

LICENSING SUB COMMITTEE

Tuesday, 4 February 2020 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:

Simmi Yesmin, Senior Democratic Services Officer
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Website: <http://www.towerhamlets.gov.uk/committee>

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agenda



Public Information

Attendance at meetings.

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Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



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 - 52)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 12th, 19th & 26th November & 3rd December 2019.

		PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION			
4.1	Application for a Variation of a Premises Licence for (The Gun) 54 Brushfield Street, London E1 6AG	53 - 160	Spitalfields & Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health
- Local Resident(s)

4 .2	Application for a New Premises Licence for Hohaki, 68 Middlesex Street London E1 7EZ	161 - 236	Spitalfields & Banglatown
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Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Environmental Health

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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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

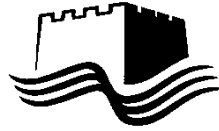
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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, 12 NOVEMBER 2019

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

Members Present:

Councillor Dan Tomlinson (Chair)

Councillor Shah Ameen

Councillor Mohammed Pappu

Officers Present:

David Wong

– (Legal Services)

Mohshin Ali

– (Senior Licensing Officer)

Simmi Yesmin

– (Democratic Services)

Representing applicants

Item Number

Role

Mohammed Abdul Hafiz

3.1

(Applicant)

Representing objectors

Item Number

Role

Nicola Cadzow

3.1

(Environmental Health Officer)

Corinne Holland

3.1

(Licensing Officer)

PC Mark Perry

3.1

(Metropolitan Police)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests made.

Councillor Mohammed Pappu declared a personal interest on item 3.1, Application for a new premises licence for Balobashar B2B Pool Lounge & Café, 9-13 Osborn Street, London E1 6TD on the basis that he had visited the premises. However, he confirmed that he had not discussed this application with any parties prior to the hearing. There was therefore no reason for Councillor Pappu to recuse himself from hearing this application.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Balobashar B2B Pool Lounge & Café, First Floor, 9-13 Osborn Street, London, E1 6TD

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Balobashar B2B Pool Lounge & Café, First Floor, 9-13 Osborn Street, London E1 6TD. It was noted that objections had been received by the Licensing Authority, Environmental Health and the Metropolitan Police.

At the request of the Chair, Mr Mohammed Hafiz, Applicant explained that he had lived in the borough since 1970, as a child went to the schools in the Brick Lane area, and has lived, worked and been brought up in the borough.

He explained that his premises catered for older members of the community and the second generation of migrant families. He explained that he had been at the premises since 2000 which he has been operating for the past 19 years catering to the demands of night workers. He explained that it had first started off selling small snacks, and over the years due to demand, he now provides full meals. He explained that serving his customers was his main aim and purpose. He continued to express his passion and love of providing and serving his customers and the community. It was noted that there was no signage for the premises, there was no advertising, and custom was through word of mouth only.

He assured the Sub Committee that the premises provided a family friendly environment, that there would be no noise nuisance emanating from the premises, and that there would just be background music and customers talking to each other.

He explained that the business owners occupying the ground floor were using the same business concept as his business which is based on the 1st floor. He concluded that he was happy to fulfil any security requirements and any other requirements that officers/Council wanted to impose.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer explained the grounds for his representations. He explained the Applicant had not mentioned anything on the impact of the Cumulative Impact Zone (CIZ) and how he would rebut the presumption against granting a licensing application relating to premises in a CIZ. It was noted that the application sought late night refreshments until 5am, so technically if granted the premises could operate 24 hours.

Mr Ali then briefly went through the history of the premises and explained that there had been three complaints that the premises had been trading without a licence. Two visits were made and warning letters sent advising the Applicant

that he required a licence to serve late night refreshments. Officers undertook a test purchase and visited the premises on the 1st June 2019 and purchased hot food after 23:00 hours. It was noted that the Applicant was present and had served the Officers. Mr Hafiz was cautioned and the offence was currently being investigated.

Mr Ali stated that the application should be refused. However if Members were minded to grant the application, then conditions should be imposed and referred to suggested conditions on pages 65 and 66 of the agenda.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She referred to her objection on page 68 of the agenda pack and stated that the hours were beyond the Council's framework hours. She explained that there was potential for noise outbreak during access and egress to the premise. She also raised concern that neither what was written in the application, nor what was said by the applicant demonstrated addressed how the application, if granted, would not add to the cumulative impact in a CIZ. She asked that the application be refused, and that if the Members were minded to grant the licence, the hours should be reduced.

Members lastly heard from PC Mark Perry, Metropolitan Police. He referred to his statement contained in the agenda. He explained that the hours were excessive and that the applicant had not contacted him during the application process to discuss the application. PC Perry highlighted the fact that there were high levels of ASB and crime and disorder in the Brick Lane area.

He then referred to two incidents of crime and disorder, one in April 2019 and one in September 2019. Although both incidents were not caused by the applicant's business, on one of those occasions, the suspect got into the premises and obtained a knife from the kitchen and left to have a fight with people outside in Brick Lane; whilst in the other incident, a suspect whilst trying to escape from the Police, ran into the premises and was then caught by the Police. Whilst neither incidents were caused by the applicant's business, these highlighted concerns that the premises could easily be accessed by persons coming from outside committing ASB or criminal activities. PC Perry added that trading without a licence should not be condoned and therefore suggested that the hours should be reduced or the application should be rejected.

In response to questions the following was noted;

- That the application was formally amended and the Applicant no longer wanted to apply for regulated entertainment in the form of recorded music.
- That the incidents referred to were not directly associated to the premises.
- The applicant was unsure on whether the knife was taken from his premises or from the separate premises on the ground floor.
- That there had been no complaints of noise nuisance over the past years.

- The applicant was willing to accept conditions proposed by Responsible Authorities in the event that the application was granted.
- The applicant presented that there had been one incident in 19 years and the incident was not related to the premises.
- That the hours were sought by the applicant were due to customer demand.
- The applicant apologised for trading without a licence.
- The police had concerns over the lack of control over the premises and unable to manage customers who enter the premises.
- If the application were granted, the Responsible Authorities considered that a CCTV camera system should be installed.
- That according to the applicant, on average, there would be 15–20 customers at any one time.
- That according to the applicant, his customers if he were granted a late night refreshment licence, would be mainly mini-cab drivers, shift workers, and other similar visitors to the area.

Members adjourned again at 7.35pm for deliberations and reconvened at 7.55pm.

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 licencing 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 heard oral representations at the meeting made by the Applicant and the Officers from Responsible Authorities objecting to the application, with particular regard to the prevention of public nuisance and prevention of crime and disorder.

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, Environmental Health and the Police regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns relating to the previous breaches of trading without a licence. Members also expressed concern in relation to the evidence presented on the evening by PC Perry, where there had been two incidents where suspects had used the premises although there was no direct link to the crimes and the premises, it was concerning that suspects were able to enter the premises without any due diligence on the part of the applicant's business.

The Sub Committee acknowledged the applicant's passion and purpose to serve his customers, who were a large part of the community. Members also noted the applicant's willingness to work with the responsible authorities and willingness to accept conditions suggested by Officers. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence would not add to the cumulative impact of licensed premises already in the CIZ.

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 rebutted the above presumption.

The Sub Committee was therefore not satisfied that there were exceptional circumstances to justify a grant of 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 by a majority vote;

RESOLVED

That the application for a New Premises Licence for Balobashar B2B Pool Lounge & Café, First Floor, 9-13 Osborn Street, London E1 6TD be **REFUSED**.

3.2 Application for a New Premises Licence for Panetteria Number 54, 54 Hanbury Street, London, E1 5JL

This item was withdrawn by the Applicant prior to the meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decision deadlines to extend.

The meeting ended at 8.00 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 3.00 P.M. ON TUESDAY, 19 NOVEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
Councillor Mohammed Ahbab Hossain
Councillor Rajib Ahmed

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Kathy Driver	– (Principal Licensing Officer)
Corinne Holland	– (Licensing Officer)
Simmi Yesmin	– (Democratic Services)

Representing applicants	Item Number	Role
Felipe Preece	3.2	(Applicant)

Representing objectors	Item Number	Role
Corinne Holland	3.2	(Licensing Authority)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary 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 The Gate, 27 Commercial Road, London E1 1LD

This item was resolved prior to the hearing.

3.2 Application for a New Premises Licence for Sugoi JPN Ltd, Unit 2, Arch 7 Gales Gardens, London E1 6BG

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Sugoi JPN Ltd, Unit 2 Arch 7 Gales Garden, London E1 6BG. It was noted that an objection had been received by the Licensing Authority.

At the request of the Chair, Mr Felipe Preece, Applicant explained that he had international business experience and had worked as a consultant in the hospitality industry. He said that this premises would be specialising in Japanese-Latin food. It was noted that Mr Preece had a Personal Licence and was also the proposed Designated Premises Supervisor. He said that there had been no complaints since they had been open.

Mr Preece explained that it was a takeaway delivery service only and there would be no eating facilities on the premises. He further explained that there would be no noise/vibration emanating from the premises. It was noted that there was several kitchens operating from the arches, and the premises approximately had 200 orders a week. It was noted that the Applicant had good relations with the owners with from Old St Brewery and together had made their own beer and therefore it was proposed to only sell the company own branded beer as part of the menu. It was also noted that alcohol would only be sold ancillary to a meal being ordered.

Mr Preece explained that age restricted products would have stickers on and the age restrictions was also on the website. It was also noted that there were CCTV cameras in operation 24 hours a day and there was a security officer on duty during the night.

Members then heard from Ms Corinne Holland, Licensing Officer, representing the Licensing Authority, she gave a brief summary of the Cumulative Impact Policy and explained that there was no explanation in the application on how the applicant would promote the licensing objectives and how the premises would not negatively impact the area. She said that there were 35 kitchens in the arches and therefore there would be a lot of delivery drivers coming in and out. She explained that there was no reference in the application whether the alcohol would be ancillary to a meal or there would be age restrictions/verifications. There had been no mention of the deliveries drivers and what process they would follow. It was noted that it was a residential area and had residents living close by. Ms Holland concluded by raising the general concerns that had been raised in relation to the arches, such as noise, disturbance and dangerous driving by the drivers.

It was noted that regardless of a licence being granted, the applicant could still continue to sell and deliver food up until 11pm. Ms Holland stated that the

Applicant had failed to address any of the concerns and therefore the application should be refused.

In response to questions the following was noted;

- The applicant referred to other units in the arches that had licences.
- It was confirmed by the Licensing Officer that there was no other premises licence in the same unit.
- That the applicant was willing to accept any conditions recommended by the Sub-Committee.
- That it was intended to sell own craft beer made locally at the Old St-Brewery. It would be the one type of beer which had 5% abv.
- That delivery drivers would check identification when delivering the food, they would be trained to ask and verify ID and obtain signatures when selling alcohol.
- That the over ground train passed over the arches every 5 minutes and caused more noise than the kitchen itself.
- That there were approximately 20 deliveries each day.

In summation, Ms Holland stated that the premises was within the CIZ area, although the hours were not excessive, and the alcohol would be ancillary to food, and age restrictions would apply, there was no explanation of how the applicant would uphold the licensing objectives.

Mr Preece explained that there would be no issues of crime, there were 24 hour CCTV cameras in operation and a security officer on duty during the night. There was no machinery that could cause noise nuisance and the business was a takeaway and delivery service and not a sitting in restaurant or pub.

Members adjourned again at 4.00pm for deliberations and reconvened at 4.15pm.

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 heard oral representations at the meeting made by the Applicant and the Officers from Responsible Authorities objecting to the application, with

particular regard to the prevention of public nuisance and prevention of crime and disorder.

The Sub-Committee noted that the premises are in the Bethnal Green cumulative impact zone (CIZ), and so, the effect of a application for a new premises licence for the sale of alcohol 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, regarding the impact of the premises on the Bethnal Green Cumulative Impact Zone (CIZ) and concerns relating to the previous complaints made in general regarding the Arches at Gales Garden. These included noise from kitchen workers and delivery drivers, abuse, disturbance and dangerous driving from delivery drivers.

The Sub Committee acknowledged the applicant's willingness to accept conditions suggested by the Responsible Authorities. However, the Sub Committee was concerned that this in itself did not address how the grant of a premises licence would not add to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee therefore considered that it had not heard sufficient evidence to rebut 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 rebutted the above presumption.

The Sub Committee was therefore not satisfied that there were exceptional circumstances to justify granting the application, and were of the view that the applicant had failed to rebut the presumption. The applicant failed to demonstrate how the granting of their application would not negatively add to the cumulative impact in the area or undermine any of the four licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Sujoi, JPN Ltd, Unit 2 7 Gales Gardens, London E1 6BG be **REFUSED**.

3.3 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS

This item was adjourned and will be considered at a future Licensing Sub Committee meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no decision deadlines that required extension.

The meeting ended at 4.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 26 NOVEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
Councillor Victoria Obaze
Councillor Gabriela Salva Macallan

Officers Present:

David Wong	– (Legal Services)
Samantha Neale	– (Licensing Officer)
Simmi Yesmin	– (Democratic Services)

Representing Applicants	Item Number	Role
Tim Willoby	4.1	(Applicant)
Gavin Beale	4.1	(Applicant)
Xianyuan Ma	4.2	(Applicant)
Yiqun Xin	4.2	(Company Director)

Representing Objectors	Item Number	Role
None		

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. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 1st October 2019 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Rule Zero, 3 Succession Walk, Roach Road, London, E3 2RX**

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a new premises licence for Rule Zero, 3 Succession Walk, Roach Road, London E3 2RX. It was noted that objections had been received by local residents, however two of the objectors had withdrawn their representation prior to the meeting and only one objection remained.

At the request of the Chair, Mr Tim Willoby, Applicant, explained that the premises would be used as a community space, gaming station for people to come and play games. He explained that it wouldn't be a pub or a late night venue and more a destination to meet and socialise and alcohol would be a bonus as an ancillary to the business concept. He explained that they have not experienced any level of disruption although aware that the introduction of alcohol can be a disruption.

He explained that the outside space would be closed to customers by 9pm as want to be good neighbours and alcohol consumption was unlikely to be excessive. He explained that the Police had concerns as to the premises proximity to the West Ham Football Stadium and therefore have agreed to conditions in relation to this. Mr Willoby confirmed that it was not a sports bar and therefore not a target for football fans.

It was noted that the applicant was currently installing CCTV cameras and the camera coverage would be extended to oversee the streets to provide extra security.

Mr Willoby concluded that the main objection was relating to the hours applied for, however they had reduced the hours applied for in consultation with Environmental Health. It was noted and there was no intention making this premises into a late night venue.

It was noted that the objector was not present at the meeting and therefore The Sub Committee noted and considered the written objection contained in the agenda pack.

In response to questions the following was noted;

- That the applicant did not anticipate football crowds attending the premises.
- That the frontage of the premises was glass and well lit and easy to observe customers outside the premises.

Members adjourned the meeting at 6.55pm for deliberations and reconvened at 7.05pm.

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 Applicants, and in the absence of the objector, Members noted and considered the written representation contained in the agenda.

Members welcomed the efforts made by the Applicant in offering some robust conditions and also accepting and agreeing to the conditions proposed by the Responsible Authorities. These conditions gave Members the assurance that public nuisance would be prevented.

Members were satisfied that the reduction in hours agreed with Environmental Health would also help alleviate concerns arising from the local resident objector and reduce the risk of disturbances.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Rule Zero, 3 Succession Walk, Roach Road, London E3 2RX be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Thursday 10:00 hours – 23:00 hours
Friday & Saturday 10:00 hours – 23:30 hours
Sunday 10:00 hours – 22:00 hours

Provision of Regulated entertainment (plays)

Monday to Friday 19:00 hours– 22:30 hours

Saturday 19:00 hours – 23:00 hours

Sunday 19:00 hours – 21:30 hours

Provision of Regulated entertainment (live music) - indoors

Monday to Friday 19:00 hours – 22:30 hours

Saturday 14:00 hours – 18:30 hours and 19:00 hours – 22:30 hours

Sunday 14:00 hours – 18:30 hours and 19:00 hours – 21:30 hours

Provision of Regulated entertainment (recorded music) - indoors

Monday to Thursday 10:00 hours – 23:00 hours

Friday & Saturday 10:00 hours – 23:30 hours

Sunday 10:00 hours – 21:30 hours

Provision of Regulated entertainment (dance & anything similar) - indoors

Monday to Saturday 19:00 hours – 22:30 hours

Sunday 19:00 hours – 21:30 hours

Hours premise is open to the public:

Monday to Thursday 10:00 hours – 23:00 hours

Friday to Saturday 10:00 hours – 00:00 (midnight)

Sunday 10:00 hours – 22:00 hours

Conditions

1. CCTV covering the interior and exterior of the premises to be maintained at all times the premises are open to the public. It shall be capable of taking a heads and shoulders shot of persons present entering the premises, be capable of storing images from minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the Police or Authorised Council Officers on request.
2. Barriers to be erected between premises and canal for safety reasons.
3. The top floor will only ever have background music.
4. No children under 18 years of age allowed on the premises after 21:00 hours
5. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police, which will record the following:

- All crimes reported to the venue;
 - All ejections of patrons;
 - Any complaints received concerning crime and disorder;
 - Any incidents of disorder;
 - All seizures of drugs or offensive weapons;
 - Any refusal of sale of alcohol.
6. The premises shall have a security plan agreed with Police, this plan will include but is not limited to SIA numbers, searching of customers, risk assessments for events, research of performing artists and promoted events, and drugs policy. An Incident log to records all people refused the sale of alcohol, ejected from the premises and incidents of crime. The log is to be made available to relevant authorities upon request.
7. The premises will risk assess all events taking place and take appropriate action.
8. Venue management will carry out research on all acts and promoted events taking place, looking at social media profiles of artists and promoted events to ensure that they are suitable for the venue, they will also where appropriate contact venues where they have performed previously to discover if there were any issues.
9. During West Ham Football Match's the premises will follow the below match day conditions:
- Drinks shall only be supplied in polypropylene or toughened glass vessels and all bottled drinks shall be poured into such drinking vessels before being handed to the customer
 - Registered door staff shall be employed to control the entry and exits to the premises and to prevent the taking of alcohol off the premises (e.g. for consumption on the adjoining foot-way)
 - If so instructed by the Police Match day Commander the premises shall be closed if it is considered that violence and/or disorder may take place
 - No off sales on match days
10. A 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.

11. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
12. Regulated entertainment will only take place in the basement, where there are no windows.
13. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
14. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. External use of the first floor balconies and the ground floor decking area shall finish at 21:00 and patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be monitored after 21:00 hours.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. There shall be no special effects (ie Real flame, pyrotechnics etc) without prior written consent from the Council's Health and Safety Team. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises.

4.2 Application for a New Premises Licence for (Yo Yo Oriental Supermarket) 61a Alie Street, London E1 8EB

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report which detailed the application for a new premises licence for Yo Yo Oriental, 61a Alie Street, London E1 8EB. It was noted that an objection had been received by a local resident.

At the request of the Chair, Ms Yiqun Xin, Director of the business, explained that it was a min supermarket selling oriental foods and alcohol would only make up 5% of the sales. She explained that Alie Street was a commercial area and the shop was next to student halls and 40-50% of the customers

were from the student halls and the rest from Korean and Japanese Asian families. She explained that there was a big demand for oriental foods.

She explained that since opening the store, the average spend for a customer was around £9-15, there was no parking available and so their customers were local people and walking by trade. It was noted that the hours would be from 10am to 10pm, there was no regulated entertainment or activity and notices would be displayed to leave quietly and to respect the needs of local residents.

Ms Xin explained that they would operate a challenge 25 policy, have a bin placed inside the shop for any rubbish, staff would clean inside and outside the shop, that they had all the security alarms in place, they would maintain an incident log and provide training to staff and had the training manual in Japanese too in order to help staff fully understand the policies and procedures.

It was noted that the objector was not present at the meeting and therefore The Sub Committee noted and considered the written objection contained in the agenda pack.

In response to a question, Ms Neale confirmed that the Applicant, Mr Xianyuan Ma had been issued a personal licence (licence number confirmed) and was waiting to receive the personal licence card.

Members adjourned the meeting at 7.30pm for deliberations and reconvened at 7.40pm.

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 licencing 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 in the absence of the objector 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 made by the Applicants present at the meeting.

Members welcomed the efforts made by the Applicant in keeping with the promotion of the licensing objectives, in particular offering robust and effective

training and training material for staff and also accepting and agreeing to the conditions in consultation with the Responsible Authority.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the conditions imposed would effectively mitigate the risk of public nuisance and crime and disorder and 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, YoYo Oriental, 61a Alie Street, London E1 8EB be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Monday to Sunday 10:00 hours to 22:00 hours

HOURS PREMISES OPEN TO THE PUBLIC:

Monday to Sunday 10:00 hours to 22:00 hours

Conditions

1. Notices shall be prominently displayed at the premises requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. 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.
3. 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.

4. 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.
5. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
6. 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;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 7.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.35 P.M. ON TUESDAY, 3 DECEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Shah Ameen (Chair)

Councillor Sufia Alam

Councillor Mohammed Pappu

Officers Present:

David Wong

– (Legal Services)

Mohshin Ali

– (Senior Licensing Officer)

Farhana Zia

– Senior Committee Officer

Representing applicants	Item Number	Role
Mr Andrew Woods	4.1	Applicant's legal representative
Ms Tamara Kamur	4.1	Woods River Cruises Ltd
Mr Matthew Butt	4.2	Counsel for Applicant
Mr David Inzani	4.2	Solicitor for Applicant
Ms Marie-Laure Le Blais	4.2	Applicant
Mr Quentin Coulombel Du Beaudies	4.2	Director & General Manager of Applicant's company
Mr Toby Brown	4.2	Manager of Old Spitalfields Market for OSM Ltd, Landlord
Representing objectors	Item Number	Role
Mr Jonathan Stebbins	4.2	President of Spitalfields Market Residents Association
Ms Margaret Gordon	4.2	Chair, St George Residents' Association Spitalfields
Rose Sheldon	4.2	Local Resident
Sophie Stebbins	4.2	Local Resident

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

There rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committee held on the 1st and 29th October 2019 were agreed as an accurate record of the proceedings.

4. ITEMS FOR CONSIDERATION**5. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE FOR (SILVER SOCKEYE) WAPPING PIER, KING HENRY'S STAIRS, WAPPING HIGH STREET, LONDON E1W 2NR**

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a licence for Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR. It was noted that representations had been made by local residents.

Mr Andrew Woods, the Applicant's legal representative, explained the licence was for a private hire river boat, which would be moored at Wapping Pier. Mr Woods said the conditions offered by the Applicant in the operating schedule made clear, members of the public would not be embarking or disembarking from the boat at this location. The mooring would be the home of the river boat with a maximum of three members of staff using Wapping Pier when leaving or returning to the pier. There would be no music or alcohol on board when the boat is moored.

Mr Woods said this was a family run business that had been in operation since 1947, and which had two other similar vessels. He said the application for the sale of alcohol and regulated entertainment related to when the boat would be on the river, and not when it is moored at the pier.

There were no objectors in attendance at the meeting. However the Sub-Committee noted their concerns in relation to public nuisance, in particular noise disturbance of passengers embarking and disembarking.

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

- The maximum capacity of the boat is 195 passengers and crew. However the average party group consisted of 60 to 80 people. The boat is hired mainly for corporate events.
- The boat has recently operated under a Temporary Event Notice, in relation to an event involving 70 guests in respect of which there were no complaints
- The timings applied for (6:00 a.m. to 2:00 a.m.) make allowance for the rare occasion a party runs later than midnight. However on average a party would normally cease at 10:00 p.m. or 11:00 p.m. It is also to ensure the timings are consistent with the times operated by the other boats run by the business making it easier to offer clients flexibility in hiring across the fleet of boats.

- The Applicant reassured Members that no guests would be embarking or disembarking from the boat at Wapping Pier. It was the boat's home, and so it would only be moored at the Pier.

Members adjourned the meeting at 18:53 hours for deliberations and reconvened at 19:32 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 Nuisances; and
4. The Protection of Children from Harm

Consideration

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

The Sub-Committee noted the licence was for a private hire river boat, which would be moored at Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR. The Sub-Committee noted the conditions offered by the Applicant as part of the operating schedule and the conditions agreed with the Environmental Protection Team.

The Sub-Committee noted the concerns of local residents with regard to public nuisance and noise emanating from recorded music. However the Sub-Committee were reassured by the Applicant's legal representative, that the hours applied for regulated entertainment, related to when the boat would be on the river and not when it was moored at the pier. Members were informed a maximum of three members of staff would embark and disembark from the boat at Wapping Pier and no music or alcohol would be permitted at this location.

The Sub-Committee were satisfied the licensing objectives would be promoted and the conditions on the licence would effectively mitigate the risk of noise nuisance. The Sub-Committee was also satisfied the conditions imposed would help alleviate the concerns raised by the objectors.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a premises licence for Silver Sockeye, Wapping Pier, King Henry's Stairs, Wapping High Street, London E1W 2NR be **GRANTED** with conditions.

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

Conditions

- 1.1 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.
- 1.2 Alcohol will only be sold for consumption by persons on a pre-booked event and/or private function not to the general public.
- 1.3 Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the licensing objectives.
- 1.4 The premises shall sign up to the Best Bar None scheme.
- 1.5 The premises shall have a zero tolerance drugs policy in place.
- 1.6 An incident log shall be kept on the premises and shall be made available to the council or the police on request.
- 1.7 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.
- 1.8 Bottles or glasses shall not be taken off the premises
- 1.9 The premises licence holder shall ensure that all waste and recycling is lawfully disposed of, subject to bottles and cans not being disposed of into open receptacles in the vicinity of Wapping Pier.
- 1.10 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".

1.11 Loudspeakers shall not be located in the entrance doors or outside area of the boat.

1.12 Whenever the boat is moored at Wapping Pier, it will not have any customers on board.

1.13 Whenever the boat is moored at Wapping Pier, there will be no music played on board.

1.14 There will be no kitchen on board the boat.

6. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE FOR (FUNKY CELLAR) OLD SPITALFIELDS MARKET, 10A LAMB STREET, LONDON E1 6EA

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, presented the report which detailed the application for a new premises licence for Funky Cellar, Old Spitalfields Market, 10a Lamb Street, London E1 6EA. It was noted representations had been made by local residents.

Mr Mathew Butt, Counsel for the Applicant explained his client was applying for a new licence, which was similar in nature to the one operated by the previous owners. He said it was evident local residents had experienced difficulties with the previous owner. However the Applicant was not related to the previous owner in any way. Mr Butt said the Applicant was a responsible operator, who had a similar business interest in another part of London, and whilst it would have been beneficial to have transferred the previous licence, the licence had lapsed, when the previous owner went into administration.

In addressing the licensing objectives, Mr Butt said the Applicant's application fulfilled the criteria stated in paragraph 19.8 of the Council's Statement of Licensing Policy, set out on page 263 of the agenda pack; namely that it is a set of small premises with a capacity of fifty persons or less, which intended to operate within the framework hours. The premises would not be alcohol led as the alcohol was ancillary to a food business, and the site had previously been the subject of a premises licence in like terms to the licence now sought. The previous premises licence having ceased when the previous unrelated premises licence holder had gone into administration. Mr Butt offered further conditions stating the Applicant would withdraw that part of the application regarding the provision of regulated entertainment, in order to address the licensing objective of public nuisance and noise disturbance to residents living above and adjacent to the premises. Mr Butt said should the Sub-Committee be minded to grant the licence, the Applicants would consider implementing new refrigeration units at the premises, which would have sliding doors to contain smell emanating from the cheeses it was selling, even though the smell and eating of cheeses was not a licensable activity. Furthermore, the Applicant would ensure the ventilation fan would be in operation whenever licensable activity took place.

Members heard from Mr Jonathan Stebbins, President of the Spitalfields Market Residents Association, who was representing local residents. Mr

Stebbins said that whilst residents welcomed new businesses in the area, they had to be mindful of the area being a mixed commercial and residential area. The buildings were old Victorian structures, within which noise and smell travelled. The buildings were not insulated and occupants of the flat above the premises had experienced particular difficulties relating to the smell of cheeses as well as noise disturbance from music played by the previous owners. Mr Stebbins said there had been an incremental rise in the number of commercial businesses in the area and the cumulative impact zone was in place to redress this balance. Mr Stebbins questioned whether the premises fell within the exceptional circumstance of having a capacity of 'fifty or less persons' and said he understood from the plan on page 150 of the agenda pack, that the premises capacity would exceed fifty person, when taking into account the basement and ground floor areas.

Mr Stebbins added whilst the residents welcomed the new conditions offered these were very last minute and residents had not been given an opportunity to give a considered response.

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

- No complaints had been received by the Licensing Authority since the lapse of the previous premises licence in April 2019. The current owners had operated under four TENs throughout November, and no complaints had been received or logged.
- There was no evidence of impact on the cumulative impact zone between April and November 2019.
- The Applicant had no association with nor were they connected, in any way, to the previous owners.
- The basement area would continue to be a storage space and toilet area, so would not be an area where licensable activity would take place. The colour copy of the diagram on page 150 clearly shows the area of licensable activity which would be confined to the ground floor and outside area, with fifty or less covers.
- The outside area will allow for four benches and two tables.
- A licence is not required for background music. A regulated entertainment licence was applied for to cover all eventualities. Given the concerns of local residents, the Applicant was willing to withdraw this altogether.
- Following a public meeting with residents, the Applicant was willing to consider further sound insulation if the licence was granted. They would also replace the refrigeration units with sliding doors, so as to stop the smell from cheeses overpowering residential flats, including flats above the premises.

In summing up, Mr Matthew Butt asked Members to grant a premises licence on the conditions stated in the operating schedule and those offered at the meeting. He said the Applicant rebutted the presumption of not granting the licence in a CIZ, has exceptional circumstances applied and would not be adding to the cumulative impact in the area. The Applicant had demonstrated

the steps it would take to uphold the licensing objectives and would work with local residents to ensure the premises was well run and managed.

Mr Stebbins for the objectors said consideration should be given to the mixed use of the area and the impact which the creep of commercial businesses was having on the livelihoods on residents.

Members adjourned the meeting at 20:31 hours for deliberations and reconvened at 21:00 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' 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 merit. 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 are 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 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 in the CIZ and their concerns relating to the existing levels of public nuisance, in particular noise amplification and disturbance as well as smell emanating from cheeses being sold from the premises.

The Sub-Committee noted the application is for a new licence, operating similarly to the previous business, where the licence had lapsed due to the former owners going into administration. The Sub-Committee noted the

current applicants had no connection to the previous business, although the proposal was to operate a similar business.

The Sub-Committee noted the hours applied for had been amended to fall within the legal framework hours and heard from the Applicant's legal representative as to the conditions offered to address the concerns of local residents. The refrigeration units for the cheeses would have sliding doors and the ventilation fan would be in operation during the times of licensable activity. The Applicant also offered to remove from their application the provision of regulated entertainment, in order to mitigate any public nuisance caused by recorded music playing.

The Applicant's legal representative stated that his client's business further rebutted the presumption against grant of an application relating to premises in a CIZ, because the application involved the examples of exceptional circumstances stated in paragraph 19.8 of the Council's Statement of Licensing Policy, set out on page 263 of the agenda pack - namely these were small premises with a capacity of fifty persons or less, which intended to operate within the legal framework hours. The premises were a food outlet, so not alcohol led, and the proposed premises licence would replace a defunct premises licence of similar coverage with expired in April 2019, under different management relating to the same premises. In addition the Applicant's legal representative argued his client were responsible operators who ran a similar licensable premises in another local authority area without concerns or complaints.

Whilst mindful of the normal presumption against grant of an application relating to premises in a CIZ, the Sub-Committee were satisfied on the evidence that there were exceptional circumstances in this case that a grant of the application relating to these premises would not add to the cumulative impact in the area. The Sub-Committee concluded the licensing objectives will be promoted and the conditions offered by the Applicant will adequately mitigate the risk of public nuisance.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Funky Cellar, Old Spitalfield Market, 10a Lamb Street, London E1 6EA be **GRANTED** with conditions.

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

Monday to Saturday from 11:00 hours to 22:00 hours

Sunday, from 11:00 hours to 19:00 hours

The opening hours of the premises

Monday to Saturday, from 10:00 hours to 23:00 hours

Sunday, from 10:00 hours to 20:00 hours

Conditions

- 1.1 Deliveries to the premises shall be after 08:00 hours and before 18:00 hours.
- 1.2 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.
- 1.3 There shall be no drinking, vertical or otherwise on the pavement not even for smokers.
- 1.4 There shall be no standing smokers on the pavement.
- 1.5 There shall be no outside dining on the pavement.
- 1.6 There shall be no Lamb Street pavement tables
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.

- 1.11 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 1.12 The current cheese refrigeration units are to be replaced with refrigeration units fitted with sliding doors by 31st January 2020.
- 1.13 The ventilation system is to be in operation at all times licensable activity takes place.
- 1.14 Sound insulation is to be installed in consultation with the Council's Environmental Health Officer by the 31st January 2020.

The meeting ended at 9.05 p.m.

Chair, Councillor Shah Ameen
Licensing Sub Committee

Agenda Item 4.1

Committee : Licensing Sub-Committee	Date 4th February 2020	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 Variation of a Premises Licence for (The Gun) 54 Brushfield Street, London E1 6AG Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant/PLH:	East London Pub Co Limited
Name and	The Gun
Address of Premises:	54 Brushfield Street London E1 6AG
Licence sought:	Licensing Act 2003 – variation of a premises licence <ul style="list-style-type: none"> • To extend the times for the of alcohol • To add recorded music and non-standard timings • Remove and update existing conditions
Representation(s):	Licensing Authority (responsible authority) Environmental Health Noise Team 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 is an application for a variation of a premises licence for (The Gun) 54 Brushfield Street, London E1 6AG.
- 3.2 A copy of the existing premises licence and site plan is enclosed as **Appendix 1** for information only.
- 3.3 The licensable activities and timings of the existing licence are detailed below for information:

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

- Monday to Thursday 11.00 hours to 23.00 hours
- Friday and Saturday 11.00 hours to 23.30 hours
- Sunday 12:00 hours to 22.30 hours

The opening hours of the premises

- Monday to Thursday 11.00 hours to 23.30 hours
- Friday and Saturday 11.00 hours to 00:00 hours (midnight)
- Sunday 12:00 hours to 23.00 hours

- 3.4 The applicant has described the nature of the proposed variation as follows:

- “1. Extend the terminal hour for the sale of alcohol on Monday to Thursday until 23.30 and on Friday & Saturday until midnight*
- 2. Extend the opening hours to allow the premises to close on Monday to Thursday at midnight and on Friday & Saturday at 00:30*
- 3. Permit recorded music on Monday to Thursday from 11.00 until 23.30 and on Friday & Saturday from 11.00 until midnight*
- 4. Add non-standard timings for all licensable activities and opening hours*
- 5. Remove existing Annex 2 conditions and add updated conditions”*

- 3.5 A copy of the premises licence application form is enclosed as **Appendix 2**.

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

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

- Monday to Thursday, from 11:00 hours to 23.30 hours
- Friday and Saturday, from 11:00 hours to 00:00 hours (midnight)
- Sunday, from 12:00 hours to 22.30 hours (no change)

The provision of regulated entertainment - Indoors

(Add recorded music)

- *Monday to Thursday, from 11.00 hours to 23.30 hours*
- *Friday and Saturday, from 11.00 hours to 00:00 (midnight)*
- *Sunday (recorded music is not applied for)*

Non-standard timings:

- *Sale by retail of alcohol and recorded music: An additional 1 (one) hour to the terminal hour on Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve*

The opening hours of the premises

- *Monday to Thursday, from 11:00 hours to 00:00 hours (midnight)*
- *Friday and Saturday, from 11:00 hours to 00:30 hours the following day*
- *Sunday, from 12:00 hours to 23.00 hours (no change)*

Non-standard timings:

- *The opening hours of the premises: An additional 1 (one) hour to the terminal hour on Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve*

- 3.7 The application also seeks to remove the following conditions of the existing licence:

"We seek to remove existing conditions 1 and 2 under Annex 2 as these are either unenforceable or in need of updating and replace with proportionate & enforceable conditions".

"Annex 2 - Conditions consistent with the operating Schedule"

- *Condition 1: "No drinking permitted outside after dark".*
- *Condition 2: "An incident report book to be kept that records all incidents of note and made available on request to Police or any person from a relevant authority".*

- 3.8 Additional conditions are being offered in the application form (see 7.0 of the report).

4.0 Location and Nature of the premises

- 4.1 Maps showing the vicinity are included as **Appendix 3**.

- 4.2 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 2013.

- 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 following:

Responsible authority / other persons	Appendix
Alex Gordon Shute (resident)	6
Barra little (resident)	7
S.P.I.R.E. - J.Stebbins (residents association)	8
Nicola Cadzow (EH Noise Team)	9
Lavine Miller-Johnson (Licensing Authority)	10

- 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
 - 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 parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objectives of crime and disorder and the prevention of public nuisance.
- 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 *A CCTV camera system covering both internal and external to the premises is to be installed and recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity*
- 7.2 *At all times the premises are open, a person who can operate the CCTV system must be present on the premises who can download images and present them immediately on request to a police officer or other responsible authority*
- 7.3 *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by either a Police Officer or an officer of any other Responsible Authority at all times whilst the premises are open*
- 7.4 *An incident log shall be maintained at the premises and details of all known incidents recorded within the log. The log shall be kept on the premises and produced to either a Police Officer or an officer of any other Responsible Authority at all times whilst the premises are open*
- 7.5 *Refuse, such as bottles, shall not be placed into receptacles outside the premises between 23:00 hours and 07:00 hours the following day*
- 7.6 *Notices shall be prominently displayed at all public exits requesting customers to respect the needs of local residents and leave the premises and area quietly*
- 7.7 *Staff shall monitor customers outside to the front of the premises to ensure they do not cause a public nuisance*
- 7.8 *When regulated entertainment is taking place, in the form of recorded music, all windows and external doors shall be kept closed, except in the event of an emergency and for the immediate access & egress*
- 7.9 *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

None

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 11 - 17** 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 existing premises licence
Appendix 2	A copy of the current application
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 6-10	Representations of responsible authorities/residents
Appendix 11	Licensing Officer comments on noise while the premise is in use
Appendix 12	Licensing Officer comments on access/egress Problems
Appendix 13	Licensing Officer comments on crime and disorder on the premises
Appendix 14	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 15	Planning
Appendix 16	Licensing Policy relating to hours of trading
Appendix 17	Tower Hamlets Cumulative Impact Zone

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Appendix 1

**(The Gun)
54 Brushfield Street
London
E1 6AG**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 1st November, 2014
(Variation 03rd November 2018 – change of plans)

Part A - Format of premises licence

Premises licence number

27319

Part 1 - Premises details

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

(The Gun)

54 Brushfield Street

Post town

London

Post code

E1 6AG

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

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

Monday to Thursday 11.00 hours to 23.00 hours

Friday and Saturday 11.00 hours to 23.30 hours

Sunday 12:00 hours to 22.30 hours

The opening hours of the premises

Monday to Thursday 11.00 hours to 23.30 hours

Friday and Saturday 11.00 hours to 00:00 hours (midnight)

Sunday 12:00 hours to 23.00 hours

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

On and off sales

Part 2

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

East London Pub Co Limited
84 Commercial Street
London
E1 6LY

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

Company number: 08974608

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

Andrew Loft

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

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

Personal Licence Number: [REDACTED]

Personal Licence Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Annex 2 - Conditions consistent with the operating Schedule

1. No drinking permitted outside after dark.
2. An incident report book to be kept that records all incidents of note and made available on request to Police or any person from a relevant authority.
3. The following CCTV condition:
 - a) A CCTV camera system covering both internal and external to the premise is to be installed.
 - b) The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - c) At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

5th October 2018 (Drawing no. A-101 & A-111 dated 29.03.18)



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

27319

Premises details

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

(The Gun)
54 Brushfield Street

Post town
London

Post code
E1 6AG

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

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

Monday to Thursday 11.00 hours to 23.00 hours

Friday and Saturday 11.00 hours to 23.30 hours

Sunday 12:00 hours to 22.30 hours

The opening hours of the premises

Monday to Thursday 11.00 hours to 23.30 hours

Friday and Saturday 11.00 hours to 00:00 hours (midnight)

Sunday 12:00 hours to 23.00 hours

Name, (registered) address of holder of premises licence

East London Pub Co Limited
84 Commercial Street
London
E1 6LY

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

On and off sales

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

Company number: 08974608

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

Andrew Loft

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

WE, East London Pub Co Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number 27319

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Gun 54 Brushfield Street			
Post Town	London	Postcode	E1 6AG
Telephone number at premises			
Non-domestic rateable value of premises		£170,000	

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address		84 Commercial Street London	
Post Town	London	Postcode	E1 6LY

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The application proposes to:-

1. Extend the terminal hour for the sale of alcohol on Monday to Thursday until 23.30 and on Friday & Saturday until midnight
2. Extend the opening hours to allow the premises to close on Monday to Thursday at midnight and on Friday & Saturday at 00:30
3. Permit recorded music on Monday to Thursday from 11.00 until 23.30 and on Friday & Saturday from 11.00 until midnight
4. Add non-standard timings for all licensable activities and opening hours
5. Remove existing Annex 2 conditions and add updated conditions

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>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</u> (please read guidance note 7)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Playing of recorded music via an in-house music system		
Mon	11:00	23:30			
Tue	11:00	23:30			
Wed	11:00	23:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	11:00	23:30			
Fri	11:00	00:00	<u>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</u> (please read guidance note 7) An additional 1 hour to the terminal hour on Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve		
Sat	11:00	00:00			
Sun	N/A	N/A			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri				
Sat			<u>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</u> (please read guidance note 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			<u>Will the supply of alcohol be for consumption (Please tick box)</u> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	No Change	23:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue	No Change	23:30			
Wed	No Change	23:30			
Thur	No Change	23:30	<u>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</u> (please read guidance note 7) An additional 1 hour to the terminal hour on Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve		
Fri	No Change	00:00			
Sat	No Change	00:00			
Sun	No Change	No Change			

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 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	No Change	00:00	
Tue	No Change	00:00	
Wed	No Change	00:00	
Thur	No Change	00:00	
Fri	No Change	00:30	
Sat	No Change	00:30	<u>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</u> (please read guidance note 7) An additional 1 hour to the terminal hour on Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve
Sun	No Change	No Change	

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

We seek to remove existing conditions 1 and 2 under Annex 2 as these are either unenforceable or in need of updating and replace with proportionate & enforceable conditions.

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

N/A

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

[The information provided in this box is solely for information only and not intended to be converted into conditions on the Premises Licence]

The Premises Licence Holder, East London Pub Company Ltd was founded in 2014 by Patrick Frawley. Our client also operates The Ten Bells in Spitalfields and the Lock Tavern in Camden and their mission is to produce character rich spaces by creating unique venues offering a modern-day pub experience built on traditional values.

Our client acquired these premises in January 2019, and they have been operating it as an all-day contemporary pub with an extensive beer selection, alongside premium wines, gins and craft spirits as well as a dining menu inspired by British classics made from locally sourced produce and ingredients.

The purpose for seeking later hours for the sale of alcohol comes from requests from our customers who want to continue their night in a safe and comfortable environment, rather than leave and go to another premises. The experience from our existing customers shows that at the moment when people leave, they head to other venues, rather than going home. Extending the terminal hour in line with the framework hours would prevent double migration of customers leaving our premises and then another premises later on. Keeping our customers with us means that they are in a controlled and supervised environment and allows for a gradual dispersal which can be managed and contained. The proposed non-standard timings are to allow some flexibility around trading on these notable days.

Due to the deregulation of the Live Music Act 2012 the premises are currently permitted to have live and recorded music from 8am until 11pm daily. We are seeking to extend the terminal hour for recorded music only in line with the proposed terminal hour for the sale of alcohol to allow the premises some flexibility around trading. To uphold the licensing objective of prevention of public nuisance and to avoid causing any noise issues for the local area we are proposing a condition stipulating that all windows and external doors are to be kept closed when recorded music is taking place except for access/egress and in the case of an emergency.

We have considered the impact of the variation application and in particular note that the premises fall within the cumulative impact zone for Brick Lane. Steps have been taken to ensure that the application and proposed operation will continue to promote the licensing objectives without adding to the cumulative impact of the area. This includes in particular the updated operating schedule with proportionate and enforceable conditions proposed to control noise, litter and other anti-social issues.

Considering the above, we submit that the application will not have an adverse impact on the licensing objectives, nor will it add to the cumulative impact of the area, and the applicant believes that the measures proposed in the operating schedule, along with the existing measures in place, will ensure the premises continue to promote the licensing objectives.

b) The prevention of crime and disorder

1. A CCTV camera system covering both internal and external to the premises is to be installed and recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
2. At all times the premises are open, a person who can operate the CCTV system must be present on the premises who can download images and present them immediately on request to a police officer or other responsible authority
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by either a Police Officer or an officer of any other Responsible Authority at all times whilst the premises are open
4. An incident log shall be maintained at the premises and details of all known incidents recorded within the log. The log shall be kept on the premises and produced to either a Police Officer or an officer of any other Responsible Authority at all times whilst the premises are open

c) Public safety

Please see box a) above. We understand our obligations under existing legislation and take our responsibilities seriously

d) The prevention of public nuisance

5. Refuse, such as bottles, shall not be placed into receptacles outside the premises between 23:00 hours and 07:00 hours the following day
6. Notices shall be prominently displayed at all public exits requesting customers to respect the needs of local residents and leave the premises and area quietly
7. Staff shall monitor customers outside to the front of the premises to ensure they do not cause a public nuisance
8. When regulated entertainment is taking place, in the form of recorded music, all windows and external doors shall be kept closed, except in the event of an emergency and for the immediate access & egress

e) The protection of children from harm

9. 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

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	29/11/2019
Capacity	Flint Bishop LLP – Solicitors for and on behalf of applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
George Domleo Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	██████████
If you would prefer us to correspond with you by e-mail your e-mail address (optional) ████████████████████	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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

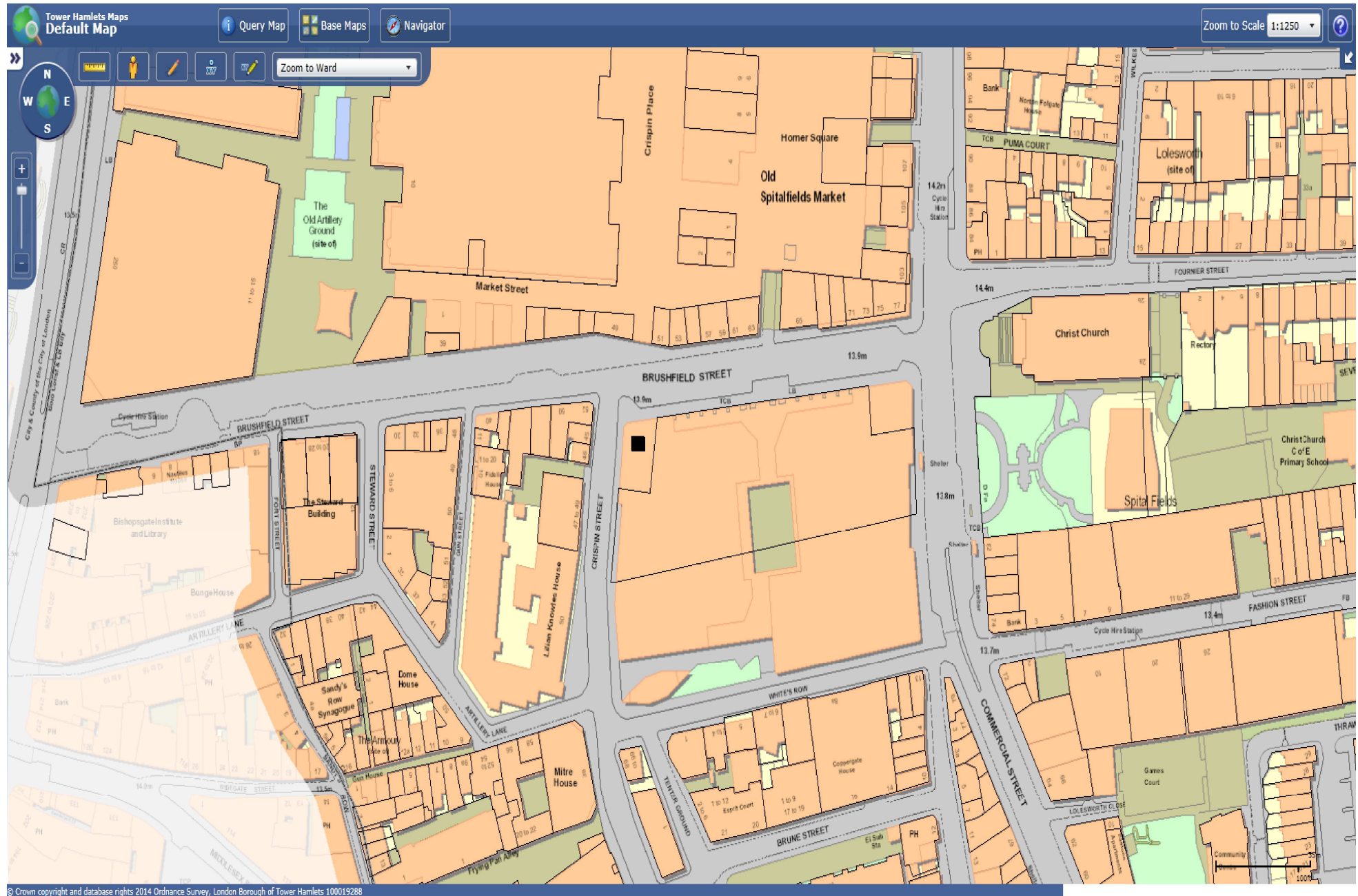
audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application. to correspond with you about this application.

Appendix 3





Appendix 4

Nearest licences: The Gun, 54 Brushfield Street

Name and address of premises	Licensable activities and hours	Opening hours
(Market Coffee House) 50-52 Brushfield Street London E1 6AG	<u>Sale of alcohol (On sales only)</u> Monday to Saturday 08:00 hours – 22:30 hours Sunday 10:00 hours – 18:30 hours <u>Regulated entertainment</u> Live music: Monday to Sunday 15:00 hours – 22:00 hours Recorded music: Monday to Sunday 08:00 hours – 22:30 hours	Monday to Saturday 08:00 hours – 23:00 hours Sunday 09:00 hours – 19:00 hours
Bottles & Battles 67 Brushfield Street London E1 6AA	The sale by retail of alcohol (both on and off premises) <ul style="list-style-type: none"> Monday to Saturday from 10:00hrs to 23:00hrs Sunday from 10:00hrs to 22:00hrs The provision of late night refreshment (both indoors and outdoors) <ul style="list-style-type: none"> Monday to Saturday from 23:00hrs to 23:30hrs 	Monday to Saturday from 08:00hrs to 23:30hrs Sunday from 08:00hrs to 22:30hrs
(Blixen) 65a Brushfield Street London E1 6AA	Alcohol shall not be sold or supplied except during permitted hours. (On and off sales) In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00hrs to 23:00hrs b. On Sundays, other than Christmas Day or New Year's Eve, 12:00hrs to 22:30hrs c. On Good Friday, 12:00hrs to 22:30hrs. d. On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs e. On New Year's Eve, except on a Sunday, 11:00hrs to 23:00hrs f. On New Year's Eve on a Sunday, 12:00hrs to 22:30hrs g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00hrs (midnight) on 31st December). Supper Hours Certificate Alcohol may be sold or supplied (for one hour following the hours set out above and) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises	There are no restrictions on the hours during which this premises is open to the public For conditions re. "drinking up time" see Annex 1 Mandatory Conditions Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Years Eve and 11:00hrs on New Years Day.

Nearest licences: The Gun, 54 Brushfield Street

	<p>as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours</p> <p>Late Night Refreshment Hot drinks and hot food can be served up to 30minutes after the last permitted sale of alcohol. Thus Monday to Saturday until 00:30hrs (the following day) Sunday 00:00hrs (midnight)</p>	
<p>(Rapha Racing Cycle Club, Cafe & Store) Spitalfields Market 61-63 Brushfield Street London E1 6AA</p>	<p>Sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 21:00 hours <p>The provision of regulated entertainment – Indoors <u>Films</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 08:00 hours to 21:00 hours 	<p>Monday to Sunday, from 08:00 hours to 21:30 hours</p>
<p>(Barber Barber) 51 Brushfield Street Spitalfields London E1 6AA</p>	<p>Sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> Monday to Saturday, from 09:00 hours to 21:00 hours Sunday, from 09:00 hours to 19:00 hours 	<p>Monday to Saturday, from 09:00 hours to 21:30 hours</p> <p>Sunday, from 09:00 hours to 19:30 hours</p>
<p>(Pho) 48 Brushfield Street London E1 6AG</p>	<p>The sale by retail of alcohol (On sales only) Monday to Saturday – 10:00 to 00:00 (midnight) Sunday 12:00 – 23:30</p> <p>The provision of late night refreshment Monday to Saturday – 23:00 – 00:30 the following day Sunday 23:00 – 00:00 (midnight)</p> <p>The provision of regulated entertainment (in the form of recorded music) Monday to Saturday – 10:00 to 00:00 (midnight) Sunday 12:00 – 23:30</p>	<p>Monday to Saturday – 23:00 – 01:00 the following day Sunday 23:00 – 00:30 the following day</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>

Nearest licences: The Gun, 54 Brushfield Street

(A.Gold) 42 Brushfield Street London <i>E1 6AG</i>	Alcohol shall not be sold or supplied except during permitted hours. (Off sales only) In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. See Mandatory conditions for drinking up time	There are no restrictions on the hours during which this premises is open to the public
(Hotel Chocolat) 27-33 Brushfield Street London E1 6AN	<u>The supply of Alcohol (both on and off sales)</u> <ul style="list-style-type: none"> Monday to Saturday from 09:00hrs to 23:00hrs Sunday from 09:00hrs to 22:30hrs 	Monday to Saturday from 09:00hrs to 23:00hrs Sunday from 09:00hrs to 22:30hrs
(Rola Wala) 36 Brushfield Street London E1 6AT	The sale by retail of alcohol (On and off sales) Monday to Saturday 12:00 hours to 22:00 hours Sunday from 12:00 hours to 20:00 hours	Monday to Friday from 11:00 hours to 22:00 hours Saturday from 12:00 to 22:00 hours Sunday from 12:00 hours to 20:00 hours
(Anthropologie) 18-28 Brushfield Street London E1 6AN	The sale by retail of alcohol (off sales) Monday to Saturday 08:00 hours – 21:00 hours Sunday 10:00 hours – 21:00 hours	Monday to Saturday 08:00 hours – 21:00 hours Sunday 10:00 hours – 21:00 hours
(Pilpel Spitalfields) 38 Brushfield Street London E1 6AT	The sale by retail of alcohol (On and off sales) Monday to Sunday, from 10:00 hours to 21:00 hours	Monday to Sunday, from 10:00 hours to 21:00 hours
(Spianata & Co) 41 Brushfield Street London E1 6AA	<u>Sale of Alcohol (on sales only)</u> <ul style="list-style-type: none"> Monday to Sunday from 11:00hrs to 21:30hrs 	Monday to Friday from 07:30hrs to 22:00hrs Saturday & Sunday from 11:00hrs to 22:00hrs
(Chilango) 32 Brushfield Street London E1 6AT	The sale by retail of alcohol (on and off sales) Monday to Sunday from 11:00hrs to 21:00hrs	Monday to Sunday from 11:00hrs to 21:30hrs

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

Corinne Holland

From: Alex Gordon Shute [REDACTED] >
Sent: 26 December 2019 17:06
To: Licensing
Subject: The Gun, 54 Brushfield Street, London, E1 6AG

Dear Licensing Team

I write to object to the extension of the licence for the Gun Pub at 54 Brushfield Street in Spitalfields. The pub already causes quite a bit of anti-social behaviour and nuisance for local residents and businesses, and often disturbs the children who make up more than 50 families who live in the flats above the Old Spitalfields Market building. The area has plenty of problems with drug dealing and drug abuse already, and the pub contributes to that (I have been to several community meetings with the local police where the combination of the pub and the student accommodation nearby is cited as having specifically increased the drug dealing in this area). With no public toilets in the area, there is also plenty of anti social behaviour caused by drunk people exiting the pub and heading through the market buildings or towards Liverpool Street, and urinating in doorways when they get caught short. All of these problems would get worse with extended hours and music at the Gun. The area does not need longer hours for its night time economy, particularly with more businesses moving into the area – they do not expect vomit or urine outside the doors of their sparkling new office premises (which is likely from this sort of licence extension).

I hope very much that you will reject this application in the CIZ. No 'exceptional circumstances' have been cited for this extension which means that it should be rejected if the CIZ's parameters are to be respected.

Best wishes

Alex Gordon Shute
[REDACTED]

Appendix 7

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 23 December 2019 15:23
To: Mohshin Ali
Subject: FW: The gun 54 Brushfield Street-complaint

fyi

From: Barra Little [REDACTED]
Sent: 23 December 2019 13:08
To: Licensing
Subject: Re: The gun 54 Brushfield Street-complaint

Thank you. My original email was a complaint. This email is indeed a representation against extending the license. The application makes no reference to the CIZ or any steps to avoid impact on public safety, nuisance and ASB. The suggestion that staying open later will reduce migration to other areas is nonsense. It will mean that patrons drink more, for longer, and leave later, with all the associated noise and ASB. The venue has already shown that it cannot or will not mitigate the effect of its customers and loud music on residents. The venue projects music that is far too loud which can be heard clearly down the street. Customers are often drunk and shouting in the street. They overflow the pavement and block access. This bar is being run like a nightclub, by contrast to other local bars which mitigate noise and asb more effectively. I strongly urge you not to extend the hours. Poorly managed late licenses are significantly contributing to asb and nuisance for neighbours. We will have to deal with the consequences of drunk customers leaving the premises late and walking past our houses, with all the noise and ASB this will lead to.

Barra little
[REDACTED]
[REDACTED]

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From: Mohshin Ali <[REDACTED]> on behalf of Licensing <Licensing@towerhamlets.gov.uk>
Sent: Monday, December 23, 2019 5:12:46 AM
To: 'Barra Little' [REDACTED] >
Subject: RE: The gun 54 Brushfield Street-complaint

Dear Barra Little,

Licensing Act 2003
Premises: The Gun, 54 Brushfield Street, London E1 6AG

Thank you for your email. I would be grateful if you could confirm if you are making a representation the above variation application (attached). The existing licence can be found on the licensing list:

<http://alcohol-entertainment.towerhamlets.gov.uk/Civica-eLR-3.2 Live/start.aspx>

Please respond by the **27th December 2019** as this is when the consultation period ends.

In the meantime, you may find the contact details for the relevant departments useful:

- Environmental Health Noise Team Environmental.Health@towerhamlets.gov.uk (Tel: 020 7364 5007)

- Anti-Social Behaviour Team: AntiSocial.Behaviour@towerhamlets.gov.uk (Tel: 101)
- Police Licensing Team: HT-LicensingOffice@met.police.uk

If I can be of any further help, do not hesitate to contact me.

NOTE: Please note that our office is closed from 25th December 2019 to 1st January 2020.

Regards

Mohshin Ali - Senior Licensing Officer

Licensing Team, Environmental Health & Trading Standards, John Onslow House, 1 Ewart Place, London E3 5EQ

[REDACTED]



Please consider the environment - do you really need to print this email?



From: Barra Little [REDACTED]
Sent: 18 December 2019 20:43
To: Licensing
Subject: The gun Brushfield Street-complaint

Dear all,

I wish to complain about sustained noise and nuisance caused by the Gun. The bar plays music at night club levels which can be heard almost a block away. The doormen do nothing to control crowds outside, who regularly block the entire pavement, force people onto the roads, and shout. It is clear that patrons are drinking heavily and there is no attempt to stop serving disruptive customers. This is causing a nuisance to neighbours and contributing to anti social behaviour. I have seen this on multiple occasions including tonight.

Barra little
[REDACTED]

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Appendix 8

From: jonathan.stebbins [REDACTED] >
Sent: 27 December 2019 19:44
To: licencing@towerhamlets.gov.uk; Licensing
Cc: Jonathan Stebbins
Subject: The Gun, 54 Brushfield St, E1 6AG Licence 27319 - Extension of Licence.

Tower Hamlets Licensing Committee:

To whom it may Concern,

We wish to Object to the extension of Licencing hours requested by the Gun pub.

The Gun is located in the CIZ zone, consequently they must prove that there would not be a negative impact from either their existing licence or an extension thereof.

The pub is located in a mixed Residential and Commerical area thus it's activities has a direct impact on those living and studying nearby.

The Prevention of Public Nuisance:

There are families and students who live directly across from the Gun on both Brushfield St and Crispin St.

When the Gun re-opened early in 2019 the management told residents that there would not be any outside drinking as this is not in character with the sophisticated gastro-pub they were looking to operate.

Extended drinking hours with outdoors drinking well after the kitchens have closed is the exact opposite of a sophisticated gastro pub.

Recently, there has been concerns from residents about the noise and disturbance of late night drinking standing outside the premises.

Extended drinking hours would only make this worse.

Prevention of Crime and Disorder:

In their submission, the applicant claims that currently their patrons leave the Gun at closing time and move on to other venues in the neighbourhood. However, they offer no evidence or independent research to substantiate this.

It is claimed that by allowing patrons extended drinking time at the Gun that this would be socially responsible as patrons would not look to drink elsewhere, consequently would not lead to social disturbance as they wandered the streets

How can this be true when there is such an obvious link between excessive alcohol consumption and Disorder. By staying in one venue with no disruption to their drinking, patrons would be able to consume more alcohol, consequently when they finally leave potentially could cause greater disturbance.

Protection of children from harm:

As noted the area is mixed residential and commercial, late night activity / noise, drinking on the foot path detrimentally impacts children's sleep, hence their health and well being.

Tower Hamlets Council must consider the rights and well being of its residents and not just the commercial imperatives of Licenced premises.

Jonathan Stebbins
Chair of SPIRE

Chair of Spitalfields Market Residents Association

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 9

From: Nicola Cadzow
Sent: 16 December 2019 12:38
To: Licensing
Cc: CEMailbox-.towerhamletslicensing@met.police.uk
Subject: MAU REPRESENTATION 124586 The Gun 54 Brushfield Street London

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Having considered the variation of premises license application for The Gun 54 Brushfield Street London, I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, and consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend the permitted opening hours for licensable activities area as follows:-

Regulated Entertainment (recorded Music): 11:00 hours to 23:30 hours (Monday to Saturday) – not on existing license

Supply of Alcohol (Monday to Thursday)	terminal hour 23:00 hours to extend for 30 minutes until 23:30 hours
(Friday & Saturday)	terminal hour 23:30 hours to extend for 30 minutes until midnight

The variation application has not considered the external area and I cannot accept removal of Annex 2 condition 1: No drinking permitted outside after dark, or the non-standard timings to be included, as the applicant has not provided sufficient information to show how they will promote the four licensing objectives, in particularly for Environmental Protection the licensing objective for the prevention of public nuisance, and therefore, how they will not add to the impact in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in close proximity to 54 Brushfield Street London

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for The Gun 54 Brushfield Street London, as there is great likelihood of disturbance to residential premises by increasing the terminal hour for licensable activities, and removing condition for outside area, with consideration that the premises is in Brick Lane Cumulative Impact Zone.

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 10

From: Lavine Miller-Johnson
Sent: 20 December 2019 14:40
To: Mohshin Ali
Subject: Premises Licence Variation - The Gun 54 Burshfield Street London E1 6AG

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Applicant,

Variation Premises Licence Application The Gun 54 Burshfield Street London E1 6AG
M/A 124586

The Licensing Authority are making a representation against the above application on the grounds of:

- ***the prevention of public nuisance***

Great consideration has been given to this application as this premises falls within the Brick Lane CIZ area. The applicant must ensure that the activities taking place on their premise will not present a further impact on the area.

This local authority has framework hours of which many of the premises observe when applying for a licence. The framework hours are as stands:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant has observed these framework hours and applied to carryout licensable activities within these hour.

I have made observations of the local vicinity and noted that residents live in close proximity of the premises.

Looking at the licensing data base, complaints in relation to public nuisance have been noted:

Most recent complaint shown below:

- **18th December 2019** - Sustained noise and nuisance caused by the Gun. The bar plays music at night club levels which can be heard almost a block away. The doormen do nothing to control crowds outside, who regularly block the entire pavement, force people onto the roads, and shout. It is clear that patrons are drinking heavily and there is no attempt to stop serving disruptive customers. This is causing a nuisance to neighbours and contributing to anti-social behaviour. I have seen this on multiple occasions including tonight.

Premises schedule to be visited in the new year

I am therefore making the following representations against this application:

The licensing authority does not support the removal of the condition 1 annex 2.

- ***No drinking permitted outside after dark***

Removal of this condition will undermined the licensing objectives and give rise to public nuisance.

The Licensing Authority proposes the following condition to update the above condition:

1. There shall be no sales of alcohol for consumption off the premises after **21:00 hours**.
2. All sales of alcohol for consumption off the premises after **21:00 hours** shall be in sealed containers only, and shall not be consumed on the premises.

If you are willing to accept the above conditions I will withdraw the representation against this application. Please can you confirm this acceptance in writing.

Kind Regards

Lavine Miller-Johnson

Licensing & Safety Team | Environmental Health and Trading Standards
[London Borough of Tower Hamlets](#) | John Onslow House, 1 Ewart Place, London E3 5EQ

Appendix 11

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 12

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 13

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 14

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 15

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 16

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 17

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:

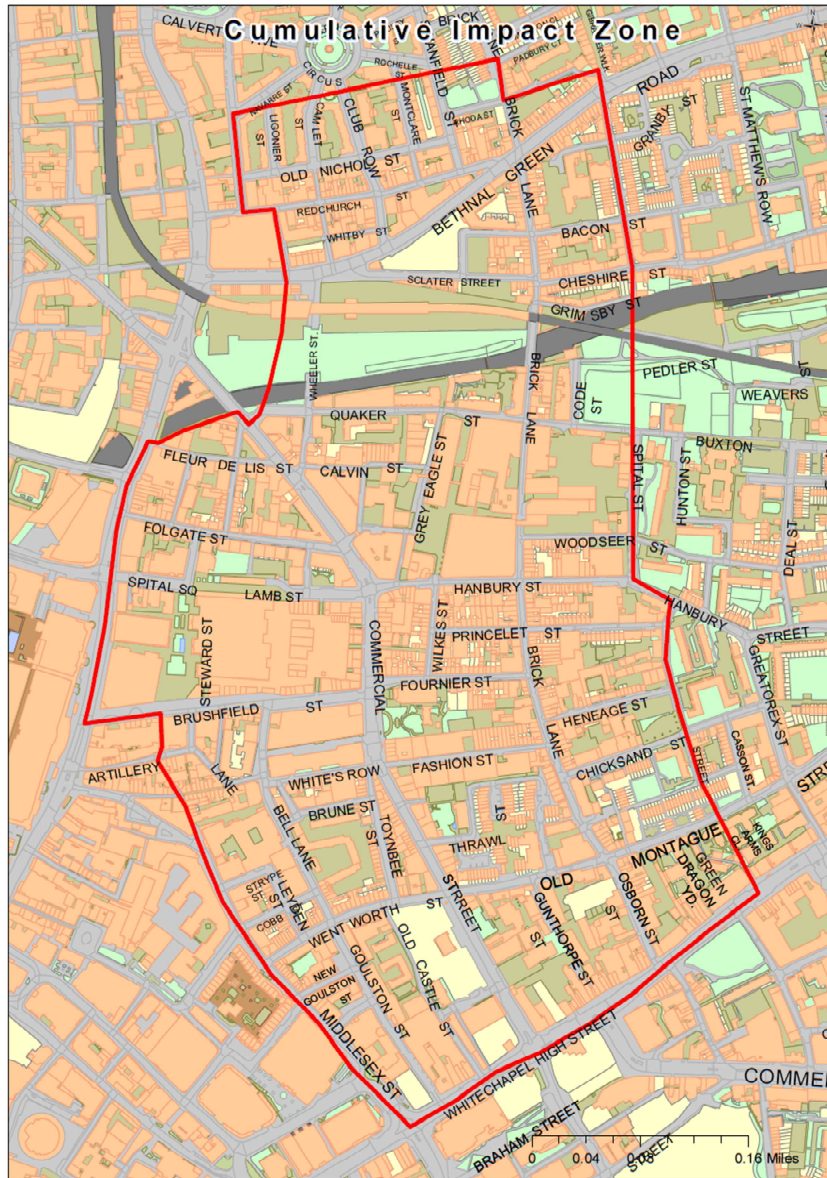
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

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.

The Cumulative Impact Zones:

Figure One

Brick Lane area:

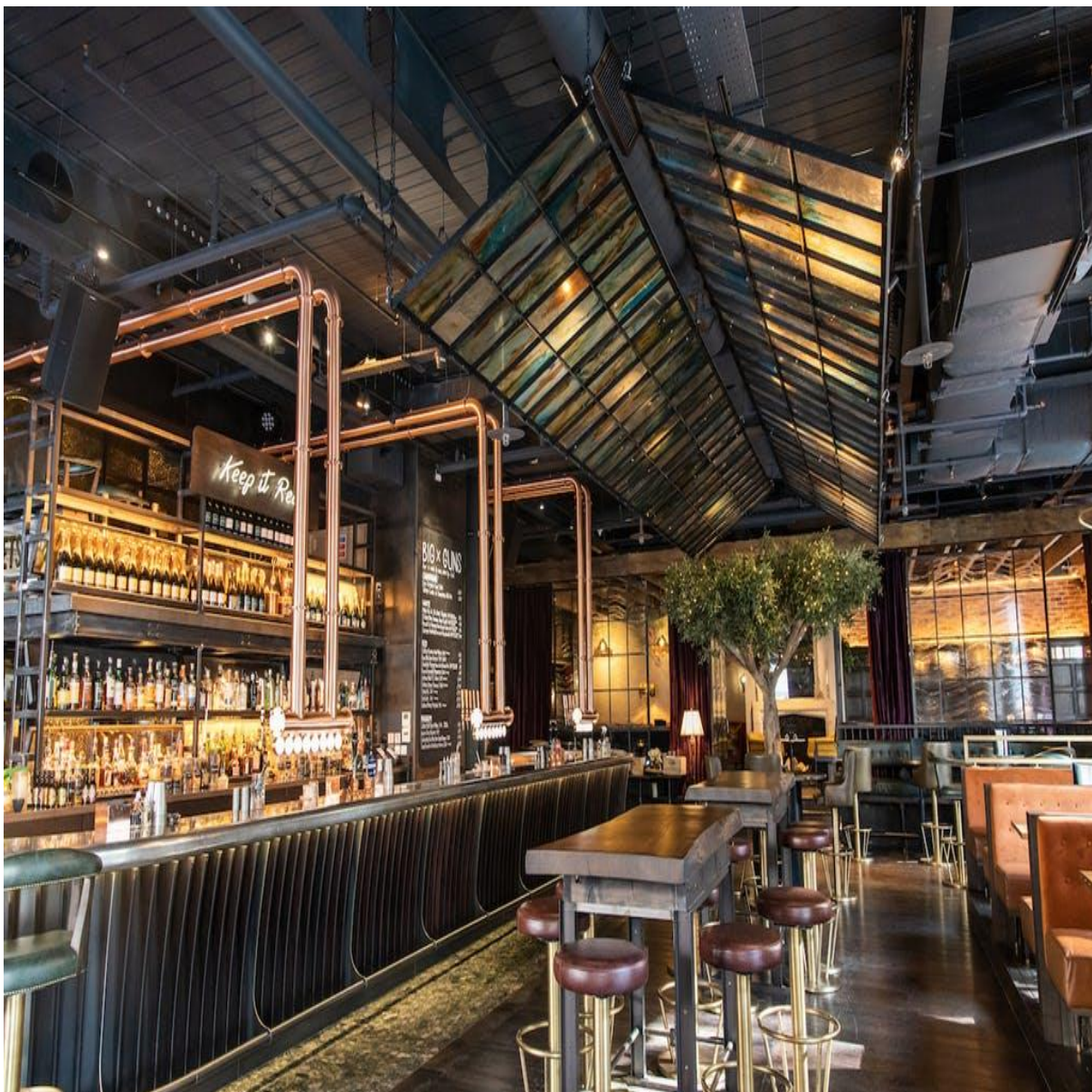


**Supporting Documents submitted on
behalf of the Applicant**

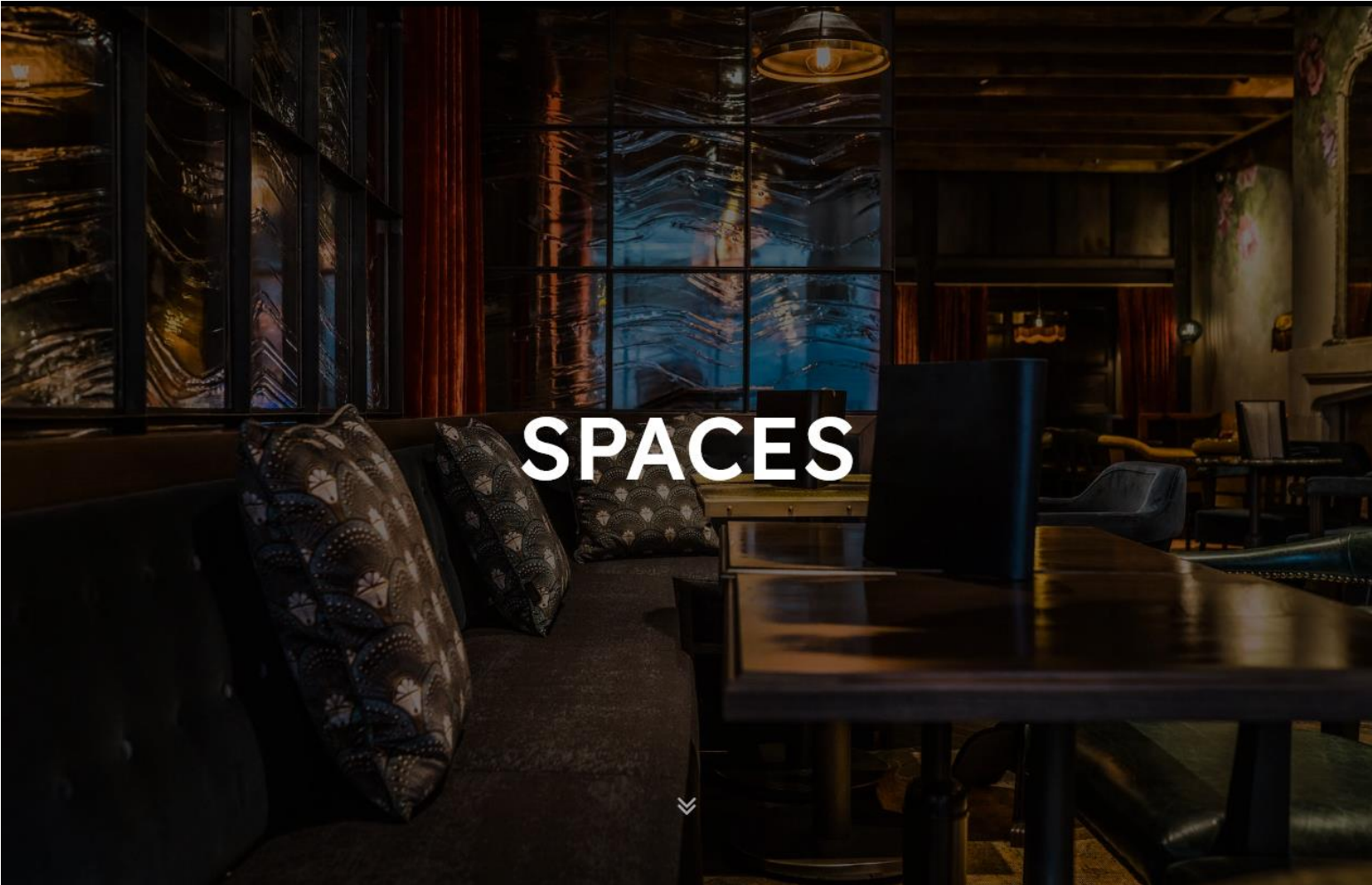
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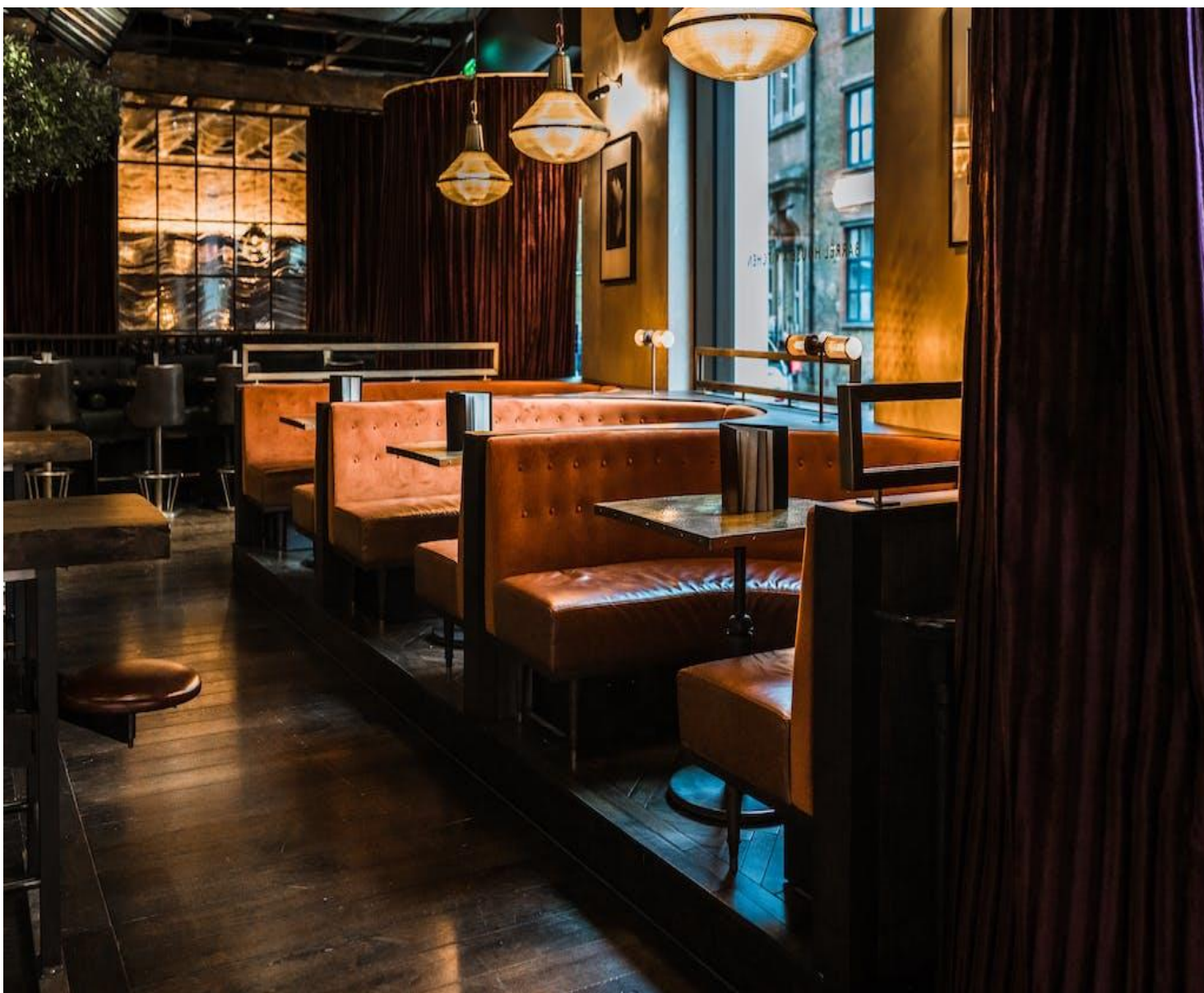














FOOD AND DRINK

MENUS FOR MASTERS



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ALL DAY MENU

SERVED MONDAY-SATURDAY FROM 12PM

ALL DAY FOOD MENU

SERVED MONDAY-SATURDAY FROM 12PM

Created with quality and freshness in mind, our menu champions the best of British produce.

NIBBLES

SMOKED TOMATO POPCORN (ve)(gf)3.00

MIXED HOUSE ROASTED NUTS (v)(gf)3.50

HOUSE MARINATED OLIVES (ve)(gf).....4.00

WARM BUTTER BREAD (v)4.00

With Flavoured Butter. Ask your server for this weeks flavour!

SHARERS

Sharers serve 3-4 people

MEZZE PLATTER (gf) 25.00

*Parma Ham / Crispbread / Dips / Olives /
Pickled Carrots / Sun Blushed Tomatoes*

MIXED MENU PLATTER25.00

*BBQ Ribs / Popcorn Chicken / Buffalo Wings
and Rough Cut Fries*

SMALL PLATES

BEEF SLIDERS (3)10.00

Beef & Bone Marrow Patty, Burger Sauce served in Toasted Brioche Bun

COCA COLA BBQ PORK RIBS (gf) 8.00

Homemade BBQ sauce

BUFFALO FREE RANGE CHICKEN WINGS (gf)10.00

Crispy Wings, Homemade Buffalo Sauce with Stilton Dip

BEEF FILLET CARPACCIO (gf)10.00

Beef Fillet, House Pickled Vegetables and Mustard Seed Dressing

FRIED CORNISH YARD BRIE (v) 8.00

Cranberry Dip and Wild Rocket

HONEYED FIG & GOATS CHEESE PARCEL (v) 8.00

Sweet Fig with Paprika Spiced Goats Cheese and Rocket Salad

BEETROOT CURED ATLANTIC SALMON10.00

Melba Toast, Rocket and Vermouth Dressing

POPCORN CHICKEN 8.00

Togarashi Spices and Sriracha Mayo

MIXED DIPS AND CRISPBREAD (ve)7.00

Kale Pesto, Buffalo Houmous and Broccoli Guacamole

PIGS IN BLANKETS 5.00

Bacon and Sausage

MAINS

MIXED LEAF AND FIG SALAD (v)13.00

*Sun Blushed Tomato, Maple Roasted Pecans,
Melba Croutons and Blue Cheese Dressing*

+ ADD CHICKEN £3

+ ADD PANCETTA £2

RED PESTO PASTA (v)14.00

Sun-dried Tomato, Pappardelle and Rocket

+ ADD PANCETTA £2

+ ADD CHICKEN £3

WILD MUSHROOM RISOTTO (v).....15.00

Whipped Tarragon Crème Fraîche and Pine Nuts

AUBERGINE AND SWEET POTATO

CURRY (ve)(gf)14.00

*Caramelised Red Onion and Turmeric Spiced
Cauliflower Rice*

+ ADD CHICKEN £3

THE GUN'S FISH PIE14.00

*Fresh Smoked Haddock, Salmon, Parmesan Mash and
Leeks*

FISH & CHIPS15.00

*British Isle Haddock with Rough Cut Fries,
Pea Puree and Tartare Sauce*

FROM THE GRILL

MUSHROOM &

BLACK BEAN BURGER (ve) 11.00

*Chipotle Veganaise, Gem Lettuce, Tomato,
Pickles and Shallots*

BRITISH BEEF BURGER12.00

*Beef & Bone Marrow Patty, Mature Cheddar,
Pickled Red Onion and Burger Sauce in a Toasted
Sesame Brioche Bun*

+ AVOCADO £2

+ BLUE CHEESE £2

+ PANCETTA £2

+ BEEF PATTY £4

FREE RANGE ROAST CHICKEN

BREAST (gf) 16.50

*Tenderstem Broccoli, Crushed New Potatoes
Parsnip and Tarragon Jus*

BRAISED BEEF SHORTRIB (gf).....17.00

*Creamy Mash, Braised Red Cabbage,
Chestnut Crumb and Jus*

FLAT IRON STEAK (gf)17.00

*'Stokes Marsh Farm' Beef, Roasted Plum Tomato
and Peppercorn Sauce*

CARAMELISED SPROUTS & BACON (gf) 5.00 • **PIGS IN BLANKETS (gf)** 5.00

NEW POTATOES (ve)(gf) 4.50 • **TENDERSTEM BROCCOLI (ve)(gf)** 4.50

MIXED LEAF SALAD (ve)(gf) 4.00 • **ROUGH CUT FRIES (v)(gf)** 4.50 • **SWEET POTATO FRIES (ve)(gf)** 5.00

DESSERTS

ICE CREAM (v) / SORBET (ve) (2 SCOOPS)4.00

Ask your server for our flavour selection

APPLE & RHUBARB CRUMBLE (v)6.50

Fresh Cream

BLACK FOREST GATEAU (v)(gf) 7.00

Cherry Sorbet, Chantilly Cream and Flaked Chocolate

CHOCOLATE & CARAMEL MELTING BOMB (v)(gf)8.00

Chocolate Sponge, Berry Meringue, Clotted Cream and Salted Caramel Sauce

CHEESEBOARD15.00

Selection of British Cheeses, Crispbread with Homemade Apple & Grape Chutney

A DISCRETIONARY 12.5% SERVICE CHARGE IS ADDED TO EVERY BILL. PLEASE ASK OUR TEAM IF YOU HAVE ANY ALLERGY/DIETARY REQUIREMENTS.

(v) SUITABLE FOR VEGETARIANS (ve) SUITABLE FOR VEGANS (gf) GLUTEN FREE

WINE LIST

Wine by the glass are served on these premises in measures 175ml (this does not include sparkling).

WHITE

	GLS	BTL
DOMAINE LAFAGE CÔTES CATALANES BLANC 2018 <i>Languedoc-Roussillon, France</i>	6.50	24.00
LE VERSANT VIOGNIER <i>Languedoc-Roussillon, France</i>	7.30	30.00
RIFF PINOT GRIGIO <i>Alto Adige, Italy</i>	8.50	34.00
XANADU XMOOR CHARDONNAY <i>Margaret River, Australia</i>	9.00	38.00
Craggy Range SAUVIGNON BLANC <i>Martinborough, New Zealand</i>	10.30	42.00
MONTE CLAVIJO RIOJA BLANCO <i>Rioja, Spain</i>	26.00	
LE PIERRIER DOMAINE THOMAS SANCERRE BLANC 2017 <i>Loire, France</i>	46.00	

ROSÉ

	GLS	BTL
A L'OMBRE DES PARASOLS ROSÉ <i>Rhone Valley, France</i>	26.00	
COTEAUX VAROIS EN PROVENCE ROSÉ DOMAINE TEISSERRE <i>Provence, France</i>	7.70	30.00
CHATEAU D'ESCLANS WHISPERING ANGEL ROSÉ <i>Provence, France</i>	50.00	

RED

	GLS	BTL
DOMAINE LAFAGE CÔTES CATALANES ROUGE 2017 <i>Languedoc-Roussillon, France</i>	6.50	24.00
SANTA RITA GRAN HACIENDA PINOT NOIR <i>Aconcagua Valley, Chile</i>	7.00	28.00
VALDIVIESO VALLEY SELECTION MERLOT <i>Chile</i>	7.90	35.00
VIVANCO RIOJA CRIANZA <i>Rioja, Spain</i>	9.70	39.00
CHATEAU CHANGYU MOSER CABERNET SAUVIGNON 2017 <i>China, Ningxia</i>	10.00	40.00
EL ENEMIGO MALBEC <i>Mendoza, Argentina</i>	11.00	45.00

SPARKLING

	GLS	BTL
CAVICCHIOLI PINOULETTO MODENA DOC SPUMANTE NV <i>Emilia-Romagna, Italy</i>	6.70 (125ml)	30.00
CAVICCHIOLI ROSÉ SPUMANTE EXTRA DRY NV <i>Emilia-Romagna, Italy</i>	7.00 (125ml)	31.00

CHAMPAGNE

Champagne by the glass are served on these premises in measures 125ml.

	BTL
MOËT & CHANDON ROSÉ IMPÉRIAL NV <i>Champagne, France</i> <i>A generous bouquet of wild strawberry and cherry with nuances of rose and an expressive palate.</i>	105.00

	GLS	BTL
MOËT & CHANDON BRUT IMPÉRIAL NV <i>Champagne, France</i> <i>Intensity of green apple and citrus fruit, freshness of mineral nuances and notes of brioche, cereal and fresh nuts.</i>	12.00	80.00



SUNDAY MENU

SERVED EVERY SUNDAY FROM 12PM

SUNDAY LUNCH

SERVED EVERY SUNDAY FROM 12PM

Created with quality and freshness in mind, our menu champions the best of British produce.

BLOODY MARYS

Making Bloody Marys is as close to juicing as we'll ever get.

Bloody Marys 9.50 / Virgin Marys 4.50

THE CLASSIC

Absolut Vodka, La Guita Manzanilla Sherry, Worcester Sauce, Horseradish, Lemon Juice, Tabasco, Black Pepper, Salt, Tomato Juice

THE ALL AMERICAN

Chase Smoked Bacon Infused Vodka, Beef Stock, Worcester Sauce, Lemon Juice, Tabasco, Pickle Juice, Salt, Black Pepper, Tomato Juice

THE SPICY MEXICAN

Ocho Tequila, Mezcal, Worcester Sauce, Lemon Juice, Sriracha, Horseradish, Tabasco, Salt, Black Pepper, Tomato Juice

THE PICKY JAPANESE

Toki Japanese Whisky, Lemon Juice, Soy Sauce, Wasabi Paste, Salt, Black Pepper, Tomato Juice

THE GREEN AMAZONIAN

Absolut Vodka, Kummel, Lime Juice, Our Homemade Green Juice, Habanero Infused Agave Syrup

NIBBLES

SMOKED TOMATO POPCORN (ve)(gf)3.00

HOUSE MARINATED OLIVES (ve)(gf).....4.00

MIXED HOUSE ROASTED NUTS (v)(gf)3.50

WARM BUTTER BREAD (v)4.00

Ask your server for this weeks flavoured butter!

TO START

POPCORN CHICKEN8.00

Togarashi Spices and Sriracha Mayo

FRIED CORNISH YARD BRIE (v).....8.00

Cranberry Dip and Wild Rocket

BEETROOT CURED ATLANTIC SALMON..9.00

Melba Toast and Rocket

MAINS

BRITISH BEEF BURGER12.00

Beef and Bone Marrow Patty, Mature Cheddar, Pickled Red Onion and Burger Sauce in a Toasted Sesame Brioche Bun

MUSHROOM &

BLACK BEAN BURGER (ve) 11.00

Chipotle Veganaise, Gem Lettuce, Tomato, Pickles and Shallots

+ AVOCADO £2

+ BLUE CHEESE £2

+ PANCETTA £2

+ BEEF PATTY £4

AUBERGINE AND SWEET POTATO

CURRY (ve)(gf)14.00

Caramelised Red Onion and Turmeric Spiced Cauliflower Rice

+ ADD CHICKEN £3

THE GUN'S FISH PIE14.00

Fresh Smoked Haddock, Salmon, Parmesan Mash and Leeks

ROUGH CUT FRIES (v)(gf) 4.50 • SWEET POTATO FRIES (ve)(gf) 5.00

OUR ROASTS

Sunday... sleep until you're hungry. And then eat until you're sleepy.

HERB ROASTED CHICKEN16.00

Trimmings and Proper Gravy

12HR SLOW ROASTED STOKES FARM BEEF RUMP18.00

Yorkshire Pudding, Trimmings and Proper Gravy

ROASTED ROOT PARCEL (ve) 15.00

Pine Nuts, Pea Purée, Trimmings and Vegan Gravy

THE FEAST

All in for £20 per person. 2 person minimum order

A FULL SPREAD OF SLOW ROASTED BEEF RUMP AND HERB ROASTED CHICKEN

Served with Sunday Trimmings, Real Gravy, Yorkies and Condiments

KIDS ROAST

(Under 12s)

All Served with Yorkshire Pudding, Trimmings & Real Gravy

CHOOSE EITHER:

*Herb Roasted Chicken / 12hr Slow Roasted Beef Rump
and to finish a scoop of our Ice Cream or Sorbet!*

Ask your server for our flavour selection

SIDES

PIGS IN BLANKETS (gf).....5.00

CAULIFLOWER CHEESE (v) 5.00

SAGE & ONION STUFFING4.50

YORKSHIRE PUDDING 2.00
With Real Gravy

DESSERTS

ICE CREAM (v) / SORBET (ve) (2 SCOOPS)4.00

Ask your server for our flavour selection

APPLE & RHUBARB CRUMBLE (v)6.50

Fresh Cream

BLACK FOREST GATEAU (v)(gf) 7.00

Cherry Sorbet, Chantilly Cream and Flaked Chocolate

CHOCOLATE & CARAMEL MELTING BOMB (v)(gf)8.00

Chocolate Sponge, Berry Meringue, Clotted Cream and Salted Caramel Sauce

CHEESEBOARD15.00

Selection of British Cheeses, Crispbread with Homemade Apple and Grape Chutney

A DISCRETIONARY 12.5% SERVICE CHARGE IS ADDED TO EVERY BILL. PLEASE ASK OUR TEAM IF YOU HAVE ANY ALLERGY/DIETARY REQUIREMENTS.

(v) SUITABLE FOR VEGETARIANS (ve) SUITABLE FOR VEGANS (gf) GLUTEN FREE

WINE LIST

Wine by the glass are served on these premises in measures 175ml (this does not include sparkling).

WHITE

GLS BTL

DOMAINE LAFAGE	6.50	24.00
CÔTES CATALANES BLANC 2018		
<i>Languedoc-Roussillon, France</i>		
LE VERSANT VIOGNIER	7.30	30.00
<i>Languedoc-Roussillon, France</i>		
RIFF PINOT GRIGIO	8.50	34.00
<i>Alto Adige, Italy</i>		
XANADU XMOOR CHARDONNAY	9.00	38.00
<i>Margaret River, Australia</i>		
Craggy Range		
SAUVIGNON BLANC	10.30	42.00
<i>Martinborough, New Zealand</i>		
MONTE CLAVIJO RIOJA BLANCO	26.00	
<i>Rioja, Spain</i>		
LE PIERRIER DOMAINE THOMAS	46.00	
SANCERRE BLANC 2017		
<i>Loire, France</i>		

ROSÉ

GLS BTL

A L'OMBRE DES PARASOLS ROSÉ	26.00	
<i>Rhone Valley, France</i>		
COTEaux VAROIS EN PROVENCE		
ROSÉ DOMAINE TEISSERRE	7.70	30.00
<i>Provence, France</i>		
CHATEAU D'ESCLANS		
WHISPERING ANGEL ROSÉ	50.00	
<i>Provence, France</i>		

RED

GLS BTL

DOMAINE LAFAGE	6.50	24.00
CÔTES CATALANES ROUGE 2017		
<i>Languedoc-Roussillon, France</i>		
SANTA RITA GRAN HACIENDA	7.00	28.00
PINOT NOIR		
<i>Aconcagua Valley, Chile</i>		
VALDIVIESO VALLEY	7.90	35.00
SELECTION MERLOT		
<i>Chile</i>		
VIVANCO RIOJA CRIANZA	9.70	39.00
<i>Rioja, Spain</i>		
CHATEAU CHANGYU MOSER	10.00	40.00
CABERNET SAUVIGNON 2017		
<i>China, Ningxia</i>		
EL ENEMIGO MALBEC	11.00	45.00
<i>Mendoza, Argentina</i>		

SPARKLING

GLS BTL

CAVICCHIOLI PIGNOLETTO	6.70 (125ml)	30.00
MODENA DOC SPUMANTE NV		
<i>Emilia-Romagna, Italy</i>		
CAVICCHIOLI ROSÉ SPUMANTE	7.00 (125ml)	31.00
EXTRA DRY NV		
<i>Emilia-Romagna, Italy</i>		

CHAMPAGNE

Champagne by the glass are served on these premises in measures 125ml.

	BTL		GLS	BTL
MOËT & CHANDON ROSÉ	105.00	MOËT & CHANDON BRUT	12.00	80.00
IMPÉRIAL NV		IMPÉRIAL NV		
<i>Champagne, France</i>		<i>Champagne, France</i>		
<i>A generous bouquet of wild strawberry and cherry</i>		<i>Intensity of green apple and citrus fruit, freshness of mineral</i>		
<i>with nuances of rose and an expressive palate.</i>		<i>nuances and notes of brioche, cereal and fresh nuts.</i>		

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	4 th February 2020	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for: 68 Middlesex Street London E1 7EZ Ward affected: Spitalfield & Banglatown
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1.0 Summary

Applicant: **Hohaki Limited**
Name and

1.1 Address of Premises: **68 Middlesex Street London E1 7EZ**

Licence sought: **Licensing Act 2003 –**
• **Supply of Alcohol**

Representations: **Environmental Health, Licensing Authority**

Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Lavine Miller-Johnson
020 7364 2665

2.0 **Background**

- 2.1 This is an application for a new premises licence for Hohaki, 68 Middlesex Street London E1 7EZ
- 2.2 This premises falls within the CIZ
- 2.3 The applicant has described the premises as follows:
A restaurant with basement and an A3 licence.
- 2.4 A copy of the application is enclosed as **Appendix 1**.
- 2.5 The applicant has applied for the following licensable activities and timings:

Supply of Alcohol (on and off)

- Monday to Thursday from 11:00 hours to 22:00 hours

Hours premises are open to the public:

- Monday to Thursday from 11:00 hours to 22:00 hours

3.0 **Location and Nature of the premises**

- 3.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 3.2 The site plan of the venue is included as **Appendix 2**.
- 3.3 Maps showing the vicinity are included as **Appendix 3**.
- 3.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some

areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 5.7 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.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Responsible Authority (RA):

Responsible Authority / Other persons	Appendix
Nicola Cadzow (EHO)	6
Mohshin Ali (Licensing Authority)	7

- 5.9 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)

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

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

5.11 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 licensing objective of the prevention of public nuisance and the prevention of crime and disorder and the protection of children from harm.

5.12 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.

5.13 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.

6.0 Conditions consistent with Operating Schedule

6.1 CCTV is operated and maintained to the satisfaction of the authorities in accordance with the requirements set out in the licensing policy.

6.2 Notices displayed in public areas for customers to leave the premises quietly.

6.3 An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded and will be kept at the premises at the time and available for inspection by authorities.

6.4 No customers will permitted to take open containers of alcohol from the Premises

6.5 The license holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

6.6 All bottles and glasses and rubbish will be removed from public areas on regular and frequent basis.

6.7 A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol will be asked for identification. The only type of Id that will be accepted is PASS accredited ID, passport, or photo driving licence.

6.8 Only plastic cups or bottles will be permitted in children's play areas, or in any area where customers are required to remove footwear.

Conditions Agreed/Requested by Responsible Authority

6.4 Email of conditions agreed with the police below can be found at **Appendix 8**

6.5 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.

6.6 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.

6.7 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.

6.8 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

6.9 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.

7.0 Licensing Officer Comments

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.

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

7.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken." Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

7.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

7.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

7.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately

covered elsewhere.

7.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

7.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

7.8 In **Appendices 9-16** 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.

8 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

8 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 advice by Home office concerning relevant, vexatious, and frivolous representations
- Appendix 6-7** Representations from EHO, Licensing Police & L.A
- Appendix 8** Agreed condition with the police
- Appendix 9** Licensing officer comments on noise while the premise is in use
- Appendix 10** Licensing officer comments on access/egress Problems
- Appendix 11** Licensing policy advice on public nuisance
- Appendix 12** Section 182 guidance public nuisance
- Appendix 13** Licensing Policy advice on crime & disorder
- Appendix 14** Section 182 guidance on crime & disorder
- Appendix 15** Planning
- Appendix 16** Licensing Policy relating to hours of trading

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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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	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?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

Applicant Details

* First name	<input type="text" value=""/>
* Family name	<input type="text" value=""/>
* E-mail	<input type="text" value=""/>
Main telephone number	<input type="text" value=""/> Include country code.
Other telephone number	<input type="text"/>
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone	

Are you:

<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader	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.
<input type="radio"/> Applying as an individual	

Applicant Business

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value=""/>	
Business name	<input type="text" value="Hohaki Limited"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="GB"/> <input type="text" value=""/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="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...

Director

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

/ /
dd mm yyyy

* Nationality

British

[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?

/ /
dd mm yyyy

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

/ /
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.

The premises includes a basement and a ground floor with A3 license.
Kitchen is in the basement and serving area is on the ground floor with 30 seats.

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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

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

Continued from previous page...

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.

State any seasonal variations

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

Not available

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.

Not available

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

- ☒ 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.

Not available

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

Page 179

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...

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

State any seasonal variations

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

Not available

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.

None

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) **Page 180**

Continued from previous page...

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

The terms of a premises licence and any conditions attached will be clear to everyone, not only just those who have specialised knowledge of licensing.

b) The prevention of crime and disorder

CCTV is operated and maintained to the satisfaction of the authorities in accordance with the requirements set out in the licensing policy. A4 size warning notices are also displayed in public areas of the premises and at the entrance. An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded and will be kept at the premises at all times and available for inspection by authorities. No customers will be permitted to take open containers of alcohol from the premises.

c) Public safety

Always checking the number of people entering and leaving the premises and ensuring that the maximum occupancy is reached, no further persons are admitted.
No irresponsible drinks promotions will be carried on.
Always check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.
The license holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
The license holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
Free drinking water will be made available at all times the premises is open to the public.
The telephone numbers of local taxi operators will be prominently displayed at the premises for the benefit of customers.
All bottles and glasses and rubbish will be removed from public areas on a regular and frequent basis.
The electrical system at the premises, gas system including appliances are inspected and annually checked, tested by licensed people with a satisfactory Safety Certificate.
Maintaining the fire measures in good working order, carrying out a fire risk assessment as required by and in accordance with Regulatory Reform Fire Safety Order 2005.
An adequate and appropriate supply of first aid equipment and material are available on the premises.

d) The prevention of public nuisance

Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at the exit. Minimizing the effect of littering, we will provide litter bins inside and at the door during opening hours, and the close of business, arrangement will be made for litter from the business to be collected.

e) The protection of children from harm

Enforce a proof of age policy, a challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol will be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport, or photo driving licence.
Only plastic cups or bottles will be permitted in children's play areas, or in any area where customers are required to remove footwear.

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.

Section 20 of 21

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 (£)

190.00

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.

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

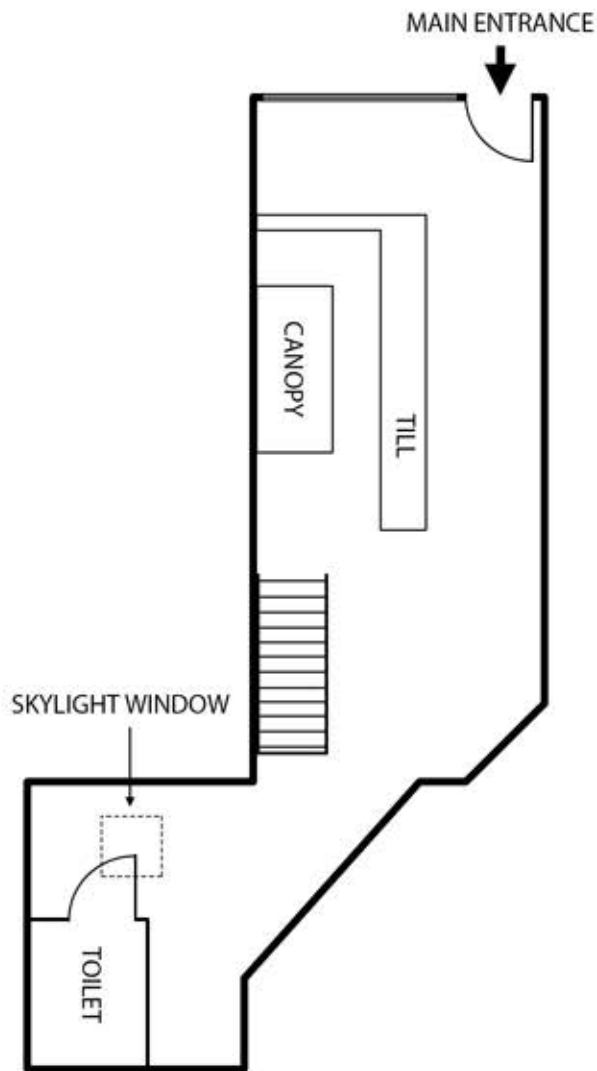
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

OFFICE USE ONLY

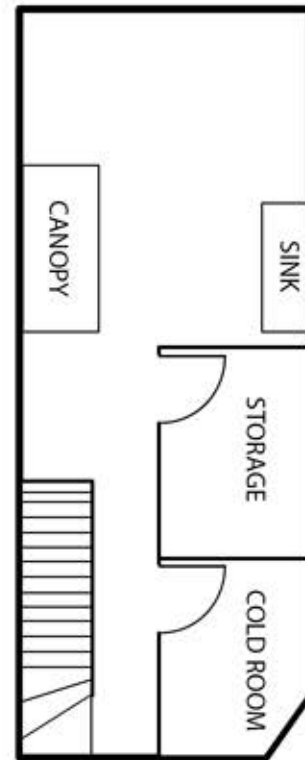
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Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
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Payment authorisation date	<input type="text"/>
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Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Appendix 2

GROUND FLOOR

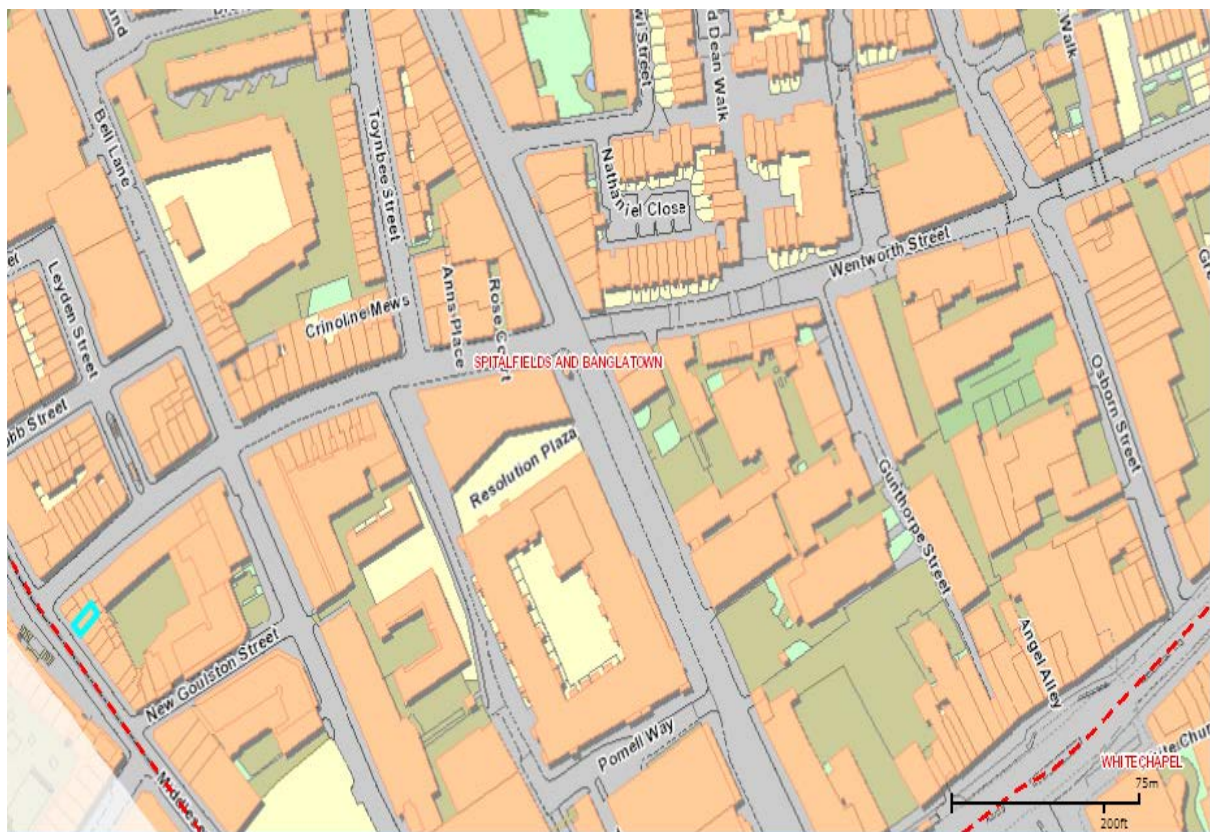


BASEMENT



Appendix 3

Map of local area



Appendix 4

68 Middlesex Street – Nearest licences

Name and address	Licensable activities and hours	Opening hours
(Moo Grill) 40 - 42 Middlesex Street	<p>The sale by retail of alcohol Monday to Sunday, from 09:00 hours to 23:00 hours</p> <p>The provision of regulated entertainment - Indoors <u>(Recorded music only)</u> Monday to Sunday, from 09:00 hours to 23:00 hours</p>	Monday to Sunday, from 06:30 hours to 23:00 hours
(The Bell) 50 Middlesex Street London E1 7EX	<p>The sale by retail of alcohol The provision of regulated entertainment consisting of: Recorded music, Live Music, Films The provision of late night refreshment: Monday to Saturday from 10:00 hours to midnight Sunday from 08:00 hours to midnight</p> <p>An additional hour on 15 occasions per annum. Such occasions to be agreed in advance with the Licensing Authority on seven days notice.</p> <p>New Years Eve throughout the night until start of permitted hours on New Years Day</p>	<p>Monday to Saturday from 10:00 hours to 01:00 hours Sunday from 08:00 hours to 01:00 hours</p> <p>An additional hour on 15 occasions per annum. Such occasions to be agreed in advance with the Licensing Authority on seven days notice.</p> <p>New Years Eve throughout the night until start of permitted hours on New Years Day</p>
(Co-Operative) 74 – 80 Middlesex Street	The sale by retail of alcohol Monday to Sunday, from 07:00 hours to Midnight	Monday to Sunday, from 07:00 hours to Midnight
(HappyDays) 44 Goulston Street	The sale by retail of alcohol Monday to Sunday 11 00 hrs to 23 00 hrs	Monday to Sunday 11 00 hrs to 23 00 hrs
(3 Mien) 64 Middlesex Street	<p>The sale by retail of alcohol (on and off)</p> <p>Monday to Friday from 12:00 hours to 22:00 hours Saturday from 12:00 hours to 22:00 hours Sunday from 12:00 hours to 22:00 hours</p> <p>The provision of regulated entertainment</p> <p>Monday to Friday from 09:00 hours to 22:00 hours Saturday from 17:00 hours to 22:00 hours Sunday from 09:00 hours to 22:00 hours</p>	<p>Monday to Friday from 08:00 hours to 22:00 hours Saturday from 12:00 hours to 22:00 hours Sunday from 09:00 hour to 22:00 hours</p>

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

[REDACTED]

From: [REDACTED] on behalf of Licensing
Sent: 16 December 2019 09:50
To: [REDACTED]
Subject: FW: MAU REPRESENTATION 124664 New premises licence application for Hohaki Ltd 68 Middlesex Street, London

From: Nicola Cadzow
Sent: 13 December 2019 16:59
To: Licensing
Cc: [REDACTED]
Subject: MAU REPRESENTATION 124664 New premises licence application for Hohaki Ltd 68 Middlesex Street, London

Dear Licensing,

Having considered the application for Hohaki Ltd 68 Middlesex Street, London for a new premises license and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, consideration has to be given to the fact the premise is in the Brick Lane Cumulative Impact Zone.

The applicant has not provided sufficient details in their operating schedule showing how they will promote the four licensing objectives, in particular for Environmental Protection the licensing objective for the prevention of public nuisance, and therefore, how they will not add to the impact in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential and commercial premises in close proximity to 68 Middlesex Street London.

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents; and
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits
-

CONCLUSION

Environmental Protection **does not** support the application for Hohaki Ltd 68 Middlesex Street, London due to the potential noise disturbance to residential premises, with particular consideration to the fact that the premises is in Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow
Environmental Protection
Environmental Health Technical Officer
Place Directorate
[REDACTED]
[REDACTED]

Nicola Cadzow
Environmental Protection
Environmental Health Technical Officer
Place Directorate

[REDACTED]

[REDACTED]

Appendix 7

Place Directorate Public Realm

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

Email:

[REDACTED]

24th December 2019

Your reference
My reference: LIC/124270/MA

Dear Sir/Madam,

Head of Environmental Health & Trading
Standards **David Tolley**

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

Tel [REDACTED]
[REDACTED]
Enquiries to **Mohshin Ali**

Email [REDACTED]

www.towerhamlets.gov.uk

Licensing Act 2003

New premises licence application: Hohaki, 68 Middlesex Street, London E1 7EZ

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

- *the prevention of crime and disorder and*
- *the prevention of public nuisance*

Cumulative Impact Policy

On 1st November 2013, Tower Hamlets Council adopted a Cumulative Impact Policy in the Brick Lane Area. The Council Cumulative Impact Zone (CIZ) was revised alongside this Statement of Licensing Policy on the 1st November 2018. *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 (19.3).*

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 Brick Lane area is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Brick Lane CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in the area 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.

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 Licenses 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 (19.5).

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 (19.6).

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 (19.7)*

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 (19.8).

The Home Office guidance

under Section 182 of the Licensing Act 2003 (8.42) says:

“Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants’ proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.”*

The following issues also need to be corrected.

Plan of the premises

The requirements of the plans of the premises are as follows:

(2) *“(2) The information contained in the plan must be clear and legible in all material respects.”*

(3) *The plan shall show -*

(a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;

(b) the location of points of access to and egress from the premises;

(c) if different from sub-paragraph (3)(b), the location of escape routes from the premises;

(d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;

(e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;

(f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;

(g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;

(h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;

(i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

(j) the location of a kitchen, if any, on the premises.

(4) The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.

Please mark the above points on the plan of the premises.

The applicant has not offered enforceable conditions on the application form and has not addressed the CIZ. The following issues will also need to be clarified by the applicant:

1. On section 3 of the application form, the applicant has ticked “A *limited company / limited liability partnership*”, however, on section 4, the individual “*Hieu Banh*” has been named as the applicant. It is therefore not clear if the application is in the name of a company or an individual.
2. The applicant has offered the following condition:
“*Only plastic cups or bottles will be permitted in children's play areas, or in any area where customers are required to remove footwear*”.

However, from the plan it is not clear where these areas are.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the following additional conditions are attached:

1. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
4. 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.

Yours faithfully,



Mohshin Ali
Senior Licensing Officer
(Acting as a Responsible Authority)

CC: Applicant: 

Appendix 8

Lavine Miller-Johnson

From: [REDACTED] k on behalf of
CEMailbox-.T [REDACTED]
Sent: 23 December 2019 11:46
To: Licensing
Cc: Nicola Cadzow; [REDACTED]
Subject: FW: Licence Application

Hi All,

Please see the below agreed conditions, police licensing have no objection.

Many Thanks,

[REDACTED] E | Police Constable | Licensing Unit | Central East (CE)

Email: [REDACTED] | Address: [REDACTED]

From: [REDACTED] >
Sent: 23 December 2019 11:36
To: CE Mailbox - Tower Hamlets Licensing <[REDACTED]>
Subject: Re: Licence Application

Dear Sir/Madam,
Thank you very much for your consideration.
We don't have any problem with these conditions, all will be done as your request.
Thank you very much for your support!
Kind regards
Hieu Banh

On Mon, 23 Dec 2019 at 06:51, <[REDACTED]> wrote:

Good Morning,

Thank you for your reply – I have no issues with granting police licensing permission to Tower Hamlets Council towards your licence application as long as you are happy with the following 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.

3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

4. 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.

If you are happy with these conditions can you please respond back to me by Friday 27th December so I can then send my approval to the council.

Bethany Ward 3433CE | Police Constable | Licensing Unit | Central East (CE)

Email: [REDACTED] | **Address:** Bethnal Green Police Station, [REDACTED]

From: Hohaki Vietfood [REDACTED]

Sent: 16 December 2019 13:09

To: CE Mailbox - Tower Hamlets Licensing <[REDACTED]>

Subject: Re: Licence Application

Dear Sir/madam,

Thank you very much for your email.

1. We are open from 11am to 21pm Monday - Friday only, we are closed at weekend as the premises is on the edge of the city. we plan to sell alcohol within these opening hours. Our last order for food at the moment is 9pm and we plan do to the same with alcohol at 9pm but we applied for 10pm to make sure by 10, there are not any customers still remain at the premises and no customer will leave the premises later than that.
2. As our restaurant is a small one with 22 seats only, our customers are mainly city office people, we plan to sell just some beers and house wines.
3. We don't have any outside seating area. Please see the attached picture for more details.
4. We plan to sell alcohol ancillary to a meal, not take away without food.

We've been operating the restaurant for more than 3 and a half year, our customers usually bring their own drinks but so far we haven't got any problem with crime, public safety, public nuisance as well as affecting, harming children. We find that we will have more control of how much our customers should drink and leave after the last order if we sell alcohol to our customers rather than they bring their own.

Thank you very much for Your consideration.

Kind regards

Hieu Banh

On Mon, 16 Dec 2019 at 12:42, <[REDACTED]> wrote:

Hello Hieu,

I have been looking at your application for an alcohol licence and have a couple of questions I would like you to answer:

- 1) Can you confirm the sale of alcohol is for Monday – Friday 11:00 - 22:00?
- 2) What alcohol are you planning to sell?
- 3) Do you have any outside seating area?
- 4) Would you only be selling alcohol ancillary to a meal? Or planning to sell alcohol on its own to drink on the premises and take away without food?

Many Thanks,

Bethany Ward [REDACTED]
[REDACTED]
[REDACTED]

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Appendix 9

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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 10

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 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 11

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

Appendix 12

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 13

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

- 7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

- 7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

- 7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Seller's VAT details, if applicable
 - iv. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 14

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. 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.

Appendix 15

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 16

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 framework 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