not share the views of certain residents that have raised an issue with the alcohol license operated by your stand. There is a lot of enjoyment had by visitors, local residents and operators of the flower market in having oysters and a chilled glass of wine on a sunny Sunday. The right of the community to enjoy this should not be stifled by a few disgruntled individuals.

Please see my comments below on my experience of attending your establishment:

- the produce sold is of impeccable quality
- the stand is operated in a socially responsible manner
- the area is extraordinarily clean and kept so by the stand vendor
- there is a clear community spirit provided and enhanced by the operation of the stand
- the hours of operation are prompt and within the small amount of time provided by the licensing authority

There is certainly no encouragement or facilitation of:

- loitering, anti-social behaviour, or
- any other unsavoury behaviours.

Kind regards,

Jonny

(Resident of Tower Hamlets, post code: E3 2BF)

Received 14th June 2021

To whom it may concern,

As a Tower Hamlets resident (Locksons Close, E14 6BH) I would like to state my continued support for a the license for the Oyster Boy stall at Columbia Road Market on Sundays.

I visit the market regularly and the stall here is considered to be an important part of the retail and cultural offering at the market, attracting visitors to our part of London every Sunday and making a vital contribution to the local economy.

Coming out of the pandemic, its vitally important that we continue to support local businesses that play their part in providing not just a service but a real sense of normality and community.

I would add that Conor and his team go beyond that by keeping the street clean, encouraging good behaviour and being generally helpful to locals and tourists alike.

Finishing at 5pm is a more than reasonable time and I have never come across any issues in terms of noise and disruption. Columbia Road Market is an essential part of the East London fabric and oyster boy has a crucial role.

Long may it continue.

Thomas Hawkins

Received 18th June 2021

Dear Madam/Sir,

We were informed that you are considering refusing our neighbour Oyster Boy reasonable request for drinks license change of hours.

As we all know there is a lot of drug dealing and anti-social behaviour going on in the area, in Ezra Street and Ravenscroft Park especially, which is a problem often addressed to Tower Hamlets and which does not seem to go away.

However, to suggest a one day a week pop up contributes to this is completely unreasonable.

The business which Conor from Oyster Boy runs is the type the area needs, as it is quirky/different and small.

What is not to like about oysters and fine wines and a welcome change from yet another 'burger joint'.

Most importantly Conor/Oyster Boy has been in Ezra street for over a decade and proven to be a real asset to the street and Sunday Flower market, he also offers a responsible service within reasonable hours.

Solid Floor is located opposite Oyster Boy and we can speak from experience that Conor keeps negative elements, such as overuse of alcohol and anti-social, at bay rather than fuelling the problem, with his hands on approach.

It is vital for our business to have likeminded companies in the area as Ezra street and Columbia Road are different from what the average shopping street has to offer. Let's keep it that way.

Please do contact me if you have any further questions.

Eelke Jan Bles



Received 24th June 2021

Dear sirs,

I find that I must write in support of local business and regarding a disturbing and continual trend by a small number of 'the usual suspects' many of whom do not in fact live on Ezra Street and that seem to me to be making wilful, self serving and inaccurate statements about the conditions and the environment in which we live and work. They are a well organised few that believe any change has a negative impact on them personally and seem prepared to grab at all timeworn straws to create the impression of an untenable scenario and an unworkable local environment. This is not representative of who we are, where we work and what this corner of the east end embodies.

I was moved, as a local business owner situated at 14 Ezra Street to attend a Licensing hearing at LBTH council offices with the proprietor of printers and stationers around 18 months ago.

This was both adversarial and counter productive in its expectation. Those who sought to paint a picture of denigration even stooping to irrelevant references to Columbia Road school which neither opens in the evening or weekends and does not in fact even use an entrance upon Ezra Street or in the direct vicinity of these businesses which to my mind serves as an illustration of the shallow worth of this and many of their arguments.

The fact was that at that time a small business was refused a pavement license where other such adjacent business are allowed to operate and remain in operation as proof that the assertions of the neigh sayers are quite untrue.

We were fortunate to leave the meeting at a time where Mayor Biggs and several councillors who actually know this area were attending a meeting next door. We had the opportunity to mention the unnecessarily adversarial nature of the way in which the committee seems bound to operate and were in fact surprised that on hearing this corridor conversation that a significant proportion of the objectors in fact indicated being prepared to discuss variation for an appeal.

However, despite Mayor Biggs showing a personal interest which clearly appealed to those demonstrating having second thoughts, sadly they did not in fact make the effort to create meaningful contact.

Less we forget, which is admittedly simpler post covid arrival, this is both a commercial and a residential area and it is in fact a given that the long established flower market is a consideration and to some extent an acknowledged part to any local wishing to live in such a vibrant and interesting environment.

Frankly if you do not like the sound of engines then choosing to live adjacent to a car racing track would be a poor choice. Choosing to change the fabric of an established area should also be regarded as an individual folly.

Failing to acknowledge the part of small business in addressing anti-social issues in what was once a truly degenerate part of the borough is basically very wrong. Protecting a social and financial uplift in property ownership to the cost of those who have created this trend is dishonest.

Small business serving the needs of those who frequent our street makes it both aspirational and special. Those are the same businesses that shepherd behaviour and where allowed to invest in their stake in the neighbourliness and integrity of this wonderful oasis.

As a local resident as well as the proprietor of a business situated upon Ezra Street I am dismayed at the accusations which I have now seen on multiple occasions and each time where a local business is forced to jump through unequal hoops regarding their right to trade alongside other business that is apparently not creating the same hazard.

I have been equally shocked to witness the heavy handed attitude of enforcement of licenses on such businesses and post pandemic to hear of the unbalanced nature of LBTH moving goalposts and failing to take inter-departmental responsibility to support and assist struggling ratepayers on whom our society relies.

Portraying Ezra Street as a place where people ritually urinate in the street, provide soccer style disruption and evoke guttural behaviour is dishonest and especially where in fact it is one of the most special corners of London and one of the few to not have had its soul torn apart by property developers. This is a compendium of untruths set up to paint a picture that is not consistent with tolerance, community or decency.

There are two businesses having to appeal on licence grounds currently in so far as I am aware.

Printers and stationers operates during very restricted hours and I have personally watched their attention to street cleanliness and shepherding of neighbourly behaviour where appropriate.

Oyster Boy is apparently required to represent against various licence variation and again operates entirely within the hours of operation of the locally disruptive tenure of the flower market. For my part I have again witnessed the same investiture in local community, cleanliness and well met business ethics. This is not a major brewer or a business subject to the vagaries of national events they are about residents and visitors engaging in a relaxed and cultural exchange - dare I say a more European and acceptable worldliness than processed campaigns for mass sales and loutish behaviour.

In truth the bigger picture seems to be completely missed in our borough where our Resteraunt business are asked to close by 9pm and not 10pm as per government direction - most of these businesses need flexibility to survive and are in fact critical to the fabric of the community surviving.

We must offer support and understanding. Generally this is rewarded by thoughtful behaviour and investiture Rather than the alternative which is instead waiting for big business to replace the Artisan culture that has saved this area and whereby undue influence on our representatives will become the order of the day.

We are in truth already struggling where we are the only market of the ten in LBTH to have controlled access. This has halved our footfall. To now exacerbate this by heavy handed and unwarranted control is a disgrace and those who seek such self serving ends ought search their hearts as this would still be a degenerate hovel without the goodwill and aspiration created by these Artisan businesses.

Daniel Nash

Received 10th of July 2021

Hi tower Hamlets.

It's come to my attention of some attempts to limit some of the licensed small businesses in and around Ezra street. And I feel compelled to show my support in favour of the businesses that are at the core of the beating heart of Columbia road.

That small cobbled corner is the main feature and draw of the area, when people visit, they undoubtedly take pictures and eat food, and generally get drawn to the amazing vibe that has been carefully protected over the 20 years of me and my family living in the area. It's the reason I moved here, and is the reason I feel so compelled to voice my opinion against any threat to the community, and at contrast to the opinion of the

majority of local residents, visitors and small business owners that collectively make the place the best area of London.

I visit and use the services in and around Ezra street multiple times a week, as do most residents in the area. And I see nothing but conscientious, friendly collaborative business owners working hard at making a living and creating a cultural gem around the area on market day. I see them clearing up, not only their own waste, but also from any market visitor. They have collectively tidied, maintained and improved that area over the years. It never produces late night problems from drinking. And has only positive additions for the community.

In summary, it would be a travesty for a very small number of residents to have such a damaging effect on the culture and heart beat of columbia road. The market has been there for years, if you didn't like visitors, or noise, or community spirit, why would live in a place where this type of culture is at the heart of the area. Covid has shown us how amazing our borough is, it's thriving after such a difficult time of absence, and I will do as much as possible to help protect it.

Feel free to contact me more for more information.

And I shall be letting the rest of the areas residents know about this threat to our community.

James and Hanna.

Received 13th July 2021

To whom it may concern,

I am writing to express my support for a popular local business and my concern that their business may be threatened by opposition to their licensing agreement.

I have been a resident in Shoreditch since 2008. I am raising my daughter here and our trip to get oysters and a glass of wine has become a treat for the whole family.

The oyster stall by Columbia Road Flower Market is a much-loved institution and over the years I have got to know both Conor and his father, Bruno.

They are honest, hard-working and friendly and contribute to the rich sense of community in the area. They have NOTHING to do with any of the anti-social elements or issues that impact the area.

I would be greatly saddened if they were unable to continue their business because of a misunderstanding over licensing.

I would be more than happy to support their application and any appeals process in any way that I can.

Yours faithfully,

Resident of Anlaby House, Boundary Street, E2 7JQ

Received 17th of July 2021

Hello,

I am a resident of tower hamlets (E2 7NN) and I would like to speak out in support of Oyster Boy Events as being a vital part of the Sunday Flower Market. They have served the community with oysters and drinks for years and have always been upstanding business owners - they always clear up any litter that their customers leave behind and provide much community spirit. I believe 5 pm is a reasonable time to close and will not create any late-night nuisance for the residents of Ezra Street.

I really hope you will grant them the licence to trade on Ezra street so that me and my friends and family can continue to enjoy their business.

Many thanks,

Siân

Siân Goff (she/her)

[Spotlight](#) | [Showreel](#)

Received 19th July 2021

Hi Conor,

Just writing to support your application to change your opening hours in Ezra Street from 8am-3pm to 10am-5pm. It seems to me that this change is perfectly reasonable, and is likely to be even less problematic for neighbours than the current hours.

Best wishes

Catharine Knowles

Received 19th July 2021

Hello

I am writing to support the variation for Connor selling oysters on Ezra street

I am a resident at 23 Ezra St, directly opposite Connor's location.

It is ludicrous that such variation can be objected. Connor operates on a Sunday only until 5pm when the market is in operation.

The business is conscientious, employees staff, has a rubbish company to dispose of their waste and cleans the road before leaving.

It poses no threat to the community.

I am supporting this variation on the grounds that it does not contravene any licensing objectives and that no antisocial or crime has been logged for several years during the market hours on Sunday.

Regards

Emma

Received 19th July 2021

Official



Mr P. Conisbee

Information Rights Unit
PO Box 313
Sidcup
DA15 0HH

Email: foi@met.police.uk

www.met.police.uk

Your ref:
Our ref: 01/FOI/21/019493

Date: 25/06/2021

Dear Mr Conisbee

Freedom of Information Request Reference No: 01/FOI/21/019493

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 20/05/2021. In the first instance please accept my sincere apologies for the delay in responding and any inconvenience this may have caused.

I note you seek access to the following information:

- "1. How many crimes have been reported to have occurred in Ezra Street, E2 specifically on a Sunday since 01/01/2019*
- 2. How many crimes have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019 where violence has been a feature*
- 3. How many crimes have been reported in Ezra street, E2 specifically on a Sunday since 01/01/2019 where alcohol has been a feature*
- 4. How many incidents of ASB have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019*
- 5. How many incidents of drug related crimes have been reported to have taken place in Ezra Street, E2 specifically on a Sunday since 01/01/2019."*

SEARCHES TO LOCATE INFORMATION

To locate the information relevant to your request searches were conducted at the MPS. The searches located information relevant to your request.

Official

Official

DECISION

I have today decided to disclose the located information to you in full.

DISCLOSURE

Please find attached information pursuant to your request above. Please ensure that the data provided is read in conjunction with the notes page of the attached spreadsheet to ensure correct interpretation of the data provided.

This response concludes your request for information. I would like to take this opportunity to thank you for your interest in the MPS and for your patience throughout this process.

Should you have any further enquiries concerning this matter, please contact me using the email or postal addresses at the top of this document, quoting the reference number for this request.

Yours sincerely,

Alyson Parker
Information Manager

Official



Mr Peter Conisbee

Information Rights Unit
PO Box 313
Sidcup
DA15 0HH

Email: foi@met.police.uk

www.met.police.uk

Your ref:
Our ref: 01/FOI/21/019493

Date: 28/06/2021

Dear Mr Conisbee

Freedom of Information Request Reference No: 01/FOI/21/019493

Please see the attached in respect of your Freedom of Information request referenced above.

Yours sincerely

Alyson Parker
Information Manager

Notes

Source System - This live data was extracted from CRIS SAP BI and DARIS on 16/06/2021

Date Range - Between 01/01/2019 to 31/05/2021

Definition - Number of Violence, Drugs, Anti-Social behaviour and Alcohol related crimes in Ezra Street in the borough of Tower Hamlets

Caveats

To determine location for Q1 to 5 the Venue Address was Matches Pattern to %Ezra%Street% where the owning borough is Tower Hamlets.

Q2 - No data returned when filtered to Major text -Violence against the person in Ezra Street for the stated period.

Q3 - No data returned using the following feature code for alcohol related offences, in Ezra Street for the stated period.
GA -Alcohol consumed at scene by suspect/accused

Q4 - ASB is not counted as a crime, Therefore the figures showing are calls where ASB codes were used.

Q5 - The data was filtered to Major text - drug offences to identify drug related crimes in Ezra Street, E2 for the stated period.

Please note that due to the way the data is extracted the day of offences could not be defined and the search located all data for the date range requested. Individual records were then accessed and reviewed by the Information Manager to identify and extract those committed specifically on a 'Sunday'.

The addresses include those that have 'opposite', 'near to' and 'junction with'.

Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.



Number of Crimes reported in Ezra Street, E2

01/01/2019 to 31/05/2021

Protective Marking	OFFICIAL
Suitable for Publication Scheme	Yes
FOIA/MOPAC Ref Number	21_019493
Summary	Number of Crimes reported in Ezra Street, E2 for the period 01/01/2019 to 31/05/2021
Creating Branch / Directorate	MetHQ - Information and Insight
Date Created	16/06/2021
Review Date	16/06/2022

This report uses LIVE DATA extracted from: CRIS SAP BI and DARIS

Date Live data was extracted: 15/06/2021

The data in this report reflects **live data** which may be subject to small changes over time

Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.

IMPORTANT: Please ensure that the Notes Page is read in conjunction with the data in this report to ensure that it is interpreted correctly.

Question 1. How many crimes have been reported to have occurred in Ezra Street, E2 specifically on a Sunday since 01/01/2019

Recorded Year	Total crime recorded as occurred on a Sunday
2019	3
2020	5
2021	0
Grand Total	8

Question 2. How many crimes have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019 where violence has been a feature

No information located. Please see Notes page for an explanation.

Question 3. How many crimes have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019 where alcohol has been a feature

No information located. Please see Notes page for an explanation

Question 4. How many incidents of ASB have been reported in Ezra Street, E2 specifically on a Sunday since 01/01/2019

Recorded Year	Total of ASB Incidents on a Sunday
2020	1
2021	1
Grand Total	2

Question 5. How many incidents of drug related crimes have been reported to have taken place in Ezra Street, E2 specifically on a Sunday since 01/01/2019

Recorded Year	Total of drug related crimes on a Sunday
2019	0
2020	1
2021	0
Grand Total	1

Information request - ASB, noise/nuisance related complaints to Ezra Street on a Sunday (ref: 29572407)



Information request - ASB, noise/nuisance related complaints to Ezra Street on a Sunday (ref: 29572407) <icwfoi@towerhamlets.gov.uk>

Tuesday, 29 June 2021 at 15:28

To protect your privacy, some pictures in this message were not downloaded.

[Download pictures](#)

Information request
Our reference: 29572407

Dear Mr Conisbee

Freedom of Information Act 2000

Thank you for your request for information that was received on 28 June 2021 requesting:

I would like to know the following covering the data period 01/01/2019 to 31/05/2021

1. How many recorded complaints of ASB have been made to EZRA STREET specifically on a Sunday
2. How many recorded complaints of noise pollution have been made to EZRA STREET specifically on a Sunday

We are dealing with your request under the Freedom of Information Act 2000 and we aim to send a response by 26 July 2021.

In some cases, a fee may be payable. If we decide a fee is payable, we will send you a fee notice and we will require you to pay the fee before proceeding with your request.

The Freedom of Information Act 2000 may restrict the release of some or all of the information you have requested. We will carry out an assessment and if any exemptions apply to some or all of the information then we might not provide that information to you. We will inform you if this is the case and advise you of your rights to request an internal review and to complain to the Information Commissioner's Office.

We will also advise you if we cannot provide you with the information requested for any other reason together with the reason(s) why and details of how you may appeal (if appropriate).

Yours sincerely

On behalf of Shipa Begum
Jan Quintyne
Senior Information Governance and Complaints Officer
Complaints and Information



NOTE: Please do not edit the subject line when replying to this email.



FREEDOM OF INFORMATION ACT 2000 – **29572407**

I would like to know the following covering the data period 01/01/2019 to 31/05/2021

1. How many recorded complaints of ASB have been made to Ezra Street specifically on a Sunday. **1**
2. How many recorded complaints of noise pollution have been made to Ezra Street specifically on a Sunday. **0**

If you have any queries, please get in touch with me to discuss them. You might like to know that the Council's website www.towerhamlets.gov.uk contains a section on the Freedom of Information Act that lists other publications readily available from the Council under its Publication Scheme.



Ms Simmi Yesmin
Tower Hamlets

Our Ref: BKH.CLM.ELR4.1

Your Ref:

By email: [REDACTED]

Date: 20 July 2021

Dear Ms Yesmin

Application for Premises Licence – Travel Goods, 79 Wentworth Street E1 7TD
Hearing Date: 27 July 2021 at 6.30pm

I refer to our previous correspondence and thank you for your assistance.

I now attach a report from licensing consultant Andy Newman and a statement by Ed Templeton who is a director of the firm who will be operating the premises if we are successful in obtaining a Premises Licence. I would be grateful if these items could be included in the papers circulated to the committee.

I also attach the Thwaites v Wirral case from 2008. Whilst an interesting exposition of the Licensing Act, I will be referring principally to only one paragraph, paragraph 63. I would like the committee to be aware of this particular paragraph but for the sake of completeness I attach the whole case.

I would have been pleased to attend the meeting but regrettably my wife has been given an appointment for surgery and therefore has to isolate until 29 July and therefore I will elect to conduct the meeting with your Teams Scheme from home. I have also asked that Andy Newman be available, should the committee wish to ask him any questions. I do not propose to call any other witnesses.

Will the letters which I have written to your colleagues in the Authority be included in the bundle? They do contain much of the reasoning and argument which I will advancing to the committee and it may therefore be of advantage if the committee can have seen them before the hearing so that I am not repeating myself! Please let me know.



Offices also at Shrewsbury and Manchester

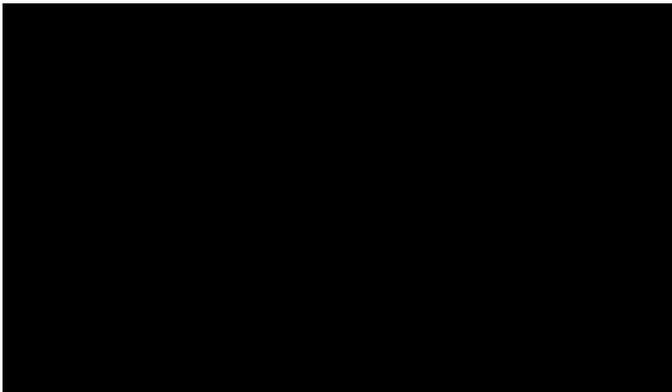


I look forward to hearing from you.

Kind regards

Yours sincerely

Barry Holland



Operational Management Plan

77-79 Wentworth Street – New Restaurant Use

1. Vision and Philosophy

TRAVEL GOODS

The concept is a (food-led) wine bar, for want of a better word, but we're going for the more casual, laid-back, buzzy European kind that you'd find on a side street in an 'up and coming' area of Barcelona or Paris rather than some of the more serious places opening up around town that describe themselves as wine bars but are really just restaurants and very expensive ones at that.

Our plan is to serve exceptional, imaginative food - Ollie's menu will feature 6-7 small-ish plates on rotation that reflect the food that he likes to cook, with influences from all the different chefs he's cooked with at Carousel over the years, particularly the ones from Mexico - but the focus will really be on atmosphere, vibe and conviviality. All of our produce will be sourced from ethically minded UK farmers, foragers and fishermen who share our values.

We'll be serving interesting and unusual wines (some natural, but definitely not all), along with independent beers, vermouths, mezcals and other fun drinks that lend themselves to good times. The mark ups will be fair, especially on the wines by the glass (which will change regularly) and we're also planning to operate as a bottle shop so people can take their favourite wines away with them, if permission is granted.

We want there to be counter seating (as many spots as we can fit in) as well as tables for two-tops and fours that are comfy but not leather banquette, white tablecloth, corner table comfy... You'll be able to see the chefs cooking behind the counter, while some of the snacks will be prepared by the floor staff. Ideally, we would be able to accommodate the same number of covers again outside in warmer months, as well as small parties in our private room downstairs.

You will most definitely be able to enjoy a full meal, with a more extensive family-style sharing menu available on the weekends, but we also want to cater for the early evening, after work crowd dropping in for a catch up over a couple of glasses of wine and a few snacks.

Underpinning our successes with the original Carousel site in Marylebone is a focus on amazing cooking, friendly service, a relaxed environment and a shared experience from one table to the next. Travel Goods will be no different.

SAMPLE MENU

Roasted Jersey Royals, Confit Garlic, Grilled Chorizo and Chives

Grilled Long Pepper stuffed with Lobster Ragú and Pumpkin Seeds with Charred Habanero Salsa

Grilled Spring Greens, Morita Chilli Butter, Sunflower Seed Mole and Ginger

Asparagus and Broad Beans, Smoked Tomato, Chipotle, Pickled Onion, Ticklemore Cheese and Rocket

Masa Fried Chicken, Guajillo Chilli and Black Garlic Aioli, Red Cabbage, Pickled Cucumber and Avocado

Grilled Pork Chop, Pickled Cherry Glaze, White Cabbage and Aromatic Herbs

Rice Tamal, Roasted 'Ricecream', Rhubarb Jam

Cardamom Ice Cream, Mayan Hot Chocolate 'Affogato', Horchata

2. **Management and Staffing**

- a. Number of employees on site.
5-6 at peak times (locally recruited where possible)
- b. Restaurant/duty manager on site at all time to ensure safe and effective management of the premises; at least one with local transport knowledge on duty when closing

3. **Customers**

- a. Anticipated maximum number of customers on site at any one time.
We are hoping to fit in 20+ covers on the ground floor (plus a further 20+ covers outside during the warmer months), with 'blank canvas' space downstairs - in and amongst storage, WCs and back of house facilities - for additional covers, private dining and events, workshops, masterclasses and wine tastings. Check out the Carousel website (www.carousel-london.com/events) for a flavour of the sort of thing we'd like to accommodate down there.
- b. Customers will be seated and served food/drinks etc.

4. **Operating Hours**

Premises Opening Hours:

London Borough of Tower Hamlets framework as set out. Premises clear by 30 minutes after end of licensable activities

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday & Saturday: 10:00 to 00:00

Sunday: 10:00 to 22:30

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday & Saturday: 23:00 to 00:00

On the subject of late openings, this is what I wrote to Monty on 7th May:

We'd like to stay open later on Fridays and Saturdays because we want to become a place where hospitality friends can come for a bite to eat after their shift. We grew up in Spain where eating (good!) food in the late evening is the norm and is becoming the norm here. We ensure that drinks are only served with food to seated customers (indoors, after 23:00). We can categorically guarantee that it's not our intention to open a late night drinking den.

We will offer conditions that:

- Staff will ensure that there won't be any loitering or smoking outside the premises;
- Customers will be reminded by staff that they are in a residential area when leaving the premises;
- Customers will be directed to public transport when leaving the premises so as to avoid loitering outside.

5. Access and Egress

- a. Public and staff entrance and exit via main entrance onto Wentworth Street;
Yes
- b. Deliveries and waste storage as per details within approved LBTH requirements

6. Transport

- a. Highly accessible location in close proximity to underground stations and bus routes. Anticipate that vast majority of customers would travel to and from the site by combination of public transport and walking;
- b. No car parking

7. Extraction and Plant

- a. As per details within Prior Approval application, and would be cleaned regularly and operated in line with requirements of Condition 5 and 7 of the Prior Approval.

8. Security and Neighbourhood Liaison

- a. Ongoing liaison with residents in the vicinity (including above the site) in order to address any issues of noise/disturbance;
After operating without trouble for nearly six years in the middle of a residential street in Westminster we are very familiar with the key licensing objectives and what we need to do to uphold them. We've also maintained a very good relationship with all of our neighbours, as well as the local business association.

- b.** Any dispersal measures to avoid smoking or loitering by any staff or customers in the lane next to the site, and on the street;
Appropriate signage will be put in place and staff will be made aware of their obligation to keep noise to a minimum.
- c.** External doors to remain closed apart from for access and egress;
- d.** Nature of the use not anticipated to generate significant noise levels.

Ed Templeton
Director

Wentworth St. Report.

Wentworth Street Report by Andy Newman (Andy Newman Consultancy Ltd)

Independent Licensing consultant.

Introduction

I have been instructed by the Applicant, to provide my independent opinion and recommendations to ensure the premises licence application for the premises will promote the four licensing objectives.

The application is in connection with the application for a new premise license for 79 Wentworth Street seeking authorisation for the sale by retail of alcohol from 10.00 to 23.30 Monday to Thursday, Friday and Saturday till 00.00 and Sunday till 22.30; Late Night Refreshments from Monday to Thursday from 23.00 till 23.30. Friday and Saturday 23.00 to 23.59.

Premise will be empty of customers 30 minutes after any Licensable activity every day.

The application is for the premises to operate as a restaurant sourcing seasonal ingredients, local suppliers and focussing on an established clientele seeking a relaxed, mature and gentle environment.

Personal Summary – Andy Newman

I retired from the Metropolitan Police Service as an Inspector on the 29th September 2016 having completed just over 30 year's Exemplary service.

I had the privilege of serving as Hackney Licensing Sergeant for four and a half years between 2007 and 2011. This involved derogated responsibility for over 1,000 premises. I Chaired LOEG (Licensing Officers Engagement Group) consisting of Statutory and Non-Statutory Partners. I participated or Chaired Cross Border Meetings and led initiatives. I co-ordinated and led many Licensing Operations. I engaged with many licensees focussing on Engagement, Environment and Education and promoting the four licensing objectives. I attended many training seminars including those for Hackney Council.

I devised a Protocol for Best Practise for Summary Reviews that was submitted via the then Borough Commander Alun Goode (now head of Hackney Community Safety) to ACPO licensing lead Simon O'Brien. This was accepted as National Best Practise. I initially devised this Protocol specifically for Hackney and Tower Hamlets where it was implemented.

I was selected as one of the best licensing Practitioners' to advise MPS licensing Commander Mak Chishty

I founded Andy Newman Consultancy Ltd in 2006. I am an active member of The Institute of Licensing(IoL) and of the British Institute of Innkeepers (BII & member of the London Committee) both of which support my continued commitment to continual professional development and best practice. I am also a member of the FSB and Associate Member of the Institute of Directors (IoD) and London Brewers Alliance(LBA)

Background

I have been provided with documentation relating to this application which consists of the proposed licence application, conditions and plans. I have also been provided copies of all the representations and note that the Applicant has adopted the conditions requested by the M.P.S. and has amended the hours to fit Tower Hamlets Framework hours.

I have been instructed to provide an independent assessment as to the local area and to provide any recommendations that can promote the licensing objectives. I would then report back my findings and whether I consider the premises can promote the four licensing objectives, and the Tower Hamlets Licensing policy in order to assist the Licensing Committee.

Observations

1. I conducted observations and enquiries on Saturday 5th June 2021 between 23.35 and Sunday 6th June till 01.20 It was a reasonably warm, dry, and clear night. I visited outside the proposed Premises, other premises in the vicinity and the local area.

2. There was a nice atmosphere in the area with people either going about their business or enjoying their night out. This changed slightly in Commercial Street from about 01.00 with three males worse the wear for drink and a homeless beggar. I went into the Som Saa to avoid the three males as one of them was beginning to focus his attention on me and I was glad to have a means of avoiding them.

Wentworth Street was quiet except for an open door leading to a basement at "Discount Suit Company" 29A Wentworth Street. This is a Cocktail/Finger food basement bar. There was a gathering of about 12-15 people outside from 0.15 till 01.00. These people appeared to range from mid 20's to late 30's. Quiet and well behaved. Their impressive Website shows summer opening hours Tuesday –Thurs. 5pm till Midnight. Fri & Sat 2pm till Midnight.

3. I noticed that at the end of Wentworth in Commercial Street there is the "Culpeper" at 40 Commercial Street, Spitalfields, E1 6LP. Described as a Pub/Casual Dining venue. This is a relatively large, stylish, and appears to be a well -run premise. I spoke with the manager who told me that during these Covid times they choose to close: Mon-Thurs 22.30, Friday & Saturday at Midnight. They do however have a Licence as below:

Late Night Refreshment

- Monday to Wednesday, from 23:00hrs to 00:30hrs
- Thursday to Saturday, from 23:00hrs to 04:00hrs
- Sunday, from 23:00hrs to 23:30hrs

Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)

- Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday, from 07:00hrs to 03:00hrs
- Sunday, from 10:00hrs to 23:00hrs

4. At no 44 Commercial Street was a Turkish restaurant “The Space”
The manager told me that they had a Licence till 23.30 every day and that they shut at Midnight. I had approached her and the staff as they were sweeping up outside and ensuring that everything is tidy. These two prominent Venues definitely gave a positive impression.
5. The “Som Saa” at 43A Commercial Street was open with food and drinks. I was told that there was a private party at the venue.

Register for Som Saa shows:

On & Off Sales opening & Closing Hours.

Mon-Thurs.	10.00 – 23.30
Fri & Sat	10.00 to Midnight
Sunday	12.00 to 22.30

LNR	Mon –Thurs till 23.30
	Fri& Sat till Midnight.

The Apples and Pears 26 Osborne street 4 minutes’ walk away (3mins by car) has On and Off sale of alcohol

Sun- Thurs	11.00 to 23.30
Fri & Sat	11.00 – 00.30 the next day.

LNR as above as well as music & dancing.

6. Wentworth Street was quiet on this evening (Covid restrictions were in place). The street is a mixture of businesses and residential. I understand that the Proposed Premises is inside the CIZ.

I am aware that Tower Hamlets Framework hours are Sunday 06.00 - 22.30 Mon- Thurs 06.00-23.30 Fri & Sat 0600- Midnight.

That said, there are exceptions to this rule, one of which would cover this Application which is for relatively small numbers (less than 50). There appear to be well run premises with later hours in the CIZ. This site is to be a professionally run upmarket Venue, with CCTV which should help prevent and deter any Criminal/ASB. During the visit, I

would have welcomed the availability of such a Venue in this exact location to be available as a safe place if needed. Safer Neighbourhoods and Broken Windows theories demonstrate that having a clean premise with CCTV and staff in identifiable clothing, help make Safer Spaces. Should the committee be so minded it would seem reasonable for this type of Operation to be granted their modest Application within Core Hours.

I understand that my duty is to the Sub Committee and this report has been prepared in compliance with that duty. I believe the content of this report to be true to the best of my knowledge and belief. My expressed opinions are correct to the best of my judgement. The fee for this report is not conditional on the outcome of this case in any way whatsoever.

Andy Newman

A handwritten signature in black ink that reads "A.P. Newman". The letters are cursive and slightly slanted to the right.

Independent Licensing Consultant

Sunday 6th June 2021

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R. (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates' Court

Queen's Bench Division | May 6, 2008 | [2009] P.T.S.R. 51

Delivery Details

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*51 Regina (Daniel Thwaites plc) v Wirral Borough Magistrates' Court



Positive/Neutral Judicial Consideration

Court

Queen's Bench Division (Administrative Court)

Judgment Date

6 May 2008

Report Citation

[2008] EWHC 838 (Admin)

[2009] P.T.S.R. 51



Queen's Bench Division

Black J

2008 March 10; May 6

Licensing—Licensed premises—Variation of existing licence—Application by claimant for conversion and variation of existing licence to extend operating hours—Licensing authority granting application despite local objections—Appeal to magistrates' court by local residents against licensing authority's decision—Correct approach under new legislation when imposing limitations upon licence— [Licensing Act 2003 \(c 17\), ss 4, 182](#)

The claimant owned a hotel and operated it as licensed premises. In June 2005 the claimant applied for the existing licence granted under the [Licensing Act 1964](#) to be converted to a premises licence under the [Licensing Act 2003](#) and for the hours of operation to be extended. Initial opposition by the police to the extended hours was withdrawn when the proposals were modified. Despite continued opposition from the local conservation society and local residents, the licensing authority granted the licence in the modified terms requested. Those still opposed to the grant of the licence appealed to the magistrates' court on the ground that the licensing authority's decision was not made with a view to promoting the four licensing objectives set out in [section 4\(2\) of the Licensing Act 2003](#) ¹, which included the prevention of public nuisance, and crime and disorder. The justices, allowing the appeal, accepted that there had been no formal or recorded complaints against the hotel and that the extended hours had been in operation for several months without incident, but stated that they felt that public nuisance and crime and disorder would be inevitable because of the migration to the hotel of customers from other premises with reduced licensing hours. The claimant claimed in judicial review proceedings that the decision was unlawful in that the justices had imposed restrictions which were not necessary to promote the licensing objectives in the Act, that their decision was based on impermissible speculation rather than evidence, and that they had failed to have regard to ministerial guidance issued in July 2004 under [section 182](#) of the 2003 Act.

On the claimant's claim for judicial review—

Held, allowing the claim and quashing the decision, (1) that in exercising its licensing functions a licensing authority or a magistrates' court was not entitled to ignore or fail to give any weight to the ministerial guidance issued in July 2004 under [section 182 of the Licensing Act 2003](#) and had to give proper reasons for departing from it; that both the 2003 Act and the guidance made it clear that licensable activities were to be restricted only where such restriction was necessary to

promote the four licensing objectives set out in [section 4\(2\)](#) ; that the starting point was that a limitation on a licence ought not to be imposed unless it was necessary to promote those objectives; that to be necessary a regulatory provision had to be proportionate; and that although justices were entitled to take into account their own local knowledge, they should measure those views against the evidence presented to them and adjust their own impression in the light of that evidence (post, paras 38, 40, 41, 55, 59).

(2) That the justices' approach to what was “necessary” was coloured by a failure to take proper account of the changed approach to licensing introduced by the 2003 Act, which called for a greater reluctance to impose regulation; that they *52 proceeded without proper evidence and gave their own views excessive weight, and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives; and that in all the circumstances their decision was unlawful and must be quashed (post, paras 63, 68).

Per curiam. It is important to keep in mind that the role of the licensing authority and the court on appeal has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to be a condition just like any other, such as keeping doors and windows closed to prevent noise. There is no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives (post, para 67).

The following cases are referred to in the judgment:

R v Westminster City Council, Ex p Ermakov [1996] 2 All ER 302; 95 LGR 119, CA

R (JD Wetherspoon plc) v Guildford Borough Council [2006] EWHC 815 (Admin); [2007] 1 All ER 400; [2006] LGR 767

The following additional cases were cited in argument:

Bradford Metropolitan District Council v Booth [2000] COD 338; 164 JP 485, DC

R (Cambridge City Council) v Alex Nestling Ltd [2006] EWHC 1374 (Admin); 170 JP 975, DC

R v Rochdale Metropolitan Borough Council, Ex p Milne (No 2) [2001] Env LR 406; 81 P & CR 365

The following additional cases, although not cited, were referred to in the skeleton arguments:

Associated Provincial Picture Houses Ltd v Wednesbury Corpn [1948] 1 KB 223; [1947] 2 All ER 680; 45 LGR 635, CA

Cranage Parish Council v First Secretary of State for Scotland [2004] EWHC 2949 (Admin); [2005] 2 P & CR 390

R v Licensing Justices for Gloucester, Ex p Warner [2001] LLR 687

CLAIM for judicial review

On 23 August 2005, pursuant to the introduction of the [Licensing Act 2003](#) , the licensing sub-committee of the Wirral Metropolitan Borough Council granted the claimant, Daniel Thwaites plc, a conversion of its justices' on licence, previously held under the [Licensing Act 1964](#) , together with a variation of the new licence to enable licensable activities and general operation to be continued beyond the hours previously applicable.

By notice dated 23 November 2005 the Saughall Massie Conservation Society and other Saughall Massie residents, the first interested party, appealed against the licensing decision on the ground that it was not in accordance with the licensing objectives as set out in [section 4](#) of the 2003 Act.

On 5 April 2006 justices sitting at Wirral Borough Magistrates' Court allowed the appeal, reduced the hours of operation permitted under the new licence and, on 21 April 2006, made a costs order against the claimant.

Pursuant to permission granted by Pitchford J on 2 November 2006, the claimant claimed judicial review of those decisions on the grounds that the *53 decision of 5 April 2006 was wrong in law since the justices had determined the appeal not on the evidence but on their own speculation as to the likely future effect of the opening hours granted by the licensing authority, had taken into account irrelevant considerations, deliberately ignored relevant matters and issues, failed to have regard to the “Guidance under [section 182 of the Licensing Act 2003](#)” issued in July 2004 by the Secretary of State for Culture, Media and Sport, and failed to give adequate reasons. The claimant served notices of claim for judicial review on the justices, the first interested party, and upon the Wirral Metropolitan Borough Council, the second interested party, seeking the quashing of that order and the order for costs against them.

David Pickup (instructed by *Napthens LLP*, *Blackburn*) for the claimant.

David Flood (instructed by *Kirwans*, *Wirral*) for the first interested party.

Matthew Copeland (instructed by *Legal and Member Services*, *Wirral Metropolitan Borough Council*, *Wirral*) for the second interested party.

The justices did not appear and were not represented.

The court took time for consideration.

6 May 2008. BLACK J

handed down the following judgment.

1. This is an application by the claimant, Daniel Thwaites plc, for judicial review of a licensing decision made by justices sitting at Wirral Borough Magistrates' Court on 5 April 2006 and that court's decision on 21 April 2006 concerning the costs of the proceedings. The claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Pitchford J on 2 November 2006.

The factual background

2. The claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises. It originally held a licence under the [Licensing Act 1964](#). In June 2005 it commenced an application to the licensing sub-committee of the Metropolitan Borough of Wirral for the existing licence to be converted to a premises licence under the [Licensing Act 2003](#) and for the licence to be varied simultaneously.

3. In essence, the claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the claimant initially proposed. The claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 pm and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 p m, with the doors closing one hour after the last alcohol sale every night.

4. The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral environmental health services either. However, there was opposition to the proposals at the hearing from the first interested party, the Saughall Massie Conservation Society and other Saughall Massie residents.

*54

5. The claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later “on special occasions”. This was a matter of which the licensing authority took note, as is recorded in the minutes of their determination.

6. The licence was granted in the modified terms requested, together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays. Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been

imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 p m, that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided, and that prominent notices should be placed on the premises requiring customers to leave quietly.

7. The Saughall Massie Conservation Society and others appealed against the licensing decision to the magistrates' court on the ground that the licensing authority's decision "was not made with a view to promotion of and in accordance with the licensing objectives pursuant to [section 4, Part 2 of the Licensing Act 2003](#)".

8. The appeal occupied the justices from 3 to 5 April 2006. The respondents to the appeal were the licensing authority and the claimant, which both defended the licensing authority's decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.

9. The justices granted the appeal. Their reasons run to three pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 pm and alcohol sales until 11.30 pm on all nights except Friday and Saturday, when entertainment would be permitted until 11.30 pm and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday, when they could close at 1 a m. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays, and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.

10. The new licence had come into effect on 24 November 2005, so the new arrangements had been running for several months by the time of the hearing before the magistrates' court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the chairman of the bench for these judicial review proceedings that evidence was also given of interference with machinery on *55 nearby Diamond Farm. The justices' reasons make no reference at all to these matters. As to the statements of the "witnesses of the appellant", they say simply that they have read and considered them but attached little or no weight to them.

11. The justices and their legal adviser have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their response to the claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal adviser), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the reasons. It is established by authorities such as *R v Westminster City Council, Ex p Ermakov* [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision-maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the justices have provided but approached its role in the judicial review proceedings cautiously.

The broad nature of the claim in relation to the licensing decision

12. The claimant argues that the justices' decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the [Licensing Act 2003](#) and imposed restrictions on the claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed justices could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the justices failed to give adequate reasons for their decision.

The legal background

13. The [Licensing Act 2003](#) was intended to provide a “more efficient”, “more responsive” and “flexible” system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.

14. Note 12 of the Explanatory Notes to the 2003 Act, prepared 25 July 2003, gives an indication of the approach to be taken under the Act. It reads:

“In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on [*56](#) or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives.”

15. [Section 1](#) of the 2003 Act provides:

“(1) For the purposes of this Act the following are licensable activities—(a) the sale by retail of alcohol, (b) [clubs] (c) the provision of regulated entertainment, and (d) the provision of late night refreshment.”

16. To carry on a licensable activity, a premises licence granted under [Part 3](#) of the Act is generally required: [section 2](#) . Application for a premises licence must be made to the relevant licensing authority: [section 17\(1\)](#) .

17. By virtue of [section 4](#) , the licensing authority must carry out all its functions under the Act, including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence, with a view to promoting the “licensing objectives”. These are set out in [section 4](#) :

“(2) The licensing objectives are—(a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.”

18. In carrying out its licensing functions, by virtue of [section 4\(3\)](#) the licensing authority must also have regard to its licensing statement published under [section 5](#) and any guidance issued by the Secretary of State under [section 182](#) .

19. [Section 182](#) obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004. It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

20. The foreword says that the guidance:

“is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not mean we are intent on eroding local discretion. On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice.”

21. As the guidance says in para 1.7, it does not replace the statutory provisions of the 2003 Act or add to its scope. Para 2.3 says:

“Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The [*57](#) requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the guidance cannot anticipate every possible scenario or

set of circumstances that may arise and so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the 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.”

22. An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in [section 17\(4\)](#) of the 2003 Act, which are:

“(a) the relevant licensable activities, (b) the times during which it is proposed that the relevant licensable activities are to take place, (c) any other times during which it is proposed that the premises are to be open to the public, (d) where the applicant wishes the licence to have effect for a limited period, that period, (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor, (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both, (g) the steps which it is proposed to take to promote the licensing objectives, (h) such other matters as may be prescribed.”

23. [Section 18](#) deals with the determination of an application for a premises licence. [Section 35](#) deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of [section 18](#).

24. [Section 18\(2\)](#) provides that, subject to [subsection \(3\)](#), the authority must grant the licence in accordance with the application subject only to: “(a) such conditions as are consistent with the operating schedule accompanying the application, and (b) any conditions which must under [section 19, 20 or 21](#) be included in the licence.”

25. [Section 19](#) deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. [Sections 20 and 21](#) are not relevant to this claim.

26. [Section 18\(3\)](#) provides that where relevant representations are made the authority has certain specified obligations. In so far as is relevant to this appeal “relevant representations” are defined in [section 18\(6\)](#):

“(6) For the purposes of this section, ‘relevant representations’ means representations which—(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives, (b) meet the requirements of [subsection \(7\)](#) ...”

***58**

27. [Subsection \(7\)](#) provides:

“(7) The requirements of this subsection are—(a) that the representations were made by an interested party or responsible authority within the period prescribed under [section 17\(5\)\(c\)](#), (b) that they have not been withdrawn, and (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.”

28. Where relevant representations are made the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of [section 18\(3\)\(b\)](#) the authority must also:

“(b) having regard to the representations, take such of the steps mentioned in [subsection \(4\)](#) (if any) as it considers necessary for the promotion of the licensing objectives.”

29. Section 18(4) provides:

“The steps are—(a) to grant the licence subject to—(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and (ii) any condition which must under section 19, 20 or 21 be included in the licence; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; (d) to reject the application.”

30. Conditions are modified for the purposes of subsection (4)(a)(i) if any of them is altered or omitted or any new condition is added.

31. During the currency of a premises licence, by virtue of section 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of section 52 a hearing must be held to consider the application and any relevant representations, and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.

32. The 2003 Act makes provision in Part 5 for “Permitted temporary activities” which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.

33. Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates' court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

*59

The detail of the claim

34. The claimant submits that, in making their decision to allow the appeal in relation to the premises licence, the justices failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the justices failed properly to consider and take into account the guidance.

35. There is no doubt that the guidance is relevant in the justices' decision-making. As I have set out above, section 4(3) requires the licensing authority to “have regard” to the guidance. By extension, so must a magistrates' court dealing with an appeal from a decision of the licensing authority. The guidance says:

“10.8. In hearing an appeal against any decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this guidance. However, the court would be entitled to depart from either the statement of licensing policy or this guidance if it considered it is justified to do so because of the individual circumstances of any case.”

36. Mr Pickup submits that, although the guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

37. Mr Flood for the first interested party submits that the guidance simply serves to provide information for the justices and, provided that they have had regard to it, that is sufficient. He also points out that in some respects, as is clear from the wording of the guidance, the guidance is a statement of government belief rather than proved fact. Inviting attention to the judgment of Beatson J in *R (JD Wetherspoon plc) v Guildford Borough Council [2007] 1 All ER 400*, he identifies that different

policy elements in the guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that, provided that the justices consult the guidance, they do not need to use it as “a decision-making matrix that the deciding court has to sequentially address in making its decision in the manner it would if considering a section of a statute”.

38. There is no doubt that regard must be had to the guidance by the justices but that its force is less than that of a statute. That is common ground between the parties. The guidance contains advice of varying degrees of specificity. At one end of the spectrum it reinforces the general philosophy and approach of the 2003 Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the guidance and more to others. As the guidance itself says, it may also depart from the guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to *ignore* the guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its *60 methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As para 2.3 of the guidance says in relation to the need for licensing authorities to give reasons:

“When [departing from the guidance], licensing authorities will need to give full reasons for their actions. Departure from the 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.”

This is a theme to which the guidance returns repeatedly and is a principle which must be applicable to a magistrates' court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the first interested party that the justices did not need to work slavishly through the guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the guidance if they considered it proper so to do.

39. In this case, Mr Pickup submits that proper attention to the guidance would have helped the justices to come to a correct and reasonable decision and that they have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the 2003 Act.

40. The foundation of the claimant's argument is that the 2003 Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in [section 4\(2\)](#). There can be no debate about that. It is clearly established by the Act and confirmed in the guidance. For example, in the Act, [section 18\(3\)\(b\)](#), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must “take such of the steps mentioned in [subsection \(4\)](#) (if any) it considers necessary for the promotion of the licensing objectives”—the steps in [subsection \(4\)](#) include the grant of the licence subject to conditions. [Section 35\(3\)\(b\)](#), dealing with the determination of an application to vary a premises licence, is in similar terms. The guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives. See for example para 7.5 and also para 7.17 which includes this passage:

“Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.”

41. The guidance also refers a number of times to the need for regulation to be “proportionate”. This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being “necessary” it must in my view be confined to that which is “proportionate” and one can understand why the guidance spells this out.

42. Mr Pickup submits, and I accept, that the 2003 Act anticipates that a “light touch bureaucracy”—a phrase used in para 5.99 of the guidance—will *61 be applied to the grant and variation of premises licences. He submits that this means that, unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations

made about it. In those circumstances, [section 18\(2\)](#) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr Pickup says that such a light touch is made possible, as the guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the [Anti-Social Behaviour Act 2003](#). The guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Para 7.18, from the section of the guidance dealing with attaching conditions to licences, is an illustration of this approach:

“It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.”

43. The guidance includes a section dealing with hours of trading which the claimant submits further exemplifies the philosophy of the 2003 Act. It begins with para 6.1 which reads: “This chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply.”

44. It continues, at paras 6.5–6.6:

“6.5. The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

“6.6. The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions.”

***62**

45. The claimant submits that, in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the justices went beyond that which was necessary for these premises and failed to take into account that, as the guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.

46. The justices' reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The justices also record in the reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the first interested party. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the justices at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the new revised licence. This was in line with the oral evidence of Police Sergeant Yehya, as recorded in the rather truncated notes of the legal adviser:

“One reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises.”

47. To judge by the reasons therefore, what led the justices to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The first interested party observes that the manager of the premises had given evidence that he intended in the summer to “make hay while the sun shines” and submits, correctly in my view, that the justices were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of “little evidential value” in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the justices. They still had to take into account that there had been extended hours for some months without apparent problems.

48. It is plain that the justices' particular concern was “migration” rather than problems generated by those coming directly to the premises for their evening out. Under the heading “The four licensing objectives”, they say that they accept that there have been no formal or recorded complaints against the premises “but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the local authority”. Under the heading “Migration/zoning” they begin:

“The Saughall Hotel due to its location and the fact that a number of licensed premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as [sic] a consequence of this would *63 be that customers would migrate from these premises to the Saughall Hotel.”

And they end:

“We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the winter months and inevitable numbers will increase in the summer causing nuisance/criminality.”

49. They reiterate their concern under the heading “Nuisance (existing/anticipated)” saying that they “feel that public nuisance will be inevitable”.

50. The claimant complains that the justices' treatment of the issue of “migration” was fundamentally flawed on a number of grounds.

51. Firstly, it submits that there was no evidence on which the justices could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The claimant's position was that there was no evidence of migration to its premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Mr Leslie Spencer, who lives opposite the premises and is the secretary of the Saughall Massie Conservation Society, gave evidence of his fear that customers would migrate but said that he did not think there had been any migration.

52. Apart from their own local knowledge, the only material on which the justices could possibly have formed their views about migration was what PS Yehya said in evidence. According to the legal adviser's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity—which I have seen marked on a local map and which were within walking distance of the premises—and their closing hours and said that there were three assaults each week at one of the premises. The legal adviser records that he also said:

“We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00 a m to 1.00 a m, 1.00 a m closing at 2 a m. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue* .” (Emphasis added.)

53. I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can I think assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. Absence of police objections before either the licensing authority or the magistrates' court seems to have *64 surprised the justices who said so in their reasons, commenting: "We were surprised that the police originally objected to the application but withdrew that objection after a slight variation of the terms." In so saying, they convey, in my view, not only their surprise about the police approach but also their disagreement with it.

54. It was not open to the justices, in my view, to elevate what PS Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the justices' own, with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

55. It is clear from the guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the 2003 Act's approach. There can be little doubt that local justices are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These justices did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The first interested party is correct in submitting that the guidance accepts a link between migration and a potential breach of the licensing objectives; but it is also clear from the guidance that each case must be decided on its individual facts, so the justices could not simply assume that if people came from other premises there would be trouble.

56. The claimant complains that the justices' treatment of the migration issue also flies in the face of the guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.

57. Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The guidance says, at para 6.8:

"The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially early closing times."

It stresses that, above all, licensing authorities should not fix predetermined closing times for particular areas.

58. I am not convinced that the justices' limiting of the claimant's operational hours can properly be described as implementing zoning, which *65 in my view is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.

59. What has more weight, however, is the claimant's submission that the justices failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the 2003 Act would be to grant the hours sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The reasons include a heading "Flexibility" under which the justices say simply: "We have considered the concept of flexibility." In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in para 6.6 of the guidance (see para 44 above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case, nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

60. The claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the justices put it, “the application for extended hours was to allow *flexibility* to open later on certain occasions”. As the first interested party would submit, the justices may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their reasons as to the frequency on which they considered the claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.

61. The justices' comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the 2003 Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the 2003 Act.

62. There is no consideration in the justices' decision of whether the imposition of conditions to control noise or other nuisance, which were going to be imposed, would be sufficient to promote the licensing objectives *66 without reducing the operating hours of the premises. Given that the 2003 Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

My overall conclusions

63. It would be wrong, in my judgment, to say that the justices failed to take account of the licensing objectives. At the outset of their reasons, they correctly identify those which are relevant. Similarly, as the first interested party submits, whilst they did not *articulate* that the curtailment of the hours sought was “necessary” to promote those objectives, it is implied in their decision that they did take this view; and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be “an inevitable consequence” of leaving the hours as granted by the local authority. However, in my view their approach to what was “necessary” was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the 2003 Act and the guidance they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them, whereas in fact they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances their decision was unlawful and it must be quashed.

64. I have said little so far about what appears in the justices' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the justices' decision. Indeed quite a lot of what was said reinforced my view that the justices had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the justices considered these matters to be relevant it was incumbent on them to say so clearly in their reasons, whereas they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several *67 months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellants. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources

which is not something that, as far as I can see, had been raised by PS Yehya or explored with him in evidence. Mr Beere says in his statement for example, “there is also the question of police resources and their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake”.

65. Reference is made in the response documents to the court feeling that the brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is “a village pub and not a night spot in the centre of town”. For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the 2003 Act unless it was necessary to promote the licensing objectives. I appreciate that the justices' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.

66. Mr Beere's statement ends with a reference to the brewery wanting to make hay while the sun shines, of which he says, “I believe that this statement was indicative of the brewery's attitude to local residents and to the general management of the premises”. Given that problems with or in the vicinity of the premises had been almost non-existent and that the justices had not seen fit to make reference in their reasons to any difficulties caused by the hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the justices.

67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open—as opposed to providing entertainment or supplying alcohol there—is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in [section 17\(4\)](#) and these include not only the times when it is proposed that the licensable activities are to take place but also “(c) any other times during which it is proposed that the premises are to be open to the public”. On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up *68 than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

The costs argument

68. In the light of my conclusion that the justices' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The first interested party had given an undertaking to the licensing authority that they would not seek costs against the licensing authority and they sought the entirety of their costs of the appeal from the claimant. The justices granted that order and the claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the justices' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the claimant had lost. That position has now been overturned and the costs order must go along with the justices' main decision. The justices would have had no reason to grant costs against the claimant if the appeal had been dismissed.

Claim allowed .

Decision and costs order quashed .

*J C B *69*

Footnotes

- 1 [Licensing Act 2003, ss 4, 182](#) :
see post, paras 17–19.

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London City East

Operating Schedule – Premises License

To accompany our application for a premises license we have developed the following operating schedule to accompany and guide our principle of ensuring we meet our responsibilities as a responsible licensee.

In this document, we will set out the times the premises will be open and the times licensable activities will be provided. We also detail how we intend to meet the core Licensing Objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

These are in accordance with the four major themes that the Council has set out in the Tower Hamlets Partnership’s Community Plan and the local authority vision by means of which the vision is delivered are:

- A Great Place to Live
- A Fair and Prosperous Community
- A Safe and Cohesive Community
- A Healthy and Supportive Community

<p>Name of Applicant:</p> <p>Black Lion House GP Ltd</p>	<p>Premises Name:</p> <p>Hyatt Place London City East</p>
<p>Head Office / Registered Address:</p> <p>Black Lion House GP Ltd on behalf of Black lion house LP Fourth Floor 16 New Burlington Place London W1S 2HX Registered No. 10198647</p>	<p>Premises Address:</p> <p>Hyatt Place London City East, Black Lion House, 45 Whitechapel Road, London E1 1DU</p>
<p>DPS: Michael Shaw DPS Personal License Number:</p> <p>LEEDS/PERL/00390/05</p>	<p>Issuing Licensing Authority:</p> <p>Leeds City Council</p>
<p>Outline Plan of the building and main form of income:</p> <p>The premises license relates to The Hyatt Place London City East, formally Black Lion House, now a hotel development located on Whitechapel Road. The premises will operate as primarily a Hotel across one building and eleven floors. The hotel comprises, 280 guest bedrooms, across 9 floors, with a restaurant, bar lounge and private dining orangery located in the lower ground floor alongside a market pantry offering 24/7 snacks, additionally there is an ancillary bar and terrace located upon the 9th floor of the property. The 9th floor bar includes a small flexible meeting room for capacity of up to 15 delegates, with the orangery on the lower ground floor utilised as a second private meeting space for up to 20 delegates. All 280 guest rooms</p>	

benefit from the licensable activities for the **provision of room service beverages, the guest rooms do not have stocked minibars, but do offer mini fridges for guest use.** The coverage of the licensable activities for residents and bona-fide guests in relation to hotel bedrooms, is sought solely for the purchase and consumption of alcohol. The hotel plans to operate a room service refreshment facility for residents and would seek to allow the consumption of alcohol purchased on the premises for our residents and bona-fide guests from the hotels room service menu. For the additional licensable activities of plays, live music and performance of dance we are proposing that live performances are restricted to the hotel's restaurant, ancillary 9th floor bar, and public area only and no other area of the property.

The Hotel incorporates on the lower ground floor a 48-seat restaurant with public access from the high street to ground level with lift and stairwell access to lower ground, the 48-seat capacity restaurant includes a 16 seat orangery available for private dining, and an external courtyard for hotel patrons; the bar in the lower ground floor offers the provision for grab and go snacks 24/7 as well as a partnership with Starbucks coffee. On the upper ninth floor is an ancillary lounge bar there are toilet facilities available on the ninth floor and the lower ground floor, the lower ground floor houses a Gym for hotel residents only, guest toilets, the hotel reception, lobby, kitchen, staff offices and staff room. Total capacity allowance within our fire strategy document is 163 persons for the lower ground floor, this includes all back of house areas and offices.

The hotels main income source is from letting accommodation and the hotel's restaurant, and ancillary bars. The provision for serving of alcohol is primarily targeted at the hotels strong food led business and as a restaurant and bar. Food is served in the hotel's restaurant, 9th floor ancillary bar and terrace, the hotels 24/7 grab and go bar in the lower ground floor and to the hotel guest rooms in the form of 'room service'. The hotel does not operate within the large 'social event' room market and there are no plans to enter this market.

It is envisaged that the restaurant and 9th floor ancillary bar are both for the hotel patrons and bona-fide guests, as well as the general public, the license seeks outline permission for entertainment in the form of plays, film, live and recorded music. These events take the form of small intimate and professional performances located in either in the hotel's restaurant or 9th floor ancillary bar and are targeted at the packaged dining market. Measure for safety, security, prevention of public nuisance, and safety of children are detailed throughout the document.

For the safeguarding of children and in relation to due diligence training please see the documentation provided in relation to modern day slavery, human trafficking training, which specifically trains our team to identify and prevent the sexual exploitation of children and young people. The hotel absolutely takes its responsibility in prevention of exploitation of children and young people extremely seriously. All team members are subject to robust training upon recruitment on recognising signs of possible human trafficking and exploitation. We have incorporated 'operation make safe' standards into our operating and reporting procedures. Furthermore, we have taken action to incorporate industry recognised standards into our whole operating standards. Members of our hotel management company previously were involved with developing hotel operating standards now seen as industry best practice; this valuable insight has ensured our procedures are as robust as possible. Copies of procedures and training documents are attached in the appendices.

Premises License facilities will be located as per the plans, and the Application seeks the provision of regulated entertainment, provision of late-night refreshment, and the supply of alcohol, each has been particularised within their specific sections in the Application form.

All Licensable activities are sought to be available 24 hours daily for Hotel residents and their bona- fide guests. Floor Plans of each of the hotel's floors, including Lower Ground Floor, 9th Floor and all guests bedrooms have been provided with our application.

LICENCING HOURS (Non-Residents)

Plays, Films, Live Music, Recorded Music and Performances of Dance

Activities will take place indoors only in hotel restaurant or 9th floor ancillary bar.

Day	Start	Finish
Mon	10.00	23.30
Tue	10.00	23.30
Wed	10.00	23.30
Thu	10.00	23.30
Fri	10.00	00.00
Sat	10.00	00.00
Sun	10.00	22.30

For Hotel Patrons or Bona-fide Guests we seek the right to serve alcohol 24hrs.

It is noted that within our planning consent the following conditions were applied.

The ancillary bar on the 9th floor shall not be used between the hours of 01:00 and 07:00. The accompanying terrace associated with the ancillary hotel bar at 9th floor level shall not be open to customers between 23:00 and 07:00 the following morning any day.

This is to ensure that the hotel does not have an adverse impact on residential amenity in accordance with policies SP10 of the core strategy (2010) and policy DM25 of the managing development document (2013)

Staff Training and Awareness		
	Example measures to meet the Licensing Objectives	Whom
1.	APLH course	General Manager Director of Operations F&B Manager Bars Manager Nights Manager Night Supervisors
2.	Licensing and social responsibility - England & Wales	All employees
3.	Health & safety Level 2: Emergency first aid at work Fire Safety Disability Awareness	All employees
4.	Fire Marshall training	All Management Roles
5.	First Aid Full Qualification 3 day course	General Manager Director of Operation F&B Manager Bars Manager F&B Supervisors Front Office Manager Duty Manager Nights Manager Night Supervisors Facilities Manager Head Housekeeper Finance Manager Director of Sales
6.	<p>Modern Slavery and Child Sex Exploitation Hyatt Modern Day Slavery and Human Trafficking training modules</p> <ul style="list-style-type: none"> • About Human Trafficking • Identifying Human Trafficking • Incident reporting. <p>Our control operational measures additionally train of the following.</p> <ul style="list-style-type: none"> • Business Implications • Who are the victims • Who are the traffickers • How it affects hotels • Seeing the signs • Reporting concerns • Safeguarding • Look out for each other • Operating right controls – including 'Operation Make safe' 	All employees
7.	Challenge 25	All employees



CONDITIONS RELATING TO THE PREVENTION OF: CRIME AND DISORDER

CCTV & Communication	
Measures we have undertaken to meet the Licensing Objectives	
1	Red Care line panic alarm is installed which is linked directly to a call centre whom upon activation will notify Police and hotel key-holder (General manager).
2	CCTV equipment is installed inside/outside the premises and we ensure that it is maintained in working order at all times and that it covers all licensed areas of the hotel.
3	CCTV equipment is set to record 24hrs a day, 365 days per year.
4	CCTV cameras are left to record for the duration of 24hr period in all areas of the hotel and external areas in immediate vicinity of the main access and egress points of the property.
5	Digital data is retained for at least twenty-eight days and is available to be produced to an authorised police officer or local authorities on demand.
6	Notices advising that CCTV has been installed on the premises is installed, so that CCTV cameras are clearly visible to the public within the licensed premises, these signs are located at the main entrances of the hotel.
7	We train our core management team to access CCTV; a log of trained employees is held on the premises
8	On the occasion that door supervisors and security are employed, we ensure that upon commencement they are recorded on CCTV with a full clear head and shoulders image.

Door Supervisors	
Measures we have undertaken to meet the Licensing Objectives	
1.	We undertake to employ door supervisors at times when a public performance event activity takes place in the restaurant or bar such as a Live Music or entertainment event is being carried out, and we consider them necessary to: <ul style="list-style-type: none"> • Prevent the admission and ensure the departure from the premises of any disorderly persons, without causing further disorder; • Keep out excluded individuals (subject to pub watch bans), • Search and exclude persons suspected of carrying illegal drugs or offensive weapons; or • Maintain an orderly atmosphere inside and outside the venue.
2.	We ensure that any Door Supervisors used are registered by the Security Industry authority. We make a record of their full name, SIA cert No., the time they began their duty, the time they completed their duty. This register is kept at the premises at all times and is maintained to enable an authorised officer of the licensing authority or police to establish the particulars of all those that are engaged at the premises. The record is kept for a minimum twenty-eight days.
3.	The premises license holder ensures that all door supervisors on duty at the premises wear a current identification badge.

Bottles and Glasses	
Measures we have undertaken to meet the Licensing Objectives	
1.	Where glass bottles are used, they will be retained or disposed of on the premises.
2.	No customers will be admitted or permitted to leave when carrying open or sealed bottles or glasses.

3.	Glass bottles containing wine will only be sold in connection with a table meal to customers who are seated in an area for the consumption of food that is away from the main bar.
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Restrictions on Drinking Areas	
Measures we have undertaken to meet the Licensing Objectives	
1	<p>We enforce that the consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule.</p> <ol style="list-style-type: none"> 1. Lower ground floor Restaurant & Lobby Lounge 2. Ancillary Bar Lounge 9th Floor 3. Guest bedrooms 4. 9th Floor Terrace (Until 10.30pm daily only). Terrace will be locked at 11pm daily.

Capacity Limits	
Measures we have undertaken to meet the Licensing Objectives	
1	<p>We have undertaken a risk assessment on capacity of the premises and licensed areas, based on the following maximum occupancy of the licensed premises. The capacities are monitored by our internal management team.</p> <ol style="list-style-type: none"> 1. Restaurant and Lobby: 163 pax 2. Ancillary 9th Floor Lounge: 45 pax 3. Terrace 9th Floor Lounge: 25 pax <p>Total Capacity: 233 pax Risk assessment included the following: Space, audience density, means of access and egress, toilet provision, ventilation.</p>

Proof of Age Verification	
Measures we have undertaken to meet the Licensing Objectives	
1	We enforce the Challenge 25 policy for the property. See additional notes at the end of this chapter.
2	We ensure that any person selling or supplying alcoholic drink under the authority of a personal license holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.
3	For purpose of safety and security we keep a record at the bar, detailing time, description and if applicable the names of individuals we have challenged under this scheme.
4	At the point of purchase, we have installed signage reminding our team to challenge for ID when a sale is made
5	For the safety and safeguarding of children all our team have been trained on and have adopted the Metropolitan Police 'operation make safe campaign'. The monitoring of 'signs' or 'indicators' relating to child sex exploitation or modern-day slavery have been trained into the team and monitored daily. The purchase of alcohol in presence of minors either in the public domain or whilst staying as a guest in one of the hotel guest rooms (as a room service) has been identified as a possible indicator of exploitation and is monitored as part of our wider due-diligence programme.

Controls for sales of alcohol / drinks promotions	
Measures we have undertaken to meet the Licensing Objectives	
1	There shall be no supply of alcohol for consumption off the premises.
2	Beers, lagers, stouts and ciders sold at premises shall not exceed 6% alcohol volume
3	Documented delegation of authorisations to sell alcohol is maintained at the premises, and is available upon request by an authorised officer of the licensing authority or the police
4	The supply of alcohol is by waiter or waitress service only
5	There is no self service of spirits on the premises
6	Prominent signage indicating the permitted hours of the sale of alcohol is displayed at the entrance of the premises, where alcohol is on public display and at the point of sale.
7	We comply with the British Beer and Pub Associations Guidelines on On-Trade Promotions. We will not offer Irresponsible promotions that can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price. At all time we will not countenance such acts where there is a significant risk that such a promotion would undermine one or more of the licensing objectives.

Prohibited Substances	
Measures we have undertaken to meet the Licensing Objectives	
1	We have a policy of zero tolerance and 100% reporting for use of prohibited substances. We report all incident and encounter of prohibited substances or materials (if found within our guest rooms or public areas). This is in line with local authority guidance.
2	We have a secure deposit box kept on the premises for the retention of confiscated items and ensure that the Police are advised of any items which require safe disposal.
3	Toilets are routinely checked, and date and time of inspection is recorded, these are kept and are available upon request to an authorised officer of the licensing authority or police.

Notices	
Measures we have undertaken to meet the Licensing Objectives	
1	Public information notices about crime and disorder issues are displayed at the premises relating to our zero tolerance of aggression towards our team. (e.g., Customer Code of Conduct). Police will be informed if anyone is found in possession of controlled substances or weapons.
2	All legal signage relating to customs and excise, our license permit, and licensee details are displayed as per legal obligations. The signs are in the vicinity of any entrance to the premises, and the bar located on the ground floor of the hotel.

Crime Prevention Schemes / Policies	
Measures we have undertaken to meet the Licensing Objectives	
1	It is our intention to participate in local security initiatives. <ul style="list-style-type: none"> • Aldgate Connect – Aldgate BID • Whitechapel and Brick Lane Pub watch. • Aldgate and Whitechapel Hoteliers Association
2	We do not countenance listing ourselves as a football club supporting venue and we do not entertain football fans or large groups for the sole purpose of drinking and none dining. No external customers will be welcome into the hotel for duration of any local events unless they are dining. This is in relation to any football activity at Olympic Park or local event within the Whitechapel and Brick Lane areas .
3	All incidents in the hotel are recorded in a daily log 'incident register'. The log includes time, date, incident details, whom is reporting, and is available to the authorities.

Film / Plays / Live Music	
Measures we have undertaken to meet the Licensing Objectives	
1	For any event involving Live Music, Plays or Film and with the provision for a dining seated experience within the hotel restaurant or ancillary bar lounge, Maximum capacity will be limited to 70 persons. At all times there would be a formal staff presence during the performance.
2	Seating is designated with clear gangways being available at all times and we make sure no articles of clothing is attached to back of any seats which may reduce the clear width of seat ways or cause tripping hazard or obstruction.
3	We make sure that in no circumstances anyone is permitted to :- (i) sit in any gangway; (ii) stand or sit in front of an exit; or (iii) stand or sit on any staircase including any landings.
4	There shall be no events for persons under 18 years of age

Litter and Waste	
Measures we have undertaken to meet the Licensing Objectives	
1	We are responsible for the disposal of waste on the frontage of the premises and we make provision for the emptying of litter bins in the vicinity of the premises (of our own ownership).

Lighting	
Measures we have undertaken to meet the Licensing Objectives	
1	We have ensured that lighting is provided outside the premises during the hours of darkness when any licensable activity takes place on the premises.

Smoking Area	
Measures we have undertaken to meet the Licensing Objectives	
1	<p>The premises license holder has taken appropriate measures to ensure that patrons using any outside area do so in a quiet and orderly fashion. It is our intention to limit the 9th floor terrace of the hotel to be non-smoking, smoking limited to external to the hotel premises and cigarette butt bins will be provided at all entrances and regularly cleaned and monitored – this will be recorded at the time of cleaning.</p> <p>Smoking Area Lower ground: Patrons are allowed to use the outside courtyard of the orangery area for smoking (i) The area is adequately monitored by staff and CCTV to ensuring that patrons:</p> <ul style="list-style-type: none"> • Do not cause a nuisance, • Do not obstruct access to adjoining premises and • Risk of crime and disorder in this area is adequately controlled.

Touting	
Measures we have undertaken to meet the Licensing Objectives	
1	We recognise historically there had been a problem with touting in the borough, mainly in relation to restaurants. We note it is not our intention to employ or solicit for custom via touting. We support the councils no touting policy.

Additional / alternative measures to meet the prevention of crime and disorder licensing objective

List your additional proposed measures to meet the Licensing Objectives here:

Challenge 25:

Challenge 25 simply requires that every person buying an age restricted product such as alcohol, who looks under the age of 25, is challenged to produce a valid ID. In order to adopt Challenge 25, we have installed the following measures:

- Training – we train staff about the Challenge 25 scheme at induction and every 6months as a refresher. Including who to challenge and how. This helps to ensure that staff are confident in making challenges and that the policy is consistently applied in the hotel. Records of training are kept on file.
- Advertise – We display the posters in prominent places near the bar to advertise our proof of age policy. This helps not only to deter potential underage customers, but will also act as a back up to staff members who make challenges;
- Support staff – Challenge 25 only works if the staff have confidence that the decisions they make will not be undermined. It is therefore important to ensure that difficult decisions staff have made are not challenged and overturned; this is our policy.
- Keep records – we will keep records of all failed attempts to buy alcohol of those without ID who look under 25, this could help with police or trading standards operations.
- We are clear about what ID is acceptable – There are hundreds of forms of ID that are used in the UK. The standard Challenge 25 scheme suggests accepting Passports, Driver's License and PASS approved cards. We display this prominently at the bar.
- We train our staff to be aware of fake ID – The Home Office has produced guidance for retailers to help them understand how to spot fake ID. It is important to ensure staff are trained about the types of ID that are acceptable and how to look out for fakes.

External Clients vs In-House Guests

As a responsible licensee the hotel management team train all our team members on the following measure in order for identify internal resident guest's vs external customers:

- All in house guests are asked to provide visual check of their room key post licensing hours permitted for external guests (see licensing hours) this is done in order to ensure the guest is a resident.
- Only room payments direct to an inhouse guest room bill are taken after licensing hours permitted for external guests (see licensing hours), no cash payments are allowed.
- Photographic ID is required should a team member be unable to identify the guest by a room key, and subsequently needs to identify them by name.

CONDITIONS RELATING TO THE PREVENTION OF: PUBLIC SAFETY

The following measures have been included and undertaken in section one relating to conditions relating to the prevention of crime and disorder:

Door Supervisors See conditions

CCTV See conditions

Bottles and glasses See conditions

Capacity Limits See conditions

Prohibited Substances See conditions

Notices See conditions

Escape Routes	
Measures we have undertaken to meet the Licensing Objectives	
1	We make sure that escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
2	We make sure that where chairs and tables are provided, internal gangways are kept unobstructed.
3	We make sure that all exit doors are easily openable and do not require the use of a key, card, code or similar means unless accessing guest bedrooms or restricted areas back of house for team members.
4	We make sure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept.
5	We make sure that all fire doors are maintained effectively self-closing and not held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
6	We make sure that fire resisting doors to ducts, service shafts, and cupboards are kept locked shut.
7	We make sure that the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety Checks	
Measures we have undertaken to meet the Licensing Objectives	
1	Safety checks and perimeter walks are undertaken at least 3 times per day and details of such checks are kept in a Log-book.

Curtains, Hangings, Decorations and Upholstery	
Measures we have undertaken to meet the Licensing Objectives	
1	We make sure that hangings, curtains and temporary decorations are maintained in a flame-retardant condition.
2	Any upholstered seating is certified so that it meets on a continuous basis the pass criteria for smoldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of Bs 5852:1990.

3	Hangings, curtains and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire- fighting equipment.
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Fire Action Notices	
Measures we have undertaken to meet the Licensing Objectives	
1	Notices detailing the action to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of Fire	
Measures we have undertaken to meet the Licensing Objectives	
1	The fire brigade are called at point of discovery of fire by Fire Marshall (Investigation Team) upon alarm being activated by smoke/heat detectors and the details recorded in a Fire Logbook.

Loss of Water	
Measures we have undertaken to meet the Licensing Objectives	
1	We will notify the local Fire Control Centre as soon as possible if the water supply to any hydrant, hose reel installation is cut off or restricted.

Access for Emergency Vehicles	
Measures we have undertaken to meet the Licensing Objectives	
1	Access for emergency vehicles is kept clear and free from obstruction.

Disabled People / Accessibility	
Measures we have undertaken to meet the Licensing Objectives	
1	We make sure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency, and that patrons are made aware of these arrangements, this laid out in the hotels access statement.

Sanitary Facilities	
Measures we have undertaken to meet the Licensing Objectives	
1	Adequate sanitary accommodation is provided at the premises in accordance with the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

First Aid	
Measures we have undertaken to meet the Licensing Objectives	
1	We make sure that adequate and appropriate supply of first aid equipment and materials is available on the premises.
2	We make sure that at least one trained first- aider will be always on duty

3	If more than one first aider is present, we make sure that their respective duties are clearly defined.
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Lighting	
Measures we have undertaken to meet the Licensing Objectives	
1	In the absence of adequate daylight, we make sure that the lighting in any area accessible to the public is fully operational.
2	We make sure that Fire safety signs are adequately illuminated.
3	We do not alter Emergency lighting without prior notification to the Licensing Authority.
4	We make sure that Emergency lighting batteries are fully charged and tested every 6 months
5	In the event of failure of normal lighting, where the emergency lighting battery has a capacity of one hour, we make sure that evacuation of the premises is possible within 20 minutes.

Safety Certificates

The provision of the following documentation supports in showing how we intend to meet the public safety licensing objective.

Measures we have undertaken to meet the Licensing Objectives	
1	<p>We make sure that the following systems are maintained and inspected by suitably qualified professional persons in accordance with any British Standards and at intervals recommended in national guidance, and will keep the records of such inspections available for inspection by authorised officers on request:</p> <ul style="list-style-type: none"> • Building Electrical Installation • Emergency Lighting System • Fire Warning System • Gas boiler, calorifier or appliance • Portable firefighting equipment • Temporary Electrical Installation

Public Liability Insurance	
Measures we have undertaken to meet the Licensing Objectives	
1	<p>We make sure that we have valid public liability insurance in force and that a copy of the schedule is available for inspection by an authorised officer on request.</p> <p>This is displayed at Reception at all times.</p>

General	
Measures we have undertaken to meet the Licensing Objectives	
1	We make free drinking water available at all times the premises is open to the public.
2	We provide a "hot line" to a local taxi firm throughout 24hr Reception Team.
3	We make sure that staff on the premises monitor and record the number of patrons within the premises.

CONDITIONS RELATING TO PUBLIC SAFETY (Late night refreshment)	
Measures we have undertaken to meet the Licensing Objectives	
1	We make sure that where tables and chairs are provided, clear gangways to exits are maintained.
2	We do not use portable heating appliances on the premises in public areas.
3	We do not use any appliances utilising cylinders or containers of gas on the premises.
4	We do not use any paraffin or other mineral oil in any lamp, stove or other appliance except for cooking purposes.

Additional or alternative measures to meet the Public Safety objective
<p>List your additional proposed measures to meet the Licensing Objectives here:</p> <p>We recognise that one of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. We will take a proactive approach to customer safety including the following:</p> <ul style="list-style-type: none"> • Making provisions to ensure that customers safely leave our premises, we will provide a "hot line" to a local taxi firm throughout our 24hr Reception Team. • Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.

CONDITIONS RELATING TO THE PREVENTION OF: PUBLIC NUISANCE

Noise and vibration	
Measures we have undertaken to meet the Licensing Objectives	
1.	When we undertake any Live Music/Play/Film event in the restaurant or ancillary 9 th floor bar we will make sure that Noise or vibration is not noticeable at the façade or other areas of the hotel.
2.	We make sure that doors and windows are kept closed (except for ingress and egress) to reduce noise nuisance from the premises.
3.	We display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
4.	We make sure that the placing of bottles into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties.
5.	We make sure that during the final hour of opening the music is always discernibly quieter (in relation to live events).
6.	We will not permit the playing of live or recorded music in lower ground courtyard area of the hotel (adjacent to the orangery), this area will not have speakers. The 9 th floor ancillary terrace will have background level speakers only and music will cease at 10.30pm. Music levels will be always maintained as 'background level', no live music events will take place in any external space. We make sure local-residents have ability to contact our manager on duty at all times in respect to any complaint or issue. This will be in place either through a dedicated telephone line.
7.	We make sure that any request by an authorised officer of the Council in relation to reducing noise levels is complied with.
8.	Our managers on duty will be responsible for monitoring noise levels and will implement changes in noise levels in accordance always providing a convivial atmosphere.
9.	We ensure that no amplified sound in connection with an event continues beyond the permitted hours of the entertainment.

Noxious smells	
Measures we have undertaken to meet the Licensing Objectives	
1	We ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
2	Ensure that receptacles for waste are emptied regularly to minimise nuisance smells.

Light pollution	
Measures we have undertaken to meet the Licensing Objectives	
1	We ensure that no lighting outside our premises causes nuisance to nearby properties, whilst balancing the need for lighting in the interests of prevention of crime and disorder.

Litter	
Measures we have undertaken to meet the Licensing Objectives	
1	We have provided adequate and suitable (lidded) receptacles to receive and store refuse from the premises/site.
2	We make sure that receptacles for refuse storage are maintained in a clean condition.
3	We make sure litter is regularly cleared from the vicinity of the premises.

Additional or alternative measures to meet the Public Nuisance objective

List your additional proposed measures to meet the Licensing Objectives here:

Street Furniture – we will not be placing any street furniture, which includes advertising boards, on the highway, we recognise this can cause a public nuisance by way of obstruction or encourage consumption of alcohol on an unlicensed area.

Fly Posting – we recognise the Council has experienced problems with "fly posting" in relation to venues that offer entertainment. We will never countenance the posting of flyers or posters for the advertising of our venue.

CONDITIONS RELATING TO: THE PROTECTION OF CHILDREN FROM HARM

General	
Measures we have undertaken to meet the Licensing Objectives	
1	We have adopted and adapted the Metropolitan Police 'Operation Make safe' campaign, and have a crime prevention policy in place in relation to the prevention of Modern Slavery and the Exploitation of Children.
2	<p>We have integrated industry best practices into our organisation relating to the training of our team in relation to spotting and reporting known indicators of possible human trafficking, sex exploitation and modern slavery.</p> <p>We have installed robust operational procedures within our crisis management for reporting of such indicators and shall follow Operation Make safe protocols.</p>
3	We have implemented a proof of age policy agreed by the police and local authority. Challenge 25 in the restaurant and bar, and age restrictions for the purchase and sale of hotel bedrooms.

Access for children to licensed premises and operations procedures for safeguarding	
Measures we have undertaken to meet the Licensing Objectives	
1	<p>Children that stay in the hotel are only be allowed to use facilities of premises when accompanied by adult of 18 years of age.</p> <p>Children are only allowed into the Restaurant or ancillary 9th floor bar with bona-fied diners; this includes live events.</p> <p>Bedrooms: No minibars are present in any of our bedrooms. Residents are allowed to purchase alcoholic beverages through room service menu.</p> <p>Bedrooms: When children are known to be present in a hotel room when alcoholic beverages being purchased, a formal record will be made on our Modern Day Slavery/Child Exploitation operational documents (this will be part of our monitoring of indicators policy and operation make safe best practice)</p>

Name:

Signature:

Date:

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Black Lion House (Pre-development)



Hyatt Place London City East (Post Development)



Page 94
Entrance to the old Black Lion House.



Hyatt Place London City East (Curb side Entrance)



Standard Bedrooms



Hotel entrance lobby, lower ground floor lobby and reception



Lower ground floor, grab and go coffee bar



Lower ground floor restaurant including orangery meeting room



Ancillary 9th floor bar, including flexible meeting space

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WHERE THE CITY MEETS THE EAST END

Welcome to Hyatt Place London City East, your stylish base in the cosmopolitan heart of London.

Our location invites guests into the heart of London's mix of contemporary culture, commerce, and multi-cultural communities.

Brick Lane, Spitalfield's Market, The City of London, the Tower of London, and the artistic streets of Shoreditch are within walking distance.

Aldgate and Aldgate East stations are a 3 mins walk, Liverpool Street station is a 10 mins walk. And we are at 15 mins from King Cross / St Pancras and 35 mins from London City Airport by tube.



The Cozy Corner



Page 103



The Market

INSIDE LONDON CITY EAST

Rooms

- 280 bedrooms
- Private terraces & balconies available

Hotel Features

- Roof top bar
- Zoom Glocal Dining
- 24-hour Market for snacks & essentials
- 24-hour Fitness Centre
- Complimentary Wi-Fi
- 24-hour Business Center
- Concierge
- 24h Reception
- Laundry
- Pet Friendly
- Limited secure on-site Parking

Meetings & Events

2 Meeting Rooms*

*up to 20 delegates.

The Best Breakfasts



24-hour Fitness Centre



HOTEL AMENITIES

Wake up to a hearty, healthy breakfast in our Zoom restaurant and settle in to work comfortably in our guest lounges. There's Starbucks coffee and snacks to order, and even private meeting space in the Orangery if you hosting a gathering during your stay. We can even help you plan your meeting.

Wander up to our rooftop bar to watch the sunset over the London City skyline for a drink and a trendy dinner.

Whatever you need, whenever you need it, our Grab and Go Market and Fitness Centre are both open 24/7. From laundry services to welcoming pets - no guest request is too much trouble for us.



Page 105



**HYATT
PLACE**

London City East



BIG DREAMS

Our spacious and chic 280 bedrooms are designed to offer space for living and working - we call it The Cozy Corner. Particularly in demand are our rooms with breath-taking views over the London City skyline.

There are 7 different room types to offer more space or extra amenities such as balconies, terraces with seating area, and sleeper sofas.

BEDROOM AMENITIES

- Hyatt Comfort Eurotop mattress
- Luxurious bath amenities
- Oversized sofa
- AM/FM alarm clock radio with MP3 connectivity
- Desk for working
- Cordless speaker phone with voicemail
- 1875 watt hair dryer
- Iron/ironing board
- Mini fridge – with bottled water.
- Safe
- Complimentary Wi-Fi





GLORIOUS FOOD

Breakfast

Every morning guests can join us for a plentiful, regionally inspired breakfast buffet in the form of a casual, yet elevated buffet.

There is also the option of a quick takeaway from The Market, on the ground floor.

Breakfast is available from 06:30 to 10:00 am Weekday, 07:00 to 11:00am Weekends.

The Market

The Market offers a selection of grab-and-go artisan products, from snacks to salads, tempting bakery treats and sweets. All available 24/7.

Global and local cuisine

Zoom Glocal Dining® is located in our leafy internal courtyard. The irresistible menus showcase responsibly-sourced, regionally-inspired, trending dishes.

Starbucks coffee corner

Grab your coffee to go, from your favorite brand at our Starbucks® coffee corner.

The Orangery

A green space within our restaurant, can be used as a private dining room and tailored for your dining event.





ROOFTOP BAR

Guests will have priority access to the bijou boutique bar located on the top floor of our hotel.

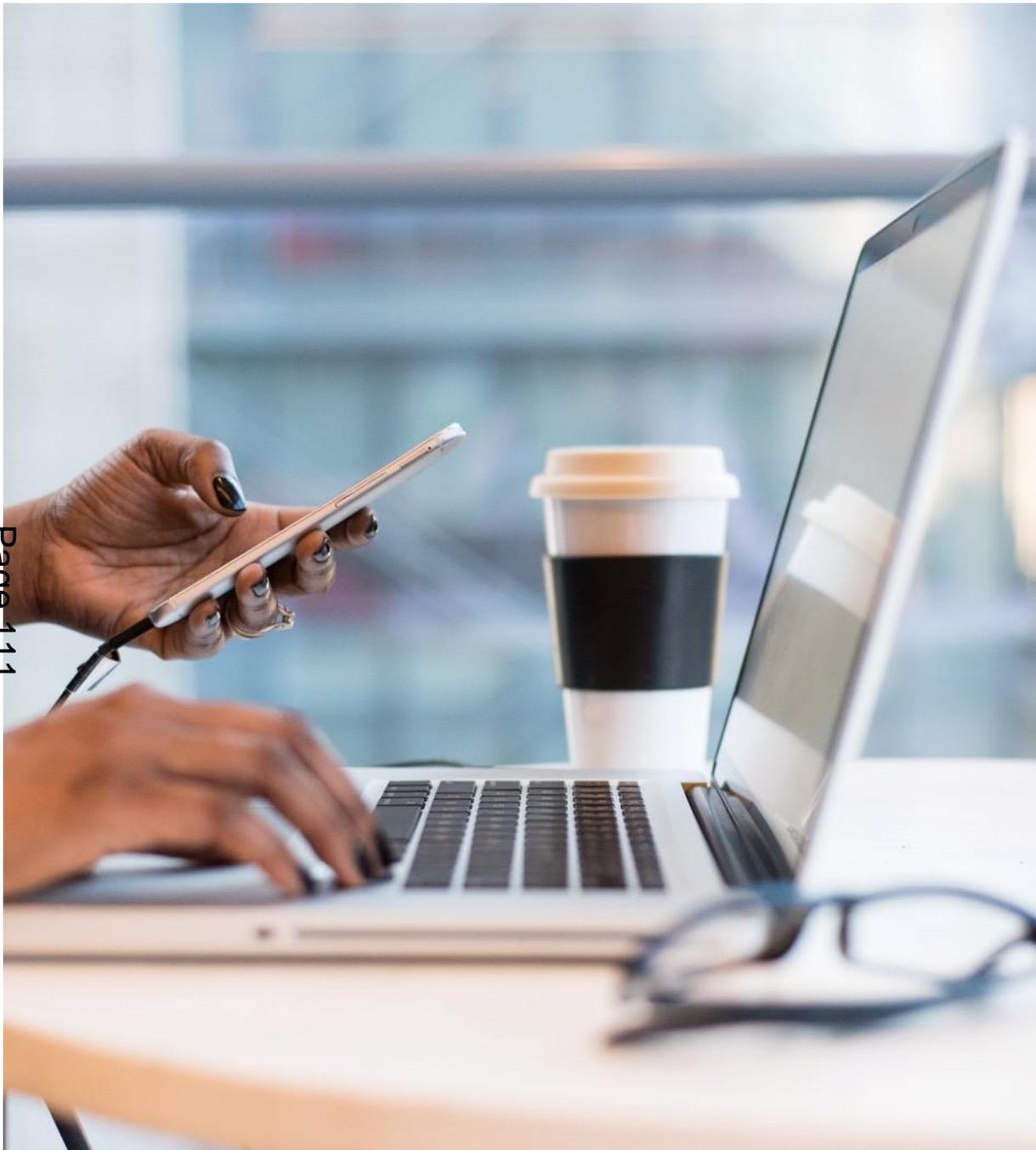
Expert Mixologists will shake up your favourite tipples and introduce you to some new creations...best enjoyed on the terrace when weather permits.

Whether you come to watch clouds and unwind, or to flirt and enjoy the atmosphere... this is the energy of East London at its finest hour.



HYATT
PLACE™

London City East



MEET ME HERE

Hyatt London City East has flexible meeting and event spaces with unique food & beverage options, audiovisual equipment and more.

Our rooftop bar has its own flexible meeting room, and a perfect networking spot on the top of the city.

The London City East team is here to support you and help plan an unforgettable event.

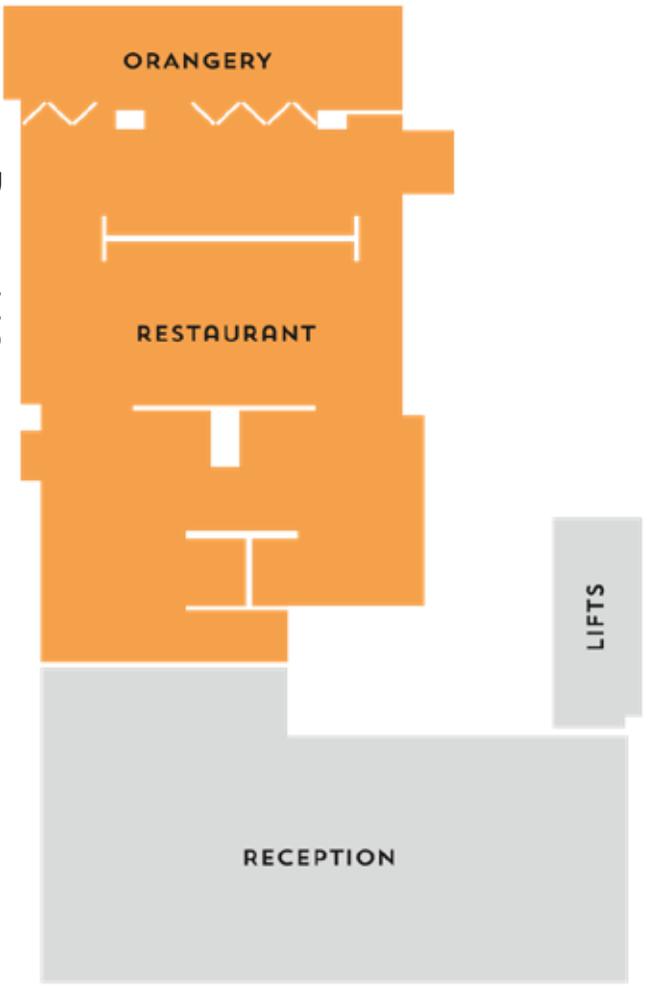
- 2 Meeting rooms*
- Use of our Orangery and a small flexible meeting room, located on the 9th floor.
- Coffee, tea and snack menus
- Food & beverage menus tailored to your needs
- Integrated audiovisual equipment

* up to 20 delegates.



ROOM NAME	ROOM DIMENSIONS (METERS)	SQUARE METERS	CLASSROOM	THEATRE	CONFERENCE	U-SHAPE
SKY LOUNGE	9 X 3.5M	30	12	20	20	12
ORANGERY	8 X 3.2M	25	-	-	20	-

Page 112





WE ARE HERE

BLACKLIONHOUSE

45 Whitechapel Road

London E1 1DU

+44 (0) 2081591234

Transportation

- 2 mins walk from the closest tube station (Aldgate East)
- 5 mins by tube or 10 mins walk to Liverpool Street Station
- 15 mins by tube from Kings Cross / St Pancras international
- 20 mins by tube to London Euston
- 35 mins by tube or DLR to London City Airport



HYATT
PLACE™

London City East

TALK TO US



Director of Sales

Silvia Abreu

Tel +447776 958901

silvia.abreu@hyatt.com



We are an award-winning hotel-management company that works with brands from IHG, Marriott, Hyatt, Accor as well as our own brands. We have special expertise in extended stay hotels as well as double decker hotels.

Headquartered in Amsterdam, we have hotels in Dundee, Newcastle, Liverpool, Manchester, London, Amsterdam, Frankfurt, and Darmstadt. Paris, Brussels and other locations are coming soon.

Page 115

The logo for Residence Inn by Marriott, featuring the text "Residence INN." in a bold, black, sans-serif font, with "BY MARRIOTT" in a smaller, black, sans-serif font below it.

The logo for Staybridge Suites, featuring the text "STAYBRIDGE" in a bold, black, sans-serif font, with "SUITES" in a smaller, black, sans-serif font below it. The text is flanked by two vertical bars. Below the text is the text "AN IHG* HOTEL" in a smaller, black, sans-serif font.

The logo for Hyatt House, featuring a large, blue, stylized "H" icon to the left of the text "HYATT" in a bold, black, sans-serif font, with "house™" in a smaller, black, sans-serif font below it.

The logo for Quest, featuring a stylized, gold, wing-like icon above the text "QUEST" in a bold, black, sans-serif font.

The logo for Moxy Hotels, featuring the word "moxy" in a purple, cursive, lowercase font, with "HOTELS" in a smaller, black, sans-serif font below it.

The logo for Holiday Inn, featuring a large, green, stylized "H" icon above the text "Holiday Inn" in a green, sans-serif font, with "AN IHG* HOTEL" in a smaller, black, sans-serif font below it.

The logo for Hyatt Place, featuring a grid of nine colored dots (yellow, black, orange, blue, green, black) above the text "HYATT" in a bold, black, sans-serif font, with "PLACE™" in a smaller, black, sans-serif font below it.

The logo for The Northern Quarters Serviced Apartments Manchester, featuring the text "THE NORTHERN QUARTERS" in a bold, black, sans-serif font, with "SERVICED APARTMENTS MANCHESTER" in a smaller, black, sans-serif font below it.

The logo for Element by Westin, featuring a green, stylized leaf icon inside a circle above the text "element" in a green, lowercase, sans-serif font, with "BY WESTIN" in a smaller, black, sans-serif font below it.

The logo for Hotel Indigo, featuring a blue, stylized "I" icon to the left of the text "hotel" in a smaller, black, sans-serif font, with "INDIGO" in a bold, blue, sans-serif font below it.

The logo for Accor, featuring a stylized, gold, flame-like icon above the text "ACCOR" in a gold, sans-serif font.

The logo for Greet, featuring the word "greet" in a bold, black, lowercase, sans-serif font.

The logo for Courtyard by Marriott, featuring the text "COURTYARD" in a bold, orange, sans-serif font, with "BY MARRIOTT" in a smaller, black, sans-serif font below it.

The logo for The Hotel Darmstadt, featuring the text "the hotel darmstadt" in a black, lowercase, sans-serif font.

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Hyatt Place – London City East

Premises Address: Hyatt Place London City East,
Black Lion House,
45 Whitechapel Road,
London E1 1DU

Applicant: Black Lion House GP Ltd - Fourth Floor, 16 New Burlington Place, London, W1S 2HX
Registered No. 10198647

DPS: Michael Mason-Shaw

General Description of Hotel

The premises license relates to The Hyatt Place London City East, formally Black Lion House, now a hotel development located on Whitechapel Road. The premises will operate as primarily a Hotel across one building and eleven floors. The hotel comprises, 280 guest bedrooms, across 9 floors, with a restaurant, bar lounge and orangery which may be used for private dining located in the lower ground floor alongside a market pantry offering 24/7 snacks, additionally there is an ancillary bar and terrace located upon the 9th floor of the property. The 9th floor bar includes a small flexible meeting room for capacity of up to 15 delegates, with the orangery on the lower ground floor utilised as a second private meeting space for up to 20 delegates. The bedrooms will each have a fridge for use by the guests. Guests will be able to order and pay for room service from the bedrooms. Regulated entertainment will be limited to the lower ground floor restaurant, orangery and bar and the 9th floor ancillary bar and terrace.

The Hotel incorporates on the lower ground floor a 48-seat restaurant with public access from the high street to ground level with lift and stairwell access to lower ground, the 48-seat capacity restaurant includes a 16 seat orangery available for private dining, and an external courtyard for hotel patrons; the bar in the lower ground floor offers the provision for grab and go snacks 24/7 as well as a partnership with Starbucks coffee. On the upper ninth floor is an ancillary lounge bar there are toilet facilities available on the ninth floor and the lower ground floor, the lower ground floor houses a Gym for hotel residents only, guest toilets, the hotel reception, lobby, kitchen, staff offices and staff room. Total capacity allowance within our fire strategy document is 163 persons for the lower ground floor.

Details of application:

- 1 The provision of live music, recorded music, plays, films, the performance of dance and anything of a similar description from 08.00 until Midnight daily;
- 2 The sale of alcohol from 08.00 until Midnight daily (residents and bona fide guests without restriction); and
- 3 The provision of late night refreshment from 23.00 until Midnight daily.

Opening Hours: Unlimited

Conditions:

General

- The premises are already required to comply with existing and future legislation to include (but not limited to) legislation on safety, health and environmental issues, fire safety, planning, building regulations, disability discrimination, trading standards, weights and measures, crime and disorder and security industry legislation. The licence holder is also required to comply with the provisions of the Licensing Act 2003. The measures covered by various legislation should not be repeated in the premises licence in accordance with the section 182 Guidance to Licensing Authorities.

Crime & Disorder

- The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.
- The premises licence holder will risk assess the need for door supervisors at the premises and/or deploy such supervisors at such time and in such numbers as deemed necessary by the risk assessment and/or at other times at the request of the police
- An incident log (which may be electronic) shall be kept at the premises for at least six months, and made available on request to an authorised officer of the licensing authority, which will record details of incidents and refusals.
- 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.

- In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police **providing the staff are not in danger;**
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Public Safety

- The applicant is already required to comply with existing and future legislation as set out above. Risk assessments will be carried out and maintained for fire, health and safety and emergency evacuation prior to opening and reviewed periodically. Any maximum numbers advised by the Fire Service prior to or upon completion of the works will be complied with
- There is no public access to the guest bedrooms other than with a residents' key card. This includes the bedrooms on the 9th floor.

Public Nuisance

- All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- The sale of alcohol shall not be permitted after 24:00 except to hotel residents and their bona fide guests or persons attending a pre-booked function/event.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 07:00 hours on the following day.
- No deliveries to the premises shall take place between 22:00 hours and 07:00 hours the following day.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- The external terrace area on the 9th floor shall be closed at 23.00 daily
- The external terrace will operate a no smoking policy at all times
- The designated smoking area will be the Courtyard adjacent to the Orangery Restaurant which will be adequately monitored by staff and CCTV to ensure that guests using that area do not cause a nuisance

Protection of Children

- All food and beverage staff will undergo internal training on induction as to the requirements under the Licensing Act 2003 including underage sales and the hotel's proof of age policy and will receive refresher training at least annually.
- The Challenge 21 scheme must be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA

national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.

- In addition all staff will receive training on Modern Slavery and Child exploitation and the premises will operate The Metropolitan police “Operation Make Safe” or equivalent policy.