

LICENSING SUB COMMITTEE

Tuesday, 3 December 2019 at 6.30 p.m.

**The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG**

This meeting is open to the public to attend.

Contact for further enquiries:

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Website: <http://www.towerhamlets.gov.uk/committee>

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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 11 - 20)

To note the rules of procedure which are attached for information.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 42)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 1st and 29th October 2019.

		PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION			
4 .1	Licensing Act 2003: Application for a Premises Licence for (Silver Sockeye) Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR	43 - 120	St Katharine's & Wapping
	Licensing Objectives: <ul style="list-style-type: none"> • Public Nuisance • Crime & Disorder • Public Safety • Prevention of Children from harm Representations by: <ul style="list-style-type: none"> • Local Resident(s) 		
4 .2	Licensing Act 2003: Application for a Premises Licence for (Funky Cellar) Old Spitalfields Market, 10a Lamb Street, London E1 6EA	121 - 266	Spitalfields & Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety
- Prevention of Children from harm

Representations by:

- Local Resident(s) / Residents Association

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DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

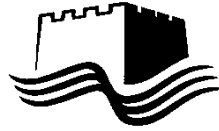
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

Date Last Reviewed:	14th June 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
 - a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.

- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page:
www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair's discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				
				Licensing Officer

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. A Decision letter will be sent to all interested parties confirming the decision made.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 1 OCTOBER 2019

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Mohammed Pappu
Councillor Gabriela Salva Macallan

Officers Present:

Corinne Holland	– (Licensing Officer)
David Wong	– (Legal Services)
Simmi Yesmin	– (Democratic Services)

Representing applicants	Item Number	Role
Mohammed Chowdhury	3.1	(Legal Representative)
Abul Mongur	3.1	(Applicant)
Barnaby Sutton	3.2	(Applicant)

Representing objectors	Item Number	Role
Mohshin Ali	3.1	(Senior Licensing Officer)
Nicola Cadzow	3.1	(Environmental Health Officer)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Faizah Mini Market, 2 Old Montague Street, London E1 5NG

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Faizah Mini-Market, 2 Old Montague Street, London E1 5NG. It was noted that objections had been received by the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Mohammed Chowdhury, Legal Representative on behalf of the Applicant explained that a similar application was submitted last year which was refused by a Licensing Sub Committee due to the lack of consultation with the Police and local hostels nearby. He then referred to pages 57-61 of the agenda, copies of correspondences that were sent to responsible authorities and local hostels consulting them on the application proposed. Mr Chowdhury said that they had only received a response from the Police who suggested conditions which have been accepted. He referred Members to page 50-51 of the agenda and said that the premises would have no impact on the cumulative impact zone (CIZ) and his basis for this was the fact that crime statistics were lower in 2012 prior to the CIZ being introduced compared to 2015 where the levels were higher and the CIZ had been in place.

It was noted that the hours had been reduced to the Council's Framework Hours due to concerns from Environmental Health. It was further noted that local residents had signed petition letters expressing their support for the application. Mr Chowdhury concluded that the applicant was a responsible and experienced man and would maintain and uphold the licensing objectives.

Members then heard from Mr Mohshin Ali, Licensing Officer. He explained that his objection was based on the fact that the premises was in the CIZ and reducing the hours to the Council's framework hours did not automatically mean an application would be granted. It was based on evidence and despite the slightly reduced hours, the licensing objectives would still be undermined.

Mr Ali stated that there were no complaints against the premises but that was because there was currently no licence in place. He suggested that the applicant could have applied for Temporary Event Notices to demonstrate they could run licensable activities without adding to the cumulative impact before applying for a licence. He concluded by explaining that business need and customer demand were not licensing considerations, and therefore the petition signed by customers should be given little or no weight when making the decision.

Members also heard from Ms Nicola Cadzow who expressed similar concerns to Mr Ali. She acknowledged the applicant's willingness to reduce hours, but mentioned that the Applicant had not contacted her about what measures would be in place to address public nuisance, especially noise disturbance, and therefore she was not satisfied with the operating schedule.

In response to questions the following was noted;

- That the applicant had accepted conditions suggested by the Police
- That the local hostels, had been contacted but have had no response back from them.
- That the application was for off sales only.
- That the appropriate consultation was made to all interested parties.
- That there were no objections from the Police or local residents.
- That CCTV cameras would be installed, there would be a challenge 25 policy in place, they would maintain an incident log, display notices and would not serve to intoxicated persons.
- That the applicant was responsible, had taken sufficient steps to promote the licensing objectives, undertook consultation, accepted police conditions and reduced the hours.
- That the applicant was unable to explain what exceptional steps would be taken to promote the licensing objectives.

Members adjourned again at 8.15pm for deliberations and reconvened at 8.40pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant's Legal Representative and the Officers from Responsible Authorities objecting to the application, with particular regard to all four licensing objectives.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the representations from the Licensing Authority and Environmental Health regarding the impact of the premises on the Cumulative Impact Zone (CIZ) and concerns relating to the existing levels of public nuisance and anti-social behaviour in the area.

The Sub Committee noted the applicant's representation that the hours originally applied for had been reduced to fall in line with the Council's framework hours and the premises licence if granted, would be mitigated by conditions proposed and any conditions that would be agreed. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence within the CIZ would not add to the cumulative impact of the number, type and density of licensed premises already in the area with regard to prevention of public nuisance and prevention of crime and disorder. The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met the requirement to uphold the licensing objectives in the CIZ.

Members also expressed concerns about the lack of clarity from the Applicant's Representative when the questioned about the application, which did not satisfy the Sub-Committee that the applicant understood what was needed to seek to rebut the presumption against granting any further premises licence within the CIZ.

The Sub Committee was therefore not satisfied with the application and were of the view that the applicant had failed to rebut the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that the applicant failed to demonstrate how they would not undermine any of the four licensing objectives by adding to the cumulative impact in the area.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Faizah Mini-Market, 2 Old Montague Road, London E1 5NG be **REFUSED**.

3.2 Application for a New Premises Licence for (Make It Group) 5 Hancock Road, London E3 3DA

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Make It Group, 5 Hancock Road, London E3 3DA. It was noted that an objection had been received by a local resident.

At the request of Chair, Mr Barnaby Sutton, Company Director, explained that the complaint that had been referred to in the objection was in relation to a private event, with invited guests only. He explained that the company was a work space provider for the creative industry. It was for young creators, an affordable start up platform. It was noted that the company previously had a premises in Swan Wharf which had a licence for 5 years, there were no complaints at that premises and they had a close relationship with the landlord and residents.

Mr Sutton highlighted that event space would be hired out for community programmes once a month, free of charge. The licence would be used for community focussed events and exhibitions. There was no bar area or designated drinking space.

It was noted that the objector was not present at the meeting, and it was confirmed by Democratic Services that all correspondence had been sent out to the objector. Therefore Members noted and considered the written objection contained in the agenda.

In response to questions the following was noted;

- That the venue had recently opened in July 2019 and was unable to name the local community groups/clubs that they would be working with.
- That the complaint was made in relation to a private event, it was a very hot day in July, the windows and doors had been left open and a music system was hired in. Therefore the level of music was not set and this would not happen again.
- That there was no intention of playing music at future events.
- That there were three points of entry and exits to help with egress, and the applicant could also have security at the door to manage this.
- That there were 30 guest car parking spaces, and 80% of studios had already been occupied and therefore do not envisage any overspills during egress.

Members adjourned again at 7.05pm for deliberations and reconvened at 7.25pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them including the written objection contained in the agenda pack and the oral representations from the Applicant's Representative present at the meeting.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the conditions on the licence would effectively mitigate the risk of noise nuisance and public nuisance. The Sub-Committee was also satisfied that the conditions imposed would help alleviate any concerns arising from the local resident objector.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Make It Group, 5 Hancock Road, London E3 3DA be **GRANTED** with conditions.

Sale of Alcohol (On Sales Only)

Monday to Sunday from 12:00 hrs to 22:30 hrs

Hours Premises Open to the Public:

Monday to Sunday from 08:00 hrs to 23:00 hrs

Conditions

- 1.1 Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation

panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.

- 1.2 The designated premises supervisor shall ensure that all members of staff involved in the sale of alcohol receive training in the essentials of licensing law and the specific conditions of the Premises Licence before being given permission to sell alcohol. This training will include the following:

- Explanation of the four licensing objectives.
- The Premises Licence conditions for Make it Bow
- Understanding and implementation of Challenge 25 and appropriate forms of identification.
- Use of the premises' incident book, and what must be recorded

- 1.3 Training must be documented, signed by any person involved in the sale of alcohol on site to state that they understand the training, and will do their utmost to support the licensing objectives and comply with the conditions of the Premises Licence when on duty.

- 1.4 Training records will be retained on the premises and refresher training provided at least every six months.

- 1.5 An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:

All crimes reported to the venue
Any complaints received
Any incidents of disorder
Any faults in the CCTV system
Any visit by a relevant authority or emergency service
All ejections from the premises
All seizures of drugs or offensive weapons
Any refusal of the sale of alcohol

- 1.6 The premises will install and maintain a comprehensive CCTV system to cover all public areas of the ground floor and first floor and the areas immediately outside the premises. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when guests remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of police or

authorised officer in accordance with the Data Protection Act 1998 throughout the preceding 31 day period.

- 1.7 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open for licensable activities. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- 1.8 No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 1.9 A pre-opening check will be conducted every morning before licensable activities commence, ensuring fire exits are clear, fire extinguishers in position, no slipping or tripping hazards exist, and the CCTV system is in full working order.
- 1.10 Throughout the time, either floor of the premises is being used for licensable activities, an hourly patrol will take place covering both floors, public toilets and the immediate area outside the premises, to ensure there is no instance of compromise to public safety, and that other licensing objectives are also being supported as a matter of routine.
- 1.11 Notices shall be prominently displayed at all exits requesting guests to respect the needs of local residents and leave the area quietly.
- 1.12 No rubbish, including bottles, shall be disposed of in outside receptacles or outside areas between 22.00 hours and 08.00 hours.
- 1.13 No deliveries may be made to the premises between 22.00 hours and 08.00 hours.
- 1.14 The departure and dispersal of guests will be supervised from 23:00 until the last guest has departed, including collections by taxis, to ensure no nuisance is caused to local residents.
- 1.15 A designated smoking area will be established outside the main entrance to the premises, with the number of people using the facility at any one time restricted to 10 persons, with signage to explain this condition clearly displayed both inside and outside the entrance.
- 1.16 All windows will be kept closed after 21:00 to avoid noise escape.
- 1.17 The Premises will implement a "Challenge 25" policy whereby all guests requesting alcohol who appear to be under 25 must produce photographic identification in the form of a valid passport, driving licence or photographic Proof of Age card, with an immediately recognisable photograph of the bearer, date of birth proving he or she is over the age of 18, and an appropriate holographic mark.

1.18 Signage advising guests that Challenge 25 is in operation shall be prominently displayed at the public entrance and all points of sale/service.

1.19 Anyone under the age of 18 on the premises, must be accompanied by an adult after 21.00.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG (MA)	26/11	22/10
Rule Zero, 3 Succession Walk, 4 Roach Road, London E3 2RX (CH)	26/11	24/10
Yo Yo Oriental Supermarket, 61a Alie Street, London E1 8EB (MA)	03/12	28/10
Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High St, London E1W 2NR (MA)	03/12	31/10

The meeting ended at 8.45 p.m.

Chair, Councillor Ehtasham Haque
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.43 P.M. ON TUESDAY, 29 OCTOBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Shad Chowdhury

Councillor Leema Qureshi

Officers Present:

Luke Wilson

Samantha Neale

Nicola Cadzow

Simmi Yesmin

Farhana Zia

- Legal Services
- Licensing Officer
- Environmental Health Officer
- Democratic Services
- Senior Committee Services Officer

Representing applicants

	Item Number	Role
Ms Lisa Gilligan	4.1	Applicants Legal Representative
Ms Saloni Kotecha	4.1	Applicant
Ms Clare Johnson	4.2	Applicants Legal Representative
Mr Tom Rees	4.2	Applicant
Mr Henry Fairbank	4.2	Applicant
Mr Ed Osley	4.3	Applicant
Mr JJ Louw	4.3	Applicant's leaseholder
Ms Jane Palmer	4.3	Applicant's co-organisier
Mr Patrick Lindblom	4.4	Applicant

Representing objectors

	Item Number	Role
Mr Ben Williams	4.1	Local Resident
Mr Jonathan Stebbins	4.1	President of Spitalfields Market Residents Association.
Ms Rea Birch Carter	4.2	Local Resident
Mr Paul Carter	4.2	Supporting his wife.
Ms Nicola Cadzow	4.3	Environmental Protection
Ms Nicola Cadzow	4.4	Environmental Protection

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shad Chowdhury declared that as the ward councillor for Spitalfields and Banglatown, he knew some of the objectors speaking in Item 4.1.

He declared he had not been in communication with any of the objectors in relation to the matter before the Sub-Committee and had no pecuniary interest. He declared he would be considering the application with an open mind and had not pre-determined his decision in the matter.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committee held on the 10th, 17th and 24th September 2019 were agreed as an accurate record of the proceedings.

4. ITEMS FOR CONSIDERATION**4.1 Licensing Act 2003 Application for a Premises Licence for (Duck and Dry) 105C Commercial Street, Old Spitalfields Market, London E1 6BG**

At the request of the Chair, Ms Samantha Neale, Licensing Officer, presented the report which detailed the application for a new premises licence for Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG. It was noted that representations had been made by local residents.

Ms Lisa Gilligan, the Applicants Legal representative, explained that the premises is a hairdressing salon catering for customers seeking a haircut, hairstyling or beauty treatment. A sale of alcohol licence had been applied for in order to give customers a unique experience of enjoying a glass of wine whilst having their beauty treatment. Ms Gilligan stated the hours applied for were within the Council's legal framework hours and therefore would not add to the cumulative impact in the area by having a negative effect on the licencing objectives. Ms Gilligan referred members to the conditions outlined on page 49 of the agenda and said careful consideration had been given to limit the sale of alcohol to patrons only and to restrict the licensable activity to the company responsible for the franchise. Ms Gilligan referred to the examples of exceptional circumstances listed at paragraph 19.8 on page 136 of the agenda and said her clients business satisfied this criteria as it is a small non-alcohol led premises applying for a licence within the framework hours.

In addressing the individual objections, Ms Gilligan clarified that toilet facilities were available within the premises and patrons would have access to these. With the consent of the objectors, she shared photographs of the reception and bar area and reiterated that the business is primarily a hairdressers and not alcohol led.

Members then heard from Mr Ben Williams, local resident, and Mr Jonathan Stebbins, President of the Spitalfields Market Residents Association. Mr Williams said he had concerns at how normal everyday activities, such as having a haircut, were associated with alcohol. He said the promotional material on the company's website suggested that bottles of Prosecco were available for sale. Mr Stebbins added that the proliferation of alcohol led businesses and the associated public nuisance was the reason why the cumulative impact zone had been introduced in the area. Mr Stebbins said that whilst residents welcomed new businesses, they had to be mindful of the area being a mixed commercial and residential area. The buildings are not sound insulated and noise travels. Mr Stebbins relayed the concerns of Ms Pamela Mossman, an objector, regarding the company website which states that group and party bookings were welcomed. Both objectors stated that the granting of licences to businesses in the area on an incremental basis meant the residents suffered. Mr Stebbins was concerned that the association of alcohol to everyday activities would set a precedent for other businesses, similar in nature, to follow suit.

In response to questions from members, the following was noted:

- The capacity of the premises is ten clients at any one time in the main hairdressing salon upstairs and six clients in the nail bar downstairs in the basement.
- The premises has its own toilet facilities for client use.
- The sale of alcohol would only be to clients having a haircut, hairstyling or beauty treatment and would not be offered to friends of the client.
- Group bookings are usually on a Saturday morning for bridal parties, whereas the remainder of the week, clients are mainly individual professionals. The standard maximum time a client spends in the premises is 45 minutes to an hour. A glass of prosecco is offered and not a bottle.
- The website relates to four franchises and is not specific to this premises. The premises is small and therefore will not be encouraging large groups of people to attend. The last appointment will be approximately 6:00 or 6:30pm, with the business closing at 8:00pm.
- Scissors will be stored away from customers. Hair dye will not be used at the premises.
- The Applicant believed that it was unlikely that noise disturbance would be caused by clients laughing and joking whilst receiving treatment as most clients will not know each other.
- The premises had operated on two weekends using temporary event notices (TENs) and it had not received any noise complaints from the flats above.
- The Applicant was willing to implement a Challenge 25 policy.
- The Applicant was willing to accept a condition that no glasses or alcohol would be allowed to leave the premises.
- The Applicant was willing to place signs in the premises requesting customers to respect local residents and minimise noise.

In summing up, Ms Gilligan requested members to keep perspective in relation to her client's application and said the licence applied for would not bring the licensing objectives into disrepute. Her client had operated on the weekend with TENs and had demonstrated it was a responsible business. It was willing to accept the conditions suggested by the Sub-Committee.

Mr Stebbins for the objectors, concurred that perspective was necessary and requested members to take into consideration the mixed use of the area as it is both commercial and residential in nature. He said the incremental increase in the number of premises selling alcohol, especially the normalisation of purchasing and consuming alcohol for everyday activities, was worrisome and the more alcohol available inevitably resulted in more noise pollution.

Members adjourned the meeting at 20:54 hours for deliberations and reconvened at 21:17 hours.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant's Legal Representative and local residents, with particular regard to public nuisance and protection of children from harm.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ), and therefore, there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the premises licence application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if it can demonstrate that the granting of the application will not negatively add to the cumulative impact already experienced in the CIZ.

The Sub-Committee noted the representations from the residents regarding the impact of the premises on the CIZ and their concerns relating to the existing levels of public nuisance, in particular noise amplification and

disturbance. The Sub-Committee noted their concerns regarding the possibility of alcohol consumption leading to anti-social behaviour.

The Sub-Committee noted that the hours applied for were within the framework hours, with the sale of alcohol ceasing at 20:00 hours Mondays to Saturdays and 18:00 hours on Sunday. The Applicant's legal representative stated that specific conditions had been proposed, as per page 49 of the agenda, which would mitigate the risks to the licensing objectives. Furthermore, the Applicant's representative submitted that the application rebutted the CIZ presumption as exceptional circumstances were present. The Applicant's representative referred to the examples of possible exceptional circumstances given in the Council's Statement of Licensing Policy on page 136 of the agenda. It was noted that the present application involved a small premises with a capacity of less than fifty persons, it was not an alcohol led business and it would operate within the framework hours.

The Sub-Committee was satisfied that there were exceptional circumstances and the premises would not negatively add to the cumulative impact in the area. The Sub-Committee concluded that the licensing objectives will be promoted and the conditions will adequately mitigate the risk of public nuisance and harm to children.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Duck and Dry, 105C Commercial Street, Old Spitalfields Market, London E1 6BG be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday 10:00 – 20:00 hours

Sunday 10:00 – 18:00 hours

Hours Premises Open to the Public

Monday to Saturday 08:00 – 20:00 hours

Sunday 10:00 – 18:00 hours

Conditions

- 1.1 Alcohol may only be sold to and consumed by patrons receiving haircuts, hairstyling and beauty treatment.
- 1.2 There shall be no self-service of alcohol by patrons.
- 1.3 There shall be no off sales of alcohol.
- 1.4 Licensable activities authorised by this premises licence can only be carried out by Blooming Beautiful Limited.
- 1.5 The Premises shall ensure that no drinks are taken outside of the premises.

- 1.6 There shall be no vertical drinking.
- 1.7 There shall be no outdoor seating.
- 1.8 A sign shall be placed in the premises asking customers to respect local residents and minimise noise.
- 1.9 The Premises is to implement and maintain a Challenge 25 policy.

4.2 Licensing Act 2003 Application for variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, E2 0AN

At the request of the Chair, Ms Samantha Neale, Licensing Officer, presented the report which detailed the application for variation of a premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN. It was noted that representations had been made by local residents.

Ms Clare Johnson, the Applicant's Legal Representative, explained that a variation of the premises licence was being applied for to include an external bar servery. Ms Johnson said that the Applicant had worked with the responsible authorities and had agreed conditions, as outlined on page 7 of second supplemental agenda. She confirmed that the Applicant had agreed to the bar servery being at the farthest point away from residential properties and the addition of a condition for the garden area to close at 21:00 hours so as to respect the needs of neighbours.

Members then heard from Ms Carter, a local resident. Ms Carter said that she welcomed the efforts made by the Applicant and the conditions agreed with the responsible authorities, however, she had concerns in relation to the condition allowing smokers to use the garden area after 21:00 hours. Ms Carter read out her statement in which she described the effect of noise nuisance on families living in the adjacent properties and those behind the premises. Ms Carter said the potential of ten smokers smoking outside, talking and laughing, would result in noise travelling into their flats. She was concerned that noise and chattering of smokers would be amplified to an intolerable level and would prevent children from sleeping.

In response to questions from Members, the following was noted:

- A noise management document had been agreed with the Responsible Authorities which included the pub management's commitment to establish good relations with its neighbours. The Applicant offered to retain the existing arrangement which allowed smokers to smoke in the designated area in front of the pub rather than in the garden area after 21:00 hours.

Members adjourned the meeting at 19:57 hours for deliberations and reconvened at 20:08 hours.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant's Legal Representative and local residents with particular regard to public nuisance.

The Sub-Committee noted the premises is in a cumulative impact zone (CIZ) and the application is to vary the current licence to include an external bar servery to close at 21:00 hours. The Sub-Committee noted the Licensing Authority and Environmental Protection had agreed conditions with the Applicant and had withdrawn their objections. They had agreed the external bar should be at the farthest point away from the residential properties and garden area should close at 21:00 hours.

The Sub-Committee noted the concerns of the local residents with regard to public nuisance as the garden area faces directly towards residential flats. Local residents were particularly concerned about the noise caused by smokers in the garden area after 21:00 hours. In response, the Applicant offered to remove the condition which allowed patrons to smoke in the garden area after 21:00. The Sub-Committee was satisfied that the risk of noise nuisance to neighbouring properties would be adequately mitigated by a condition that the garden area close at 21:00 hours. The Sub-Committee concurred that smokers should not be permitted to smoke in the garden area and should continue to use the designated area at the front of the premises.

The Sub-Committee was satisfied that the CIZ rebuttable presumption had been satisfied in that the variation to the application, as amended, will not negatively add to the cumulative impact already experienced in the area.

The Sub-Committee found there were exceptional circumstances to justify the variation in this case.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application to vary the premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN be **GRANTED** with conditions.

Films, Live Music, recorded music and performance of dance, late night refreshment (All indoors)

Sale by retail of Alcohol (on and off sales)

Sunday to Thursday from 10:00 hours to midnight

Friday and Saturday from 10:00 hours to 02:00 hours

Hours Premises Open to the Public

Sunday to Thursday from 10:00 hours to 00:30 hours

Friday and Saturday from 10:00 hours to 02:30 hours

Additional Conditions

- 1.1 The plan of the premises is amended to include a new external bar servery.
- 1.2 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 1.3 All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 1.4 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 1.5 The external bar servery will close at 21:00 hours.
- 1.6 The outside drinking area/external courtyard shown on the plan attached to the premises licence will close to all patrons at 21:00 hours.
- 1.7 No drinks will be permitted in the external courtyard/outside drinking area after 21:00 hours.
- 1.8 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to nuisance.
- 1.9 A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents and businesses in the vicinity.

4.3 Licensing Act 2003 Temporary Event Notice for Unit E4, 12 Stour Road, London E3 2NT

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for Unit E4, 12 Stour Road, London E3 2NT. It was noted that an objection had been received from the Environmental Protection Team.

Mr Edward Osley, the Applicant, explained the TEN was for a dance night with local DJ's playing music. The TEN applied for was for the weekend of 2-3 November 2019. Mr Osley explained that the event would be taking place in a warehouse which was situated away from Swan Wharf, the residential area. He said that the event would finish at 6:00am, with guests able to make their journey home via public transport. Mr Osley added that the sale of alcohol would cease at 4:00am and music would be turned off at 5:00am, allowing guests to sober up before leaving the premises. Mr Osley said that he was willing to negotiate the hours of operation with the Environmental Protection Officer, Ms Cadzow.

Ms Cadzow, the Environmental Health Officer, expressed concerns in relation to the proximity of the premises to residential properties and said that several complaints had been received from residents in the past, although not specifically in relation to the premises in question. Ms Cadzow said that she did not agree with the time lapse between the ending of the sale of alcohol and patrons leaving the premises. She noted that it was usual to have a half hour drinking up time prior to the premises closing. Ms Cadzow said that she was willing to discuss a reduction in the hours of operation with the Applicant however she noted that no contact had been received from the Applicant prior to the meeting.

The Sub-Committee adjourned the meeting at 7.39pm to allow the Applicant and the Officer representing Environmental Health to consider whether an agreement could be reached.

The meeting was reconvened at 8:08 pm and it was noted that an agreement had been reached between the parties.

Accordingly, it was

RESOLVED

That the application for a Temporary Event Notice for Unit E4, 12 Stour Road, London E3 2NT be **GRANTED**.

The sale by retail of alcohol (on sales only)

Saturday 2 November from 21:00 hours to 01:30 hours on Sunday 3 November 2019.

4.4 Licensing Act 2003 Temporary Event Notice for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN. It was noted that objection had been received from the Environmental Protection Team.

Mr Patrick Lindblom, on behalf of the Applicant, explained that the TEN was for a Halloween event on the weekend of 2-3 November 2019. He briefly explained the concept of the premises, the good relations he had with local residents, the need for the additional hours and the measures that were in place to mitigate any concerns of public nuisance, in particular noise nuisance. It was noted that the premises currently had framework hours and had been trading for the past four months.

Member then heard from Ms Nicola Cadzow, Environmental Health Officer. She expressed concerns in relation to the close proximity of the premises to residential properties, the potential noise breakout from music and customer accessing and egressing during noise sensitive hours. She believed that the hours were excessive and that the Applicant would benefit from a gradual increase in hours to build experience for late night events.

After some discussion, the Sub-Committee adjourned the meeting at 7.15pm to allow Mr Lindblom and Ms Cadzow to consider whether an agreement could be reached.

The meeting was reconvened at 7.20pm and it was noted that an agreement had been reached between the parties.

Accordingly, it was

RESOLVED

That application for a Temporary Event Notice for Hurk, Unit 8, 29 Whitepost Lane, London E9 5EN be **GRANTED**.

The sale by retail of alcohol (on sales only)

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:00 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:00 hours

The provision of regulated entertainment – Indoors

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:00 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:00 hours

The opening hours of the premises

Saturday 02 November 2019 from 00:00 hours (midnight) to 01:30 hours
Sunday 03 November 2019 from 00:00 hours (midnight) to 01:30 hours

The conditions on the current licence are to be imposed during the temporary event.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
The Gate, 27 Commercial Road, London E1 1LD (MA)	19/11	06/11
Sugoi, Unit 2, 7 Arch Gales Gardens, London E2 0EJ (MA)	19/11	12/11
Queens Head, 8 Flamborough Street, London E1 (KD)	19/11	06/11
Rule Zero, 3 Succession Walk, 4 Roach Road, London E3 2RX (CH)	26/11	24/10
Yo Yo Oriental Supermarket, 61a Alie Street, London E1 8EB (MA)	26/11	28/10
Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High St, London E1W 2NR (MA)	03/12	31/10
Funky Cellar, Old Spitalfields Street, 10a Lamb Street London E1 6EA (MA)	03/12	13/11
Papa Johns, 6 Cable Street, London E1 8JG (CH)	04/12	14/11
Lucky Dogs, Brick Lane, London E1 6RL (LMJ)	04/12	25/11
Hoh Sek Noodles, Cloisters Walk, St Katherines's Dock, London E1W 1LD (LMJ)	14/01	20/11
MKTG Inc, 4 Chance Street, London E1 6JT (CH)	14/01	19/11
E Pellicci, 332 Bethnal Green Road, London E2 0AG (CH)	28/01	28/11
Jack the Chipper, 74	28/01	02/12

Premises	Hearing Date	Decision by
Whitechapel High St, London E1 (MA)		
3 Mien, 64 Middlesex Street, London E1 7EZ (LMJ)	28/01	09/12

The meeting ended at 9.20 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	03/12/2019	Unclassified		

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Silver Sockeye) Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR Ward affected: St. Katherine's and Wapping
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1.0 Summary

Applicant:	Woods River Cruises Ltd
Name and	Silver Sockeye
Address of Premises:	Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none"> • The sale by retail of alcohol (On sales only) • The provision of late night refreshment • The provision of regulated entertainment
Representation (s):	Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 Background

3.1 This is an application for a premises licence for (Silver Sockeye) Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR.

3.2 The applicant has described the premises as follows:

"A private hire river boat operating on the Thames for up to 220 guests adding to Woods River Cruises existing fleet of 2 other private hire vessels registered within Tower Hamlets. This vessel previously had a premises licence under the name 'William B' within the City of London".

3.3 A copy of the premises licence application form is enclosed as **Appendix 1.**

3.4 The applicant has applied for the following licensable activities and timings:-

The sale by retail of alcohol – On sales only

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

The provision of late night refreshment - Indoors

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

The provision of regulated entertainment - Indoors and outdoors
(Live music and recorded music)

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

The opening hours of the premises

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

4.0 Location and Nature of the premises

4.1 The site plan of the venue is included as **Appendix 2.**

4.2 Maps showing the vicinity are included as **Appendix 3.**

4.3 Details of the nearest licensed venues are included as **Appendix 4.**

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2018.

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

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.
- 6.0 Representations**
- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because a relevant representation has been made by the following:

Other persons	Appendix
Andrew Neville	6
Charlotta Bjuvman	7
Mary Neville	8
Michael You	9
Nigel Bishop	10
Vanessa Cordrey	11

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant party opposes the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 7.0 Conditions consistent with Operating Schedule (as offered by the applicant)**
- 7.1 *Guests shall not embark or disembark the premises from the Wapping Pier address. All guests shall be picked up and dropped off at other Central London piers. Only staff will arrive or leave from this pier.*
- 7.2 *Alcohol will only be sold for consumption by persons on a pre-booked event and/or private function not to the general public.*

- 7.3 *Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the licensing objectives.*
- 7.4 *The premises shall sign up to the Best Bar None scheme.*
- 7.5 *The premises shall have a zero tolerance drugs policy in place.*
- 7.6 *An incident log shall be kept on the premises and shall be made available to the council or the police on request.*
- 7.7 *A record shall be kept detailing all refused sales of alcohol. The record shall include the date/time of the refused sale and the name of the member of staff who refused the sale. The record shall be available at the premises for inspection by authorised officers on request.*
- 7.8 *Bottles or glasses shall not be taken off the premises*
- 7.9 *Waste and recycling will be disposed of conscientiously. (NOTE: Members may wish to restrict this condition this specific times)*
- 7.10 *Effective training of all service staff regarding requirements for identifying a person's age/Challenge 25. NOTE: Members may wish to consider the following alternative wording: "A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram".*
- 8.0 Conditions in consultation with the Responsible Authorities**
- Agreement with Environmental Health Noise Team (**See Appendix 12**)
- 8.1 *New application for a boat, not a river boat for discos/DJs*
- 8.2 *Loudspeakers shall not be located in the entrance doors or outside are of the boat.*
- 8.3 *Customers will not be embarking at the end of the night at Wapping Pier*
- 9.0 Licensing Officer Comments**
- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.

- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.2 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.3 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
 - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)

- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 13 - 18** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

- 10.1 The Council’s legal officer will give advice at the hearing.

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the current application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendices 6-11	Representations of residents
Appendix 12	Agreement with Environmental Health Noise Team
Appendix 13	Licensing Officer comments on noise while the premise is in use
Appendix 14	Licensing Officer comments on access/egress Problems
Appendix 15	Licensing Officer comments on crime and disorder on the premises
Appendix 16	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 17	Planning
Appendix 18	Licensing Policy relating to hours of trading

Appendix 1

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Silver Sockeye

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Tamara

* Family name

Kamur

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

1132553

Business name

Woods River Cruises Ltd

If your business is registered, use its registered name.

VAT number

GB

524598031

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company. Fleet offering private hire of vessels to companies and individuals including the sale of alcohol

Address

Building number or name	Exchange at Somerset House
Street	Victoria Embankment
District	
City or town	London
County or administrative area	
Postcode	WC2R 1LA
Country	United Kingdom

Contact Details

E-mail											
Telephone number											
Other telephone number											
* Date of birth	<table><tr><td></td><td>/</td><td></td><td>/</td><td></td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table>		/		/		dd		mm		yyyy
	/		/								
dd		mm		yyyy							
* Nationality											

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?	<table><tr><td>26</td><td>/</td><td>08</td><td>/</td><td>2019</td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table>	26	/	08	/	2019	dd		mm		yyyy
26	/	08	/	2019							
dd		mm		yyyy							

If you wish the licence to be valid only for a limited period, when do you want it to end	<table><tr><td></td><td>/</td><td></td><td>/</td><td></td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table>		/		/		dd		mm		yyyy
	/		/								
dd		mm		yyyy							

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

A private hire river boat operating on the Thames for up to 220 guests adding to Woods River Cruises existing fleet of 2 other private hire vessels registered within Tower Hamlets.
This vessel previously had a premises licence under the name 'William B' within the City of London

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Live singers and or/bands booked on request of our private hire clients which may be both amplified and unamplified

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Clients may request to play background music through the onboard speaker system when they have booked a private event with us

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We would like to be able to offer drinks to our private hire clients to these timings

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Tamara

Family name

Kamur

Date of birth

/

/

dd

mm

yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Continued from previous page...

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the four licensing objectives
- Sign up this premises to the Best Bar None scheme which we have signed up to with other vessels within our fleet
- Preventing underage sales/Challenge 25
- Not permitting drunk/disorderly behaviour and zero tolerance drugs policy
- Alcohol will only be sold for consumption by persons on a pre-booked event and/or private function not to the general public
- We will only be using this pier before and after events i.e our requested licencing hours are for events that will never have guests at this pier/address as the vessel will depart from here to pick guests up and drop them off at other central london piers.

b) The prevention of crime and disorder

- An incident log shall be kept on the premises and can be made available to the council or the police on request
- No bottles or glasses to be taken off the premises
- See note above re Best Bar None scheme
- No guests will ever embark or disembark from the Wapping Pier address, all guests are picked up/dropped off at other Central London piers so there will be no noise from the vessel. Staff will arrive/leave from this pier periodically.

Continued from previous page...

c) Public safety

- All fixtures and fittings within the premises will be well maintained at all times in a safe condition
- Emergency drills are conducted on the vessel with staff on a monthly basis

d) The prevention of public nuisance

- No bottles or glasses to be taken off the premises
- Waste and recycling will be disposed of conscientiously
- No guests will ever embark or disembark from the Wapping Pier address, all guests are picked up/dropped off at other Central London piers so there will be no noise or other risks from guests. Only staff will arrive/leave from this pier/address periodically.

e) The protection of children from harm

- Effective training of all service staff regarding requirements for identifying a person's age/Challenge 25
- A record shall be kept detailing all refused sales of alcohol. The record shall include the date/time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises on request.
- - No guests/children will ever embark or disembark from the Wapping Pier address, all guests are picked up/dropped off at other Central London piers so there will be no noise from guests. Only staff will arrive/leave from this pier periodically.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

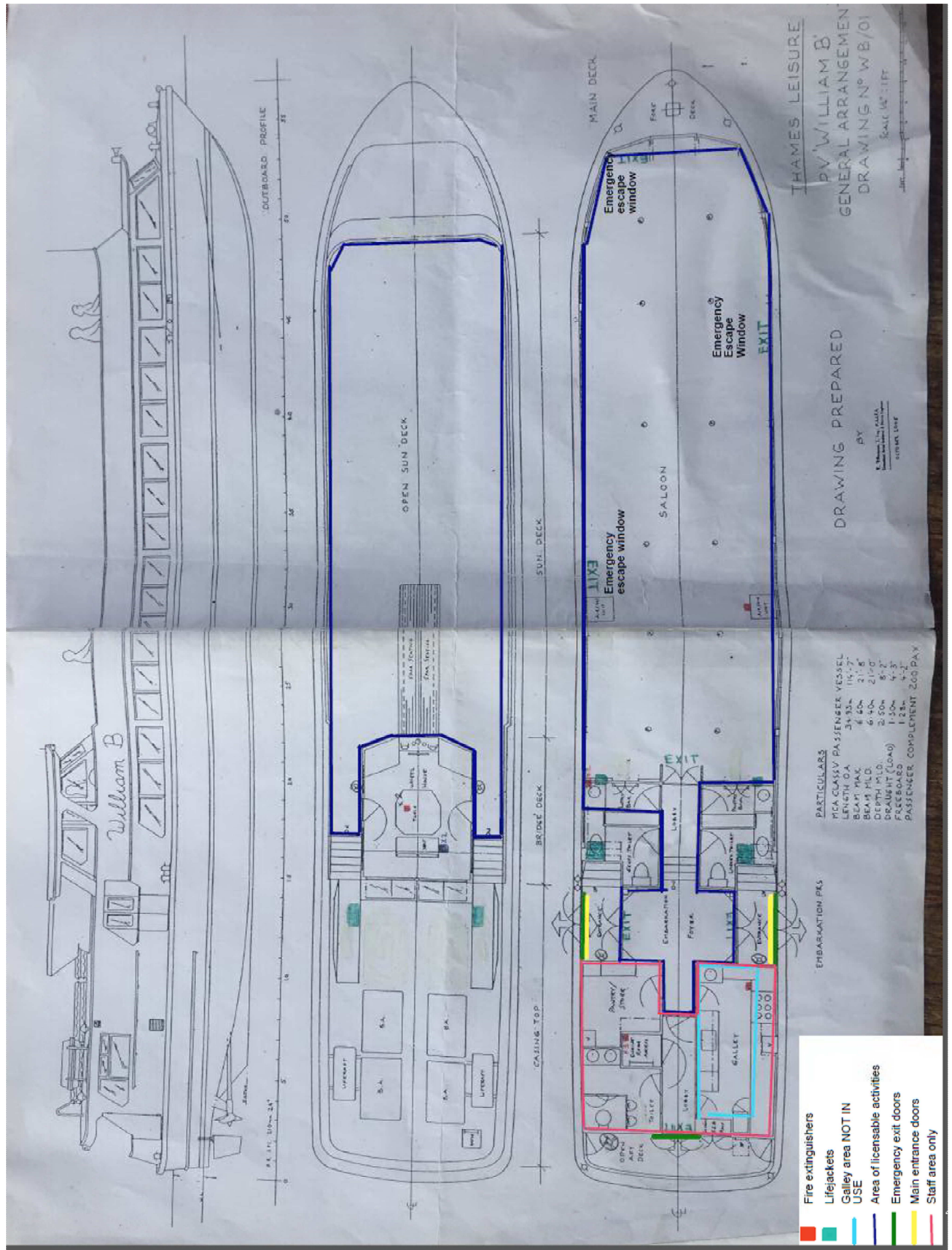
Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Appendix 2



Appendix 3





Appendix 4

Nearest licences: Silver Sockeye, Wapping Pier

Name and address	Licensable activities and hours	Opening hours
M.V. Silver Barracuda Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR	The sale by retail of alcohol (On sales only) The provision of regulated entertainment The provision of late night refreshment <ul style="list-style-type: none"> Monday to Sunday 06 00 hrs to 02 00 hrs the following day 	Monday to Sunday, 06 00 hrs to 02 00 hrs the following day
M.V. Silver Sturgeon Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR	The sale by retail of alcohol (On sales only) The provision of regulated entertainment The provision of late night refreshment <ul style="list-style-type: none"> Monday to Sunday, 06 00 hrs to 02 00 hrs the following day 	Monday to Sunday, 06 00 hrs to 02 00 hrs the following day
(Silver Darling X) Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR	Sale of Alcohol (On sales) <ul style="list-style-type: none"> Monday to Sunday, from 05:00 hours to 04:00 hours the following days Provision for Regulated Entertainment - Indoors (Recorded music) <ul style="list-style-type: none"> Monday to Sunday, from 05:00 hours to 04:00 hours the following days Late Night Refreshments - Indoors and outdoors <ul style="list-style-type: none"> Monday to Sunday, from 23:00 hours to 04:00 hours the following days 	Monday to Sunday, 24 hours a day
M.V. Silver Bonito Wapping Pier King Henry's Stairs Wapping High Street London E1W 2NR	The sale by retail of alcohol (On sales only) The provision of regulated entertainment consisting of: Plays, films, live music, recorded music, performance of dance, anything similar to live music recorded music or dance. Making music, dancing, or anything similar to these The provision of late night refreshment <ul style="list-style-type: none"> Monday to Sunday, 06 00 hrs to 02 00 hrs the following day 	Monday to Sunday, 06 00 hrs to 02 00 hrs the following day

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

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

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

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

Appendix 6

Mohshin Ali

From: Samantha Neale
Sent: 20 September 2019 12:16
To: Mohshin Ali
Subject: FW: Representation Licence Application Silver Sockeye 121098/121931

Follow Up Flag: Follow up
Flag Status: Flagged

From: Andrew Neville [REDACTED]
Sent: 20 September 2019 11:25
To: Licensing
Subject: Representation Licence Application Silver Sockeye 121098/121931

Licensing Section, Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

Representation: Reference CLC/EHTS/LIC/121098/121931 Silver Sockeye

I would like to raise some concerns that I have regarding the licensing application made by Woods River Cruises for the Silver Sockeye to operate from Wapping Pier in front of Gun Wharf, Wapping High Street numbers [REDACTED]

I have no objection if the boat is moored at Wapping Pier, empty, without passengers and if the passengers do not embark or disembark at Wapping Pier.

- Embarking and disembarking at Wapping Pier would, in my opinion, be a public safety issue, as the gangway is clearly not constructed for public use.
- Passengers leaving the Silver Sockeye late at night or early in the morning would be a real noise nuisance for residents on both the river and road side as revellers make their way to the Wapping Overground station. We already have problems with visitors to Tobacco Dock using our garage entrances to urinate and disembarking passengers from the Silver Sockeye would make this public nuisance even worse.
- If the Silver Sockeye were to operate as licensed premises with music whilst moored at Wapping Pier, the noise and general disturbance for residents on the river side at both [REDACTED] Wapping High Street would be intolerable.

I would be very grateful if the Licensing Authorities would ensure that the license granted to Woods River Cruises stipulates the following conditions:

- - Embarking and disembarking passengers at Wapping Pier is forbidden.
- - Live or recorded music may not be played when the Silver Sockeye is moored at Wapping Pier

- The Silver Sockeye may not serve drinks or food when it is moored at Wapping Pier.
-

Thank you for taking my representation into consideration.

Regards,

Andrew Neville

Andrew Neville

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

Appendix 7

Mohshin Ali

From: Charlotta Bjuvman <[REDACTED]>
Sent: 14 September 2019 10:06
To: Licensing
Subject: New premises (Silver Sockeye) Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

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

Representation re:
New premises licence application (Silver Sockeye) Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR
L1U: 121402

I have been a resident of a riverside flat in Gun Wharf since 1985, during which time the business of the Applicant from Wapping Pier has significantly expanded in front of my flat.

On several occasions over the past years the activities and the use of the facilities on Wapping Pier have been curtailed and modified to comply with various regulations, sometimes as a result of residents' complaints and/or representations.

A planning application many years ago which would have improved the general untidiness of the floating structure forming part of Wapping Pier was sought, granted but has not been implemented.

This has taught residents in Gun Wharf to be vigilant and wary about any proposals made by the Applicant in relation to its activities on Wapping Pier.

People attending various late night events at Tobacco Dock are already causing public nuisance and disorder. Late night noise disturbance and entrances of Gun Wharf have regularly been used as lavatories. If passengers were to be allowed to disembark from Wapping Pier it would greatly increase the risk of further public nuisance and disorder.

I would request the following restrictions or conditions to be included in the licence if and when granted.

- 1) A prohibition on the embarkation and disembarkation of passengers at Wapping Pier.
- 2) A prohibition on the mooring of a vessel with passengers aboard for any activity on Wapping Pier.
- 3) A requirement that all music systems on board to be switched off when the vessel is on a mooring.

Kind regards

Charlotta Bjuvman
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 8

Mohshin Ali

From: Samantha Neale
Sent: 20 September 2019 09:50
To: Mohshin Ali
Subject: FW: Silver Sockeye Wapping Pier, King Henry's Stairs

Follow Up Flag: Follow up
Flag Status: Flagged

Licensing Section, Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

19th September 2019

Mary Neville [REDACTED]

Representation: Reference CLC/EHTS/LIC/121098 Silver Sockeye

I have some concerns regarding the licensing application made by Woods River Cruises for the Silver Sockeye to operate from Wapping Pier in front of [REDACTED] Wapping High Street, E1W 2NJ.

I have no objection if the boat is moored at Wapping Pier, empty, without passengers and if the passengers do not embark or disembark at Wapping Pier. However, I would have serious concerns if the boat had a fixed mooring on Woods Pier. My bedroom is facing Silver Sockeye at its mooring on the pier and the noise from the boat, if it were to be used for partying, would be intolerable.

Furthermore the access to the boat is rather precarious even for the pier personnel accessing the moored boats. The footpath access to the pier is from Wapping High Street, which is very narrow, so that two vehicles often have difficulty in passing one another in the High Street just by the access and gate to Woods Pier. No parking is allowed there.

Thus the moored boats cannot really be used as party boats to a very late hour and with food and drink being consumed. Clearly this would also be a public nuisance with regard to the apartments facing the pier. There would also be noise and disorder from people partying on the boat and then making their way to the Wapping Tube Station.

However, if the boat is to be moored on the pier in the same manner as Woods other boats, i.e . No embarking or disembarking of passengers; no playing of music of any kind; no consumption or production of food; then I would have no objection to the granting of the licence.

Yours truly,

Mary Neville

████████████████████

Appendix 9

Mohshin Ali

From: Michael You <[REDACTED]>
Sent: 12 September 2019 22:39
To: Licensing
Subject: Representation re: Licence application ref: CLC/EHTS/LIC/121098

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I am writing with reference to the application for a licence for Silver Sockeye at King Harry Steps, Wapping High Street, E1w 2NR ref: CLC/EHTS/LIC/121098.

I have lived in [REDACTED] since 1989 in one of the one bedroom flats overlooking the pier at King Harry Steps where all my rooms (in particular my only bedroom) overlook the pier. Over the years the operations of this pier and the vessels based there have often generated a lot of noise. This has been a particular concern late at night and early in the mornings because of the impact this has had on our ability to sleep with its attendant health implications. There are at least 20 other flats in this block in a similar position with all their rooms overlooking the pier, and there may be more in neighbouring blocks, though I don't know how those blocks are laid out, so cannot comment definitively on how they may be affected.

The noise from the pier and the operations run from it has been sufficiently bad that I have been driven on many occasions to complain about it. In the first instance I complained to the Port of London Authority, but I was advised by them to direct my complaints to the Port Health Authority because of the health implications. To be fair, there has been materially less noise in the last few years, with only the occasional lapse, but I am concerned about this licence application being for such extended hours and for the implications this application has for increased use of the pier.

I would request therefore, that if the licence is granted it should be restricted to starting no earlier than 9am and finishing by midnight at the latest. Further, crucially, there should be restrictions preventing noise between midnight and 9 am. Sources of noise that have been an issue in the past have included loading and unloading the vessels (e.g. with large numbers of empty bottles, etc. thrown into metal bins at 2 am); mechanical noises from the pier and its operations; and crew shouting loudly at each other over the other noises and from the pier to vessels approaching/leaving the pier. There have also been occasions when the vessels' PA systems have been used while they have been moored, but these have been less frequent and generally not too prolonged.

Yours faithfully,
Dr Michael You

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

Appendix 10

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 11 September 2019 08:30
To: Mohshin Ali
Subject: FW: Reference: CLC/EHTS/LIC/121098
Attachments: Licence letter.docx

Follow Up Flag: Follow up
Flag Status: Flagged

From: nigel Bishop [REDACTED]
Sent: 11 September 2019 02:16
To: Licensing
Subject: Reference: CLC/EHTS/LIC/121098

Dear Sirs,
Please find our objection letter to the above application.

[REDACTED]

NIGEL BISHOP

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

11 September 2019

Tower Hamlets Council
Licensing Authority.

Your Reference: CLC/EHTS/LIC/121098

Dear Sirs,

Representation re Silver Sockeye License Application 121098; London E1W 2NR.

My wife and I have owned and lived at the above address since 2006 have been made acutely aware of the business activities of the applicant, Wood River Cruises, being disturbed by returning vessels and the emptying of rubbish from these vessels late at night and first thing in the morning. We appreciate that Wapping used to be a commercial area, however, over the last 30 years the environment is that of a residential area.

We would prefer that you didn't issue any further license's for boating activity from Wapping Pier, which is adjacent to our bedroom. When considering the application, we would prefer that the same terms and conditions that currently apply are extended to any new boating activity. Our concerns are that the application doesn't specify that any new vessel will be leaving the pier and therefore that you clarify that passengers are not allowed to embark or disembark from the pier. The use of sound systems being only used when the boats have left the pier and the hours of operation of such systems are such that we won't get a disturbed sleep 7 nights a week. Finally, the operating hours which seem overly extensive.

I am not sure if you also aware that Gun Wharf has been suffering a spate of burglaries and having passengers embarking and embarking from the pier would increase the risk of such events.

Yours Faithfully,

Nigel Bishop

Appendix 11

Mohshin Ali

From: Samantha Neale
Sent: 11 September 2019 12:59
To: Mohshin Ali
Subject: FW: CLC/EHTS/LIC/121098 Silver Sockeye, Wapping pier, King Harry Stairs, Wapping High Street, London. E1W 2NR Objection: Vanessa Cordrey

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: Vanessa Cordrey [REDACTED]
Sent: 11 September 2019 12:55
To: Licensing
Subject: Ref: CLC/EHTS/LIC/121098 Silver Sockeye, Wapping pier, King Harry Stairs, Wapping High Street, London. E1W 2NR Objection: Vanessa Cordrey

Vanessa Cordrey
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
11 September 2019

Tower Hamlets
Head of Environmental Health & Trading Standards David Tolley Licensing Section John Onslow House
2 Ewart Place
London E3 5EQ

Ref: CLC/EHTS/LIC/121098
To Licensing

I am making an objection to the licensing authority with regard to: Licensing Act 2003

Silver Sockeye
Wapping Pier
King Harry Stairs
Wapping High Street
London
E1W 2NR

Living at [REDACTED] directly opposite the mooring, I am concerned about the length of the licensing hours applied for by Woods River Cruises Ltd for the Silver Sockeye.

I see the application is for the hours between 06:00 to 02:00. The length of the licensing hours applied for, creates an opportunity for anti-social behaviour, particularly when it is combined with the use of music, either live or recorded - into the small hours of the morning . This could also make it difficult for residents to get a decent night's sleep.

The River Thames is already busy with many entertainment / night club boats trading along the water. This is all part and parcel of living along side the water and to be fair the boats however noisy and sometimes excessively loud, pass quickly on.

I am fearful that the real intention of the application, is to establish the Silver Sockeye as a floating night club, semi moored at Wapping Pier. It will change the nature of this historic stretch of the river, creating the potential for early hours anti-social behaviour and so be detrimental to the neighbourhood.

If the application is to go ahead, perhaps there could be restrictive hours for the sale of alcohol and the playing of music.

Yours faithfully,

Vanessa Cordrey

Appendix 12

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 10 September 2019 12:13
To: Mohshin Ali
Subject: FW: New premises licence for Silver Sockeye Wapping Pier King Henry Stairs, Wapping High Street, London - 121098

From: Nicola Cadzow
Sent: 10 September 2019 08:14
To: Licensing
Cc: 'MARK.J.Perry [REDACTED]'; [REDACTED]
Subject: FW: New premises licence for Silver Sockeye Wapping Pier King Henry Stairs, Wapping High Street, London - 121098

Dear Licensing,

I have no objections to the new premises licence for Silver Sockeye Wapping Pier King Henry Stairs, Wapping High Street, London – 121098, further to discussion with the applicant and emails (see email trail):-

Kind regards

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

From: Tamara Kamur [REDACTED]
Sent: 09 September 2019 16:51
To: Nicola Cadzow
Cc: [MARK.J.Perry \[REDACTED\]](#)
Subject: Re: New premises licence for Silver Sockeye Wapping Pier King Henry Stairs, Wapping High Street, London - 121098

Sorry, just to add in case it was not clear, we would not have any music playing departing or arriving to Wapping Pier with only staff on board, again as essentially the events will end at other piers and music would be switched off before guests depart.

Kind regards,

Tamara Kamur

GENERAL MANAGER | WOODS' SILVER FLEET

[REDACTED]
[REDACTED]

[REDACTED]

On Mon, 9 Sep 2019 at 16:49, Tamara Kamur [REDACTED] > wrote:

Hello Nicola,

Apologies for the delay in getting this email over to you. As I mentioned on the phone I needed to make some changes to the application and re-submit and still trying to play catch up after annual leave.

Yes, this is for a private hire river boat with moorings at Wapping Pier. Private hire clients may hire a DJ or small band, hence us applying for amplified music but this would be on the lower (enclosed deck) - only background music to be played on the upper deck and we are very mindful of sound levels, also the same as our other vessels in the fleet registered to Wapping Pier. No guests will embark or disembark from this pier- we collect and drop off guests from other central london piers. This pier is used for staff access and departure. I have included this detail on the application form now.

As also mentioned we have operated another two vessels from Wapping Pier for a number of years which have the same hours we have applied for for this vessel's licence, in order to keep consistency across our fleet, so as not to cause confusion to our sales and events teams. However, the huge majority of events as they tend to be corporate finish much earlier than this. More often than not 19:00hrs - 23:00hrs. On our existing fleet there is generally no more than one or two events a year that ever ask to finish anywhere near that late. The same regarding the early start for the licensable hours - very rarely do we do breakfast events but sometimes we do have requests for this and once again it was just better to keep consistency rather than having different vessels with different licensable hours.

Please do let me know if you have any further queries or concerns, I'd be happy to answer.

Kind regards,

Tamara Kamur

GENERAL MANAGER | WOODS' SILVER FLEET

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

On Thu, 5 Sep 2019 at 15:27, Nicola Cadzow [REDACTED] wrote:

Dear Tamara,

Further to our telephone conversation yesterday can you confirm that:-

- 1) New application for a boat, not a river boat for discos/DJs
- 2) Loudspeakers shall not be located in the entrance doors or outside are of the boat.
- 3) Customers will not be embarking at the end of the night at Wapping Pier

Look forward to your confirmation at your earliest convenience, bearing in mind that last date for representation is 13th September 2019.

Kind regards

Nicola Cadzow

Environmental Protection

Environmental Health Technical Officer

Place Directorate

Public Realm, Environmental Health & Trading Standards

London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London E3 5EQ

Appendix 13

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

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

Appendix 14

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

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The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
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Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

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

Appendix 15

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 16

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 17

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 18

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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Agenda Item 4.2

Committee : Licensing Sub-Committee	Date 03/12/2019	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Funky Cellar) Old Spitalfields Market, 10a Lamb Street, London E1 6EA Ward affected: Spitalfields and Banglatown
--	--

1.0 Summary

Applicant:	Funky Cellar
Name and	Take it Cheesy Ltd
Address of Premises:	Old Spitalfields Market 10a Lamb Street London E1 6EA
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol (on and off sales)• The provision of regulated entertainment (recorded music)
Representations:	Residents / Residents' Association

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 Background

- 3.1 This premises had a premises licence which lapsed in April 2019 as the licence holder went into administration. The times of the previous licence are stated below for members information only:

Sale by retail of alcohol (On and off sales)

- Monday to Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 21:00 hours

The provision of regulated entertainment - Indoors
(Recorded Music)

- Monday to Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 21:00 hours

The opening hours of the premises

- Monday to Saturday, from 10:00 hours to 23:30 hours
- Sunday, from 10:00 hours to 22:00 hours

- 3.2 This current application is for a premises licence for (Funky Cellar) Old Spitalfields Market, 10a Lamb Street, London E1 6EA.

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

- 3.4 A copy of the premises licence application form is enclosed as **Appendix 1**.

- 3.5 The licensable activities and timings that have been applied for are as follows:

The sale by retail of alcohol – (on and off sales)

- Monday to Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 21:00 hours

The provision of regulated entertainment - (Indoors)
(Recorded music)

- Monday to Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 11:00 hours to 21:00 hours

The opening hours of the premises

- Monday to Saturday, from 10:00 hours to 23:30 hours
- Sunday, from 11:00 hours to 22:00 hours

4.0 Location and Nature of the premises

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Licensing Authority (RA) and residents:

Other persons (residents)	Appendix
Alan Williams	6
Alexander Brand	7
Ben Williams	8
Carla Corsini	9
Deborah Guise	10
Pamela Mossman	11
Paola Brand	12
Rose Sheldon	13
Susan Kay	14
Sophie Stebbins	15
Margaret Gordon (SGRA)	16
Jonathan Stebbins (SMRA)	17

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

- 6.11 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet all of the above licensing objectives.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 *Deliveries to the premises shall be after 08:00 hours and before 18:00 hours.*
- 7.2 *Refuse collections shall be from 08:00 hours to 18:00 hours on Monday to Friday, from 09:00 hours to 18:00 hours on Saturday and 09:00 hours to 17:00 hours on Sunday.*
- 7.3 *There shall be no vertical drinking on the pavement.*
- 7.4 *There shall be no standing smokers on the pavement.*
- 7.5 *There shall be no outside dining on the pavement;*
- 7.6 *There shall be no 'vertical' or outside Lamb Street pavement drinking - not even for smokers.*
- 7.7 *There shall be no Lamb Street pavement tables*
- 7.8 *There shall be a "Challenge 21" policy in operation at the premises.*

8.0 Conditions in consultation with the Responsible Authorities

Conditions agreed with Police Licensing (See Appendix 18)

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

immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- 8.2 *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
- 8.3 *An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:*
- (a) all crimes reported to the venue;*
 - (b) all ejections of patrons;*
 - (c) any complaints received concerning crime and disorder*
 - (d) any incidents of disorder;*
 - (e) all seizures of drugs or offensive weapons;*
 - (f) any faults in the CCTV system, searching equipment or scanning equipment;*
 - (g) any refusal of the sale of alcohol;*
 - (h) any visit by a relevant authority or emergency service.*

Conditions agreed with Police Licensing (See Appendix 19)

- 8.4 *All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.*
- 8.5 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
- 8.6 *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.*

9.0 Licensing Officer Comments

- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.2 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they

consider it appropriate to do so, and have clear reasons for their decision.

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance

document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 20 - 28** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

- 10.1 The Council’s legal officer will give advice at the hearing.

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendices 6 - 17	Representations of other persons / residents
Appendix 18	Representation of Police Licensing
Appendix 19	Representation of EH Noise Team
Appendix 20	Licensing Officer comments on noise while the premise is in use
Appendix 21	Licensing Officer comments on access/egress Problems
Appendix 22	Licensing Officer comments on crime and disorder on the premises
Appendix 23	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 24	Safety problems
Appendix 25	Licensing officer comments on Underage Drinking or other Harm to Minors
Appendix 26	Planning
Appendix 27	Licensing Policy relating to hours of trading
Appendix 28	Tower Hamlets Cumulative Impact Zone

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Appendix 1

London Borough of Tower Hamlets

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Take it Cheesy Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

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

Funky Cellar
Old Spitalfields Market
10a Lamb Street

Post town London

Post code E1 6EA

Telephone number at premises (if any)

Non-domestic rateable value of premises £67,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A

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

Day	Month	Year

A

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

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

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

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

Please tick all that apply

☐
☐
☐
☐
☐
☒
☐
☐
☐
☒

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	11:00	21:00			

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	21:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)
None

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

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

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

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

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

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

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

Please tick yes

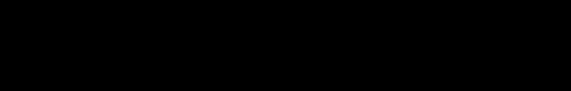
- I have made or enclosed payment of the fee or ☒
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy ☐
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒
- **[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]** I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 14) The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	18 September 2019
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

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

Rhian Todd

Poppleston Allen Solicitors The Stanley Building
7 Pancras Square

Post town London

Post code N1C 4AG

Telephone number (if any) [REDACTED]

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

Notes for Guidance

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

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

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

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

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

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

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

Home Office online right to work checking service

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

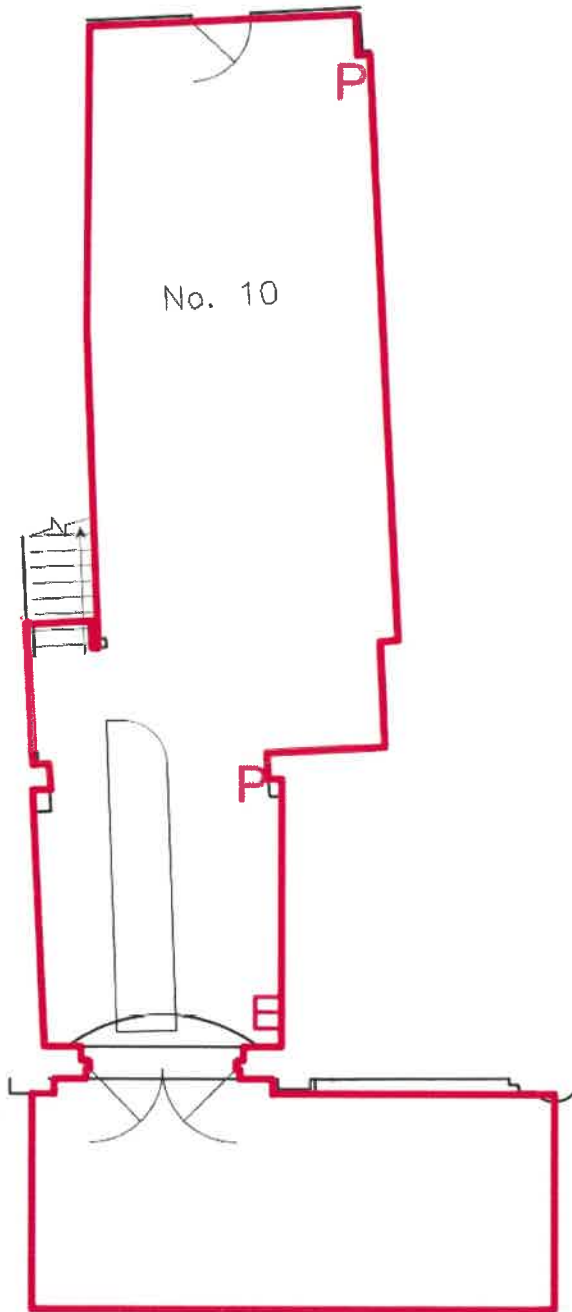
To demonstrate their right to work via the Home Office online right to work check service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided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

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

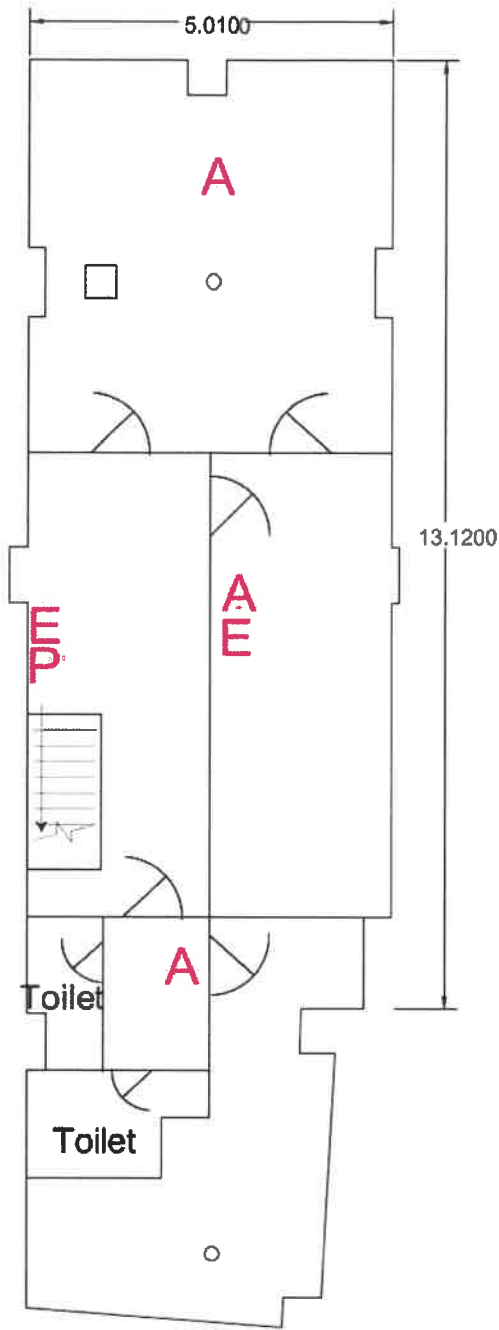
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and /or documentation applicants will need in order should submit copy documents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

Appendix 2

Lamb Street London E1



Ground Floor



Basement

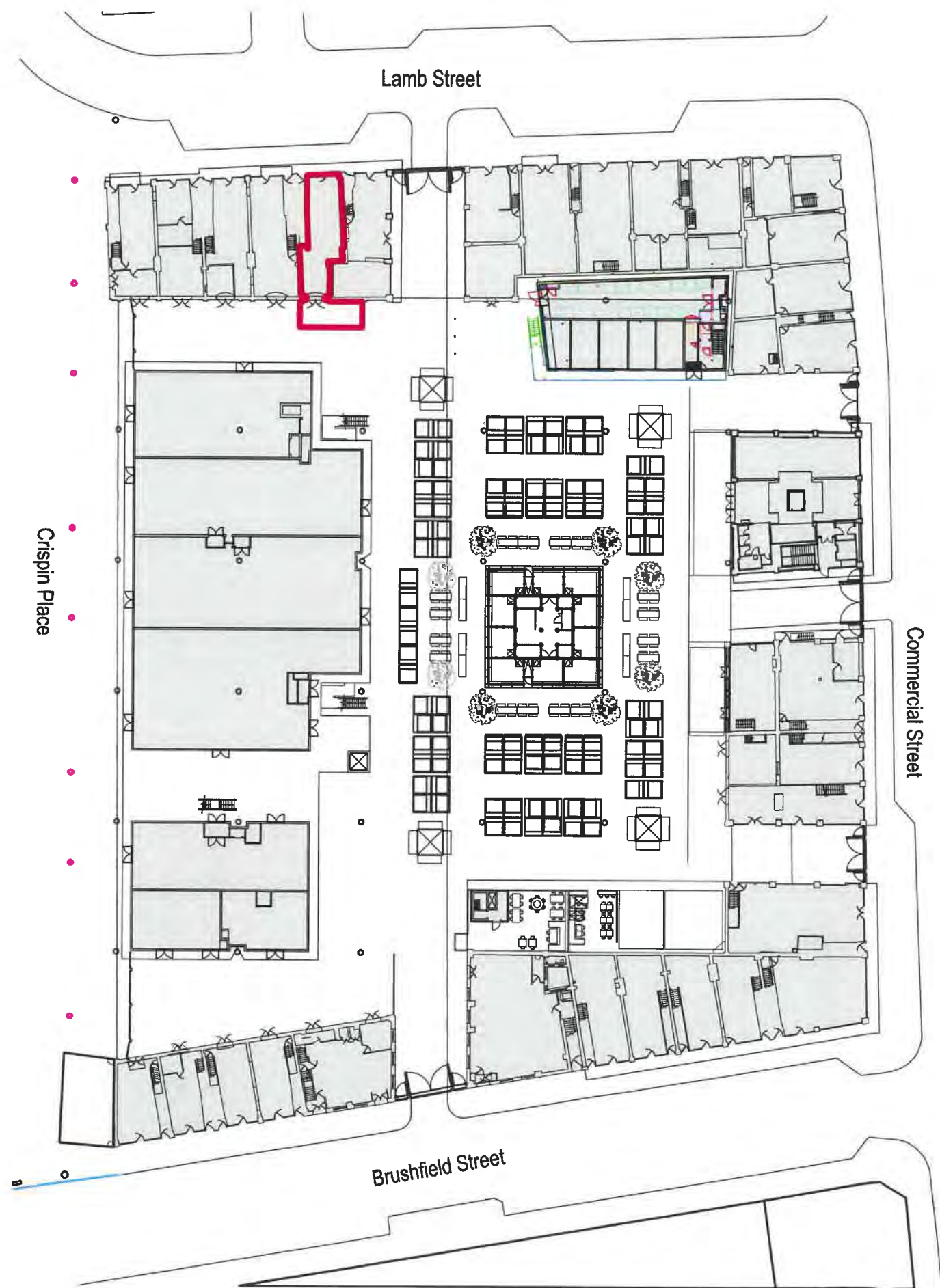
Legend	
A	Smoke Alarm
P	Fire Alarm Panel
E	Fire Extinguisher
	The area where licensable activities will take place.
The location and type of any fire safety and any other safety equipment is shown as at present. This may be varied from time to time with the agreement of the fire officer or after a fire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

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

Ground Floor and Basement

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

NOT TO SCALE



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

Legend

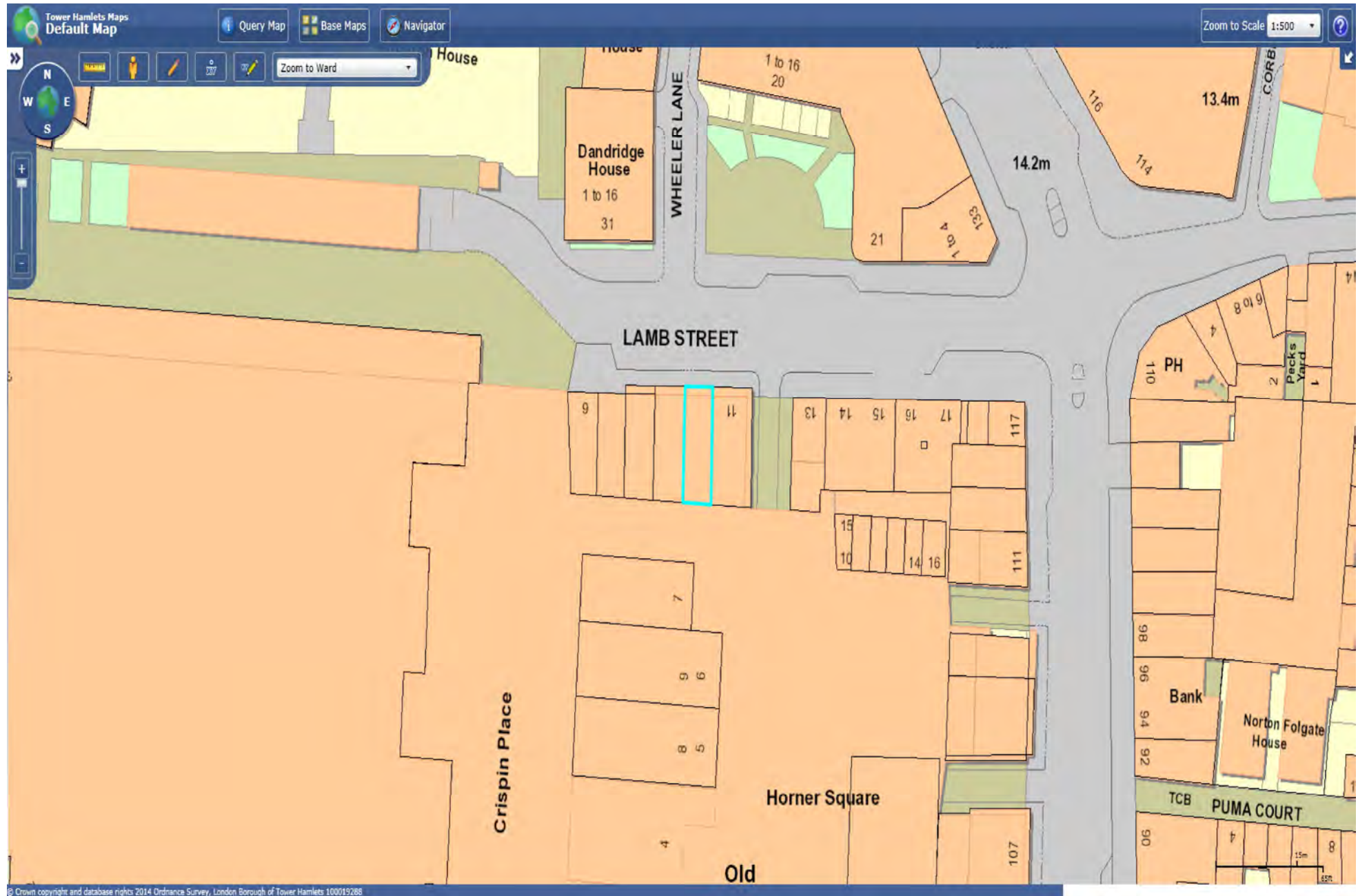


The area where licensable activities will take place.

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

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

Appendix 3





Appendix 4

Nearest licences: Funky Cellar, 10a Lamb Street

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

Nearest licences: Funky Cellar, 10a Lamb Street

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

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 6

Mohshin Ali

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

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

Dear Licensing Officers

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

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

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

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

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

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

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

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

Please redact my personal details as appropriate.

Many thanks.

Yours faithfully

Alan Williams

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 7

Mohshin Ali

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

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

Dear Sirs,

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

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

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

Public Health and Safety:

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

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

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

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

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

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

Prevention of Crime and Nuisance:

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

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

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

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

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

Yours sincerely,

Alexander Brand

Kind Regards

Alexander Brand

Appendix 8

Mohshin Ali

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

Follow Up Flag: Follow up
Flag Status: Completed

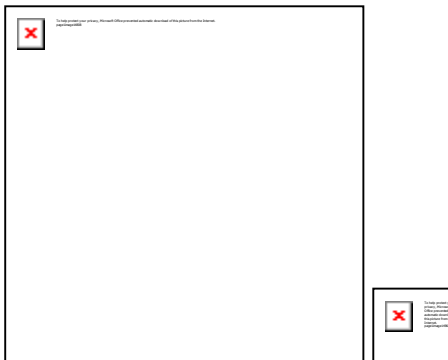
Dear Sir/Madam,

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

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

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

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



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

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

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

Kind regards

Benjamin Williams
[REDACTED]
[REDACTED]

Appendix 9

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

Follow Up Flag: Follow up
Flag Status: Completed

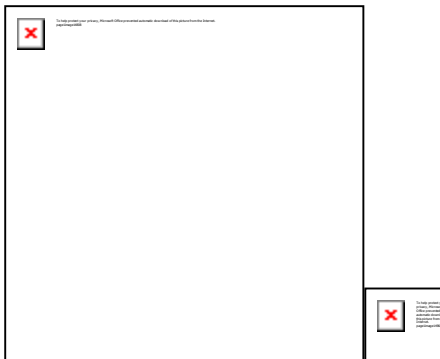
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Prevention of Public Nuisance - Old Spitalfields Market is a blend of residential and commercial use. The former seems to be getting scant regard as noise levels rise and smells from cooking activities increases. The concerns of residents seem very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

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

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



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

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

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

Kind regards

Carla Corsini

[REDACTED]

[REDACTED]

Appendix 10

Mohshin Ali

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

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

Dear Sir Or Madam,

I am writing as a resident of the [REDACTED]

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

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

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

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

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

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

Thank you

Deborah Guise
[REDACTED]

[REDACTED]

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Appendix 11

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

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

Dear Sir, Madam

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

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

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

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

Yours faithfully

Pamela Mossman

Appendix 12

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

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,
I'm writing in regards of the license application made for 10a Lamb Street E1 6EA.
There's a few issues why we the resident of [REDACTED] object to this license to be issued.

First, I would like to make you aware that we live above the shop.
When the last tenants of the shop who also sold cheese we had lots of problems with them. First starting with the smell. The shop itself is not sealed to stop the smell travelling up to our house. It was impossible for us to go into our living room. Our kitchen cupboards were all full of cheesy smell. I reported this to the environmental health department (which you can check) even though eventually the owners installed fans this still didn't help the smell in our corridor.
Secondly, we had lots of problem with the music. This became a living nightmare for us. It was impossible for to be able to sit down and watch tv or be in our living room with the music. This made it impossible for us to relax after a hard day at work or to sit down with our grand daughter to watch a film.

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

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

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

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

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

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

Another concern we have is that the application is made for the sell of hot food. I don't know how this is possible as this is shop and not a restaurante and it's not equipped to be a restaurant. The previous tenants started off by selling cheese and bread and gradually they started selling alcohol and eventually they turned their shop into a small restaurant with tables inside (where there was no space). I understand that the new tenants want to use the basement of the shop as sitting area for their customers. I believe this is a Health & Safety issue as there wouldn't be an

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

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

Yours sincerely

Paola Brand

Dear Sirs,

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

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

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

Public Health and Safety:

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

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

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

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

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

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

Prevention of Crime and Nuisance:

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

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

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

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

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

Yours sincerely.

Paola Brand

Appendix 13

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

16th October 2019

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

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

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

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

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

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

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

Rose Sheldon



Appendix 14

Mohshin Ali

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

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

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

> Dear Sir, Madam,

>

> FUNKY CELLAR - 10A Lamb Street E1 6EA

>

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

>

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

>

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

>

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

>

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

>

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

>
> Yours sincerely
>
> Susan Kay

Appendix 15

Mohshin Ali

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

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

Dear Sir,

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

I apologize if you have indeed already received it.

Best regards.
Sophie

Mrs Sophie Stebbins
[REDACTED]
[REDACTED]

Dear Sirs,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Best regards.

Sophie Stebbins

Sent from [Mail](#) for Windows 10

Appendix 16

Mohshin Ali

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

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Licensing Team,

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

The applicant suggests that the historical licence should continue with no adverse changes.
In order to be able to make any meaningful comment on this application, it would be helpful if we could know the nature of the proposed business.
Where within the premises is alcohol to be served? Is it to be primarily retail. or dining tables and/or a bar?

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

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

Many thanks and best regards

Margaret Gordon - Chair, St George Residents' Association Spitalfields

Mohshin Ali

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

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

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

Dear Licensing Team,

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

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

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

Yours faithfully

Margaret Gordon, Chair SGRAS

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

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

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

Dear Licensing Team,

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

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

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

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

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

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

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

Reasons -

- there will be an increase in late evening clients exiting onto Lamb Street after 11:30pm, increasing **noise nuisance**, adding to that caused by noisy people walking from Brick Lane, Hanbury St, and leaving other licensed premises within OSM.
- music will egress whenever the front door is opened as customers enter and leave.
- there is likely to be an increase in food courier bikes waiting in the street at all times of day and evening. Bikers gather on Lamb Street because of the many food outlets in OSM. They are **noisy** as they arrive and leave, ignoring one-way signs. They obstruct unloading bays and stand about on double yellow lines and corners, **making it difficult for vehicle drivers, cyclists and pedestrians.**
- it is **within the CIZ**. In March 2015 Androuet closed the restaurant at 107b Commercial St and the licence was transferred to the next tenant. Androuet was granted a **new** licence at 10A Lamb St, thereby **increasing** the number of licensed premises in OSM. LBTH granted other new licences after the CIZ was introduced in 2013.

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

Thank you. Best regards

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

Appendix 17

Mohshin Ali

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

Follow Up Flag: Follow up
Flag Status: Completed

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

Kind Regards, Jonathan Stebbins

Spitalfields Market Residents Association (Horner Buildings)



Spitalfields Market Residents' Association



Please help to protect the environment by not printing unnecessarily.

To:

The Licensing Committee

Tower Hamlets Council, Mulberry Place

5 Clove Crescent, E14 2BG

13th October 2019

licensing@towerhamlets.gov.uk

Dear Sir, Madam

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

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

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

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

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

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

The Grounds for objection are -

- Prevention of Public Nuisance
- Public Safety

Prevention of public Nuisance:

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

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

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

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

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

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

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

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

Health and Safety:

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

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

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

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

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

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

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

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

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

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

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

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

Jonathan Stebbins
Chair
Spitalfields Market Residents Association.

From: Oliver Gadd <[REDACTED]>

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

To: Paola Andrea Brand Gonzalez <[REDACTED]>

"Rita.Craddock [REDACTED]"

Subject: RE: Vent turned off

Hi Paola

I will speak to Alex.

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

Cushman & Wakefield Site Services Ltd

[REDACTED]

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[REDACTED]

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

From: Paola Andrea Brand Gonzalez <[REDACTED]>

Sent: 19 March 2017 09:23

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

Subject: Vent turned off

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

From: Rita Craddock <[REDACTED]>

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

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

Hi Paola,

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

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

Thank you.

Kind regards,

Rita Craddock

Environmental Health Officer MCIEH
London Borough of Tower Hamlets

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

[REDACTED]

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

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

Afternoon Rita,
Hope your well.

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

Regards
Paola Brand

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

To: Paola Andrea Brand Gonzalez [REDACTED]

Subject: RE: Update?

Hi Paola

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

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

Cushman & Wakefield Site Services Ltd

[REDACTED]

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[REDACTED]

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

From: Paola Andrea Brand Gonzalez [REDACTED]

Sent: 07 March 2017 15:43

To: Oliver Gadd

Subject: Re: Update?

Hi Oliver ,

Thank you for your reply.

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

From: Rita Craddock <[REDACTED]>

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

To: Paola Andrea Brand Gonzalez [REDACTED]
Subject: RE: Extractor

Dear Paola,

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

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

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

Thank you.

Kind regards,

Rita Craddock

Environmental Health Officer MCIEH
London Borough of Tower Hamlets

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

[REDACTED]

From: Paola Andrea Brand Gonzalez [REDACTED]
Sent: 08 September 2016 16:55

To: Rita Craddock
Subject: Re: Extractor

Thank you

Regards
Paola Brand

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

Dear Paola,

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

The extraction unit was not switched off deliberately.

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

Kind regards,

Rita Craddock

Environmental Health Officer MCIEH
London Borough of Tower Hamlets

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

[REDACTED]

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

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

Regards
Paola Brand

Begin forwarded message:

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

Hi Paola

I have asked them to keep this switched on.

Thanks

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

DTZ and Cushman & Wakefield have now merged

Cushman & Wakefield Site Services Ltd

[REDACTED]

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[REDACTED]

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

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

To: Oliver Gadd
Subject: Extractor

Good morning Oliver

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

Regards
Paola Brand

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

Dear Paola,

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

Thank you.

Kind regards,

Rita Craddock

Environmental Health Officer
London Borough of Tower Hamlets

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

[REDACTED]

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

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

To: Rita Craddock
Subject: Smell

Good morning Rita,

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

Regards
Paola Brand

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

Dear Paola,

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

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

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

Thank you.

Kind regards,

Rita Craddock

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

Dear Paola

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

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

DTZ and Cushman & Wakefield have now merged

Cushman & Wakefield Site Services Ltd

[REDACTED]

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[REDACTED]

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

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

Good morning,

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

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

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

From: Guy Robinson [REDACTED] >

Date: 6 May 2016 at 09:19:33 BST

To: Paola Andrea Brand Gonzalez <[REDACTED]>

Cc: Lauren Lewis [REDACTED], Oliver Hyman/GBR

Subject: RE: Noise 2

Good morning Paola,

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

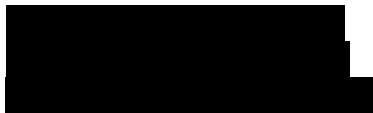
We shall pick this up with the tenant and make them aware that their staff should be considerate of your needs. They are required to not cause any nuisance to neighbours and so we can take action against them if they don't pay attention to that.

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

Regards

Guy

Guy Robinson MSc MRICS
Associate
Retail Asset Services



Regulated by RICS

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

From: Paola Andrea Brand Gonzalez [REDACTED] m]

Sent: 06 May 2016 07:04

To: Guy Robinson

Subject: Noise 2

Good morning Guy

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

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

Regards
Paola Brand

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

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

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

Hi Paola,

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

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

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

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

Thank you.

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

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

[REDACTED]

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

Regards
Paola Brand

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

Dear Ms Brand,

With reference to our phone conversation today regarding the above.

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

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

Regards

Lorraine Woods

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

[REDACTED]

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

Hi Paola

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

Paul

Paul J Davies

Facilities & Real Estate Management

Tribeca Holdings

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

From: Paola Andrea Brand Gonzalez [REDACTED]

Sent: 27 November 2017 15:21

To: Paul Davies <[REDACTED]>

Subject: 10 Lamb Street

Hi Paul,

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

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

Regards

Paola Brand

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

Hi Rose

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

Paul

Paul J Davies

Facilities & Real Estate Management
Tribeca Holdings



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

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

Hello Oliver, Paul and Toby,

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

Thanks and see you on the 30th - Rose

Begin forwarded message:

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

"paul.davies [REDACTED]"
[REDACTED] >

Evening all,

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

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

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

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

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

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

Regards
Paola Brand

From: Toby Brown [REDACTED] >
Date: 22 December 2017 at 16:03:38 GMT
To: Paola Andrea Brand Gonzalez [REDACTED] >
Subject: Re: Loud Bass

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

Toby Brown

Old Spitalfields Market Limited

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

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

Thanks Hughe was about to go too

Regards
Paola Brand

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

Hannah Is looking in there right now to check.

Toby Brown

Old Spitalfields Market Limited
[REDACTED]

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

Hi Paola

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

Kind regards

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

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

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

sake this is so
frustrating

Regards
Paola Brand

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

Hi Paola

I'll speak to Alex again.

Kind regards

Oliver Gadd
Facilities & Real Estate Management
Tribeca Holdings



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

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

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

Regards
Paola Brand

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

To: Paola Andrea Brand Gonzalez [REDACTED]
Subject: Re: Music Bass

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

Kind regards

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

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

Hi Oliver,
Was this before my email or after?

Regards
Paola Brand

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

Hi Paola

I have already spoken to Alex this afternoon.

Kind regards

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

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

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

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

Thanks

Regards

Paola Brand

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

Dear Paola,

Sorry for late reply I've been rather busy with my restaurant in Sevenoaks.
Regarding the fan, yes we will put the fan on but when we went the electricity supply was cut, I believe is back now so we can put the fan on.
Also it is really tricky situation for us as we really want you to be happy and it is a bit out of our control.
I'll keep you updated if I know more.

Best
Quentin

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

Hi Quentin

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

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

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

Regards
Paola Brand

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

Dear Paola,

Thank you for your email.
We do not have the lease yet we just start cleaning in the idea of a lease.
The plan now is to do a pop up till December while the licence getting processed.
If the licence do not get through we cannot operate our business and will have to stop.
I've asked Toby again yesterday regarding insulation I'm awaiting his for his plan.
I will keep you updated as soon as I know more.

All the best !
Kind regards

Quentin

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

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

Afternoon Quentin

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

Thanks all the best!

Regards

Paola Brand

From: Quentin Coulombel du Beaudiez <[REDACTED]>

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

To: Paola Andrea Brand Gonzalez <[REDACTED]>

Subject: Re: 10 Lamb Street

Hi Paola,

No problem.

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

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

Many thanks

Quentin

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

Hi Quentin,

Sorry for the confusion.

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

Also it there going to be hot food served?

Thanks for emailing back.

Regards

Paola Brand

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

Dear Paola,

Sorry for late reply I've been rather busy with my restaurant in Sevenoaks.
Regarding the fan, yes we will put the fan on but when we went the electricity supply was cut, I believe is back now so we can put the fan on.
Also it is really tricky situation for us as we really want you to be happy and it is a bit out of our control.
I'll keep you updated if I know more.

Best
Quentin

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

Hi Quentin

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

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

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

Regards
Paola Brand

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

Dear Paola,

Thank you for your email.
We do not have the lease yet we just start cleaning in the idea of a lease.
The plan now is to do a pop up till December while the licence getting processed.
If the licence do not get through we cannot operate our business and will have to stop.
I've asked Toby again yesterday regarding insulation I'm awaiting his for his plan.
I will keep you updated as soon as I know more.

All the best !
Kind regards

Quentin

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

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

Afternoon Quentin

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

Thanks all the best!

Regards

Paola Brand

From: Quentin Coulombel du Beaudiez <[REDACTED]>

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

To: Paola Andrea Brand Gonzalez <[REDACTED]>

Subject: Re: 10 Lamb Street

Hi Paola,

No problem.

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

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

Many thanks

Quentin

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

Hi Quentin,

Sorry for the confusion.

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

Also it there going to be hot food served?

Thanks for emailing back.

Regards

Paola Brand

REPORT

SITE AND SURROUNDS

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

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

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

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

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

Internal/External Consultation Responses

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

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

The effect of a Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. The

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

Margaret Gordon
c/o St George Residents' Association Spitalfields

Date: 10 October 2019

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

Your ref:

E-mail:

Direct line:

By e-mail only

Dear Ms Gordon

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

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

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

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

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

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

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

Yours sincerely

[REDACTED]

Poppleston Allen

CHAMPAGNE + FROMAGE

GREAT TOGETHER... ANY TIME

OPENING TIMES

Monday — 5PM - 10:30PM

**only cheese and meat boards after 9PM*

Tuesday - Saturday — 12PM - 10:30PM

Sunday — 12PM - 8:30PM

OUR LOCATIONS

Covent Garden — 22 Wellington Street, WC2E 7DD

Brixton — Unit 10-11 Brixton Village SW9 8PR

Greenwich — 34 Greenwich Church Street, SE10 9BL

Mercato Metropolitano — 42 Newington Causeway, SE1 6DR

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

Bath — 5 George Street, BA1 2EJ



SHARE YOUR EXPERIENCE



CHAMPAGNE BY THE GLASS - 110ml a glass

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



CHAMPAGNE FROM ANOTHER ANGLE

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

SOFT & HOT DRINKS

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

SALADS

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

BOARDS

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

FROMAGE

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

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

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

CHARCUTERIE

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



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

OUR POPULAR SHARING BOARDS

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

DELI – NIBBLES

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

MELTED CHEESE

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



REGIONAL FRENCH SPECIALITIES

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



BAKED CAMEMBERT

Allow 15 minutes preparation — served with baguette

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

TARTINES

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

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

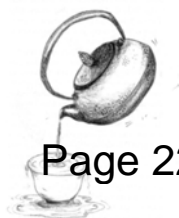
DESSERTS

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

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

AFTERNOON TEA

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



WHY CHAMPAGNE
IS *PERFECT* WITH CHEESE ?

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

GREAT TOGETHER *ANYTIME*

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

TASTING CALENDAR 2018 AT COVENT GARDEN

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

BOOK ONLINE : champagneplusfromage.co.uk

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

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

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

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

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

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

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

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

CORPORATE TASTINGS AVAILABLE AND PRIVATE HIRE POSSIBLE OF OUR BISTRO

Please ask a member of our staff for more information

Appendix 18

Mohshin Ali

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

Dear Mark

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

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

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

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

Many thanks

David



David Inzani |Solicitor

Poppleston Allen

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



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We can train your teams at over 75 locations. And we have a 97.8% pass rate, too.

  **4.8 (130 reviews)**



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

Dear all,

Please see proposed conditions:

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

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

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

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



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

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

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Appendix 19

Mohshin Ali

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

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

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

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

Kind regards

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

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

Dear Nicola,

I hope this email finds you well.

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

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

Kind regards,

Helen

Helen Ward | Solicitor
Poppleston Allen

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



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

Dear Rhian,

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

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

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

I await your confirmation at your earliest convenience.

Kind regards

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

Appendix 20

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 21

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

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

Appendix 22

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 23

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

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

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 24

Safety Problems

General Advice

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

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

Licensing Policy

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

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

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

Annex E

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

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

These may include:

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

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

Other Legislation

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

Other Guidance

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

Appendix 25

Underage Drinking or Other Harm to Minors

General Advice

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

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

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

Licensing Policy

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

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

The following are examples of premises that will raise concern:

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

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

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

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

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

Licensing Act 2003 (Part 7)

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

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

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

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

Other Legislation

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

Appendix 26

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 27

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 28

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

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

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

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

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

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

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

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

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

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

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

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

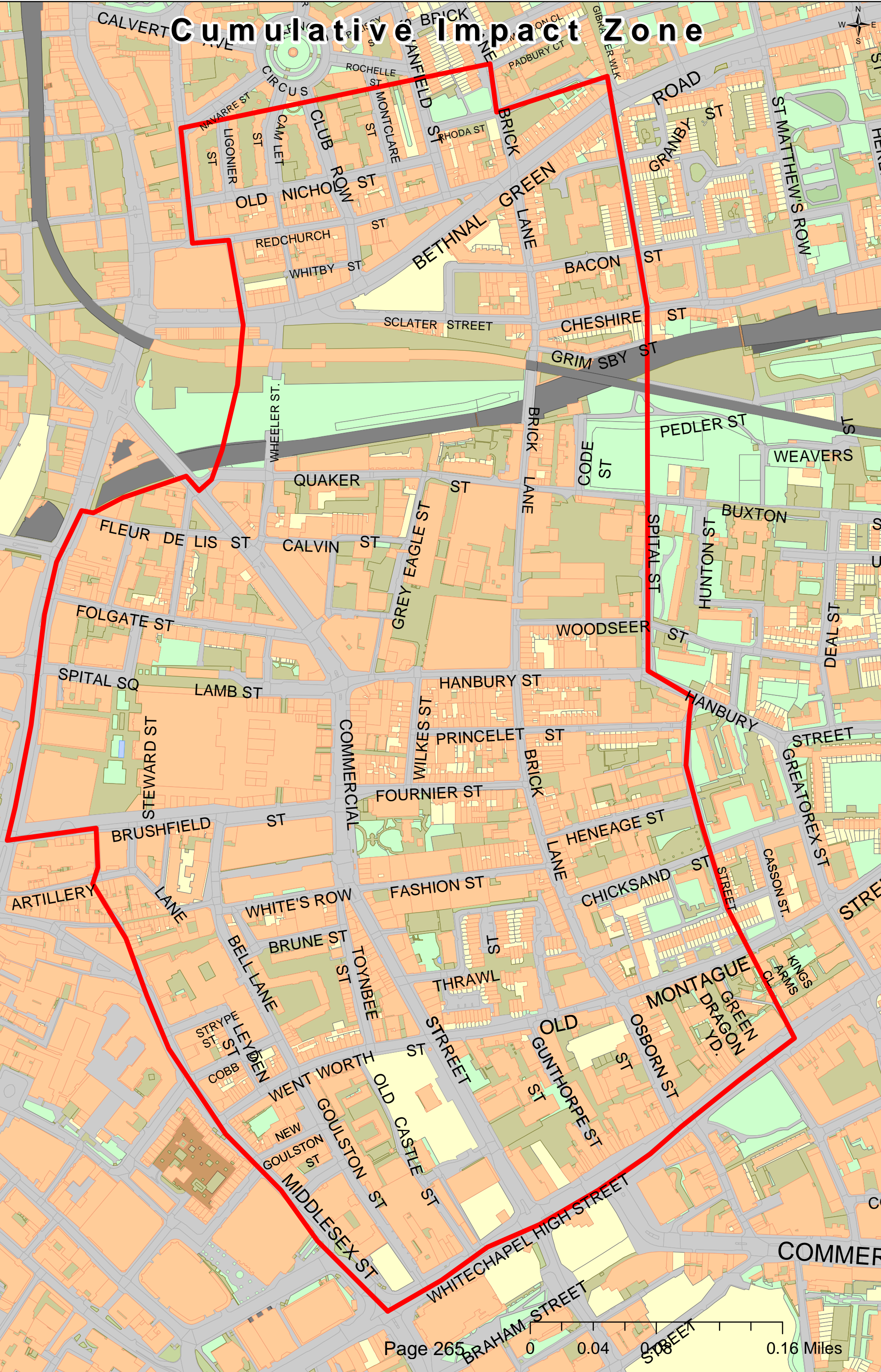
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

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

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

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

Cumulative Impact Zone



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