

# LICENSING SUB COMMITTEE

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Tuesday, 15 September 2020 at 5.30 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

This meeting is open to the public to attend.

**Contact for further enquiries:**

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

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for an electronic  
agenda



## Public Information

### **Attendance at meetings.**

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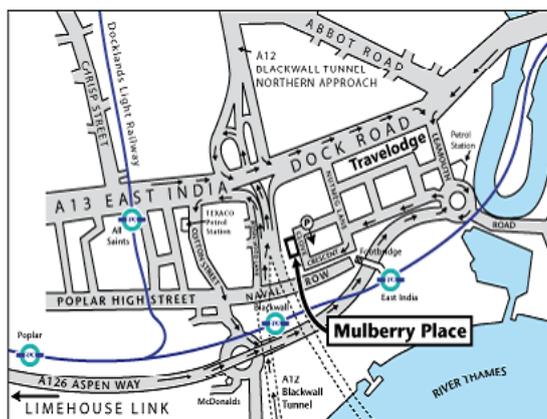
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QR code for smart phone users.



**APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**1. DECLARATIONS OF INTEREST (Pages 7 - 8)**

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine: whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interest form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior the meeting by contacting the Monitoring Officer or Democratic Services.

**2. RULES OF PROCEDURE (Pages 9 - 18)**

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

**3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 50)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 25<sup>th</sup> February, 23<sup>rd</sup> June and 14<sup>th</sup> July 2020.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Licensing Act 2003 Application for variation of a Premises Licence for Wombats City Hostel, 7 Dock Street, London, E1 8LL</b>	<b>51 - 148</b>	<b>Whitechapel</b>

Licensing Objectives:

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

Representations by:

- Licensing Authority
- Local Resident(s)

**4 .2 Gambling Act 2005 Application for a Premises Licence - Adult Gaming Centre for Future Leisure, 10 Brick Lane, London E1 6RF**

**Spitalfields  
&  
Banglatown**

Licensing Objectives:

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

**REPORT TO  
FOLLOW**

Representations by:

- Licensing Authority
- Metropolitan Police

Report to follow.

**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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# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer,  
Tel: 0207 364 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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (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.

## TOWER HAMLETS



### LICENSING COMMITTEE

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

<b>Date Last Reviewed:</b>	14 <sup>th</sup> June 2016
<b>Reviewed By:</b>	Senior Corporate and Governance Legal Officer
<b>Approved By:</b>	Licensing Committee
<b>Date Approved:</b>	14 <sup>th</sup> June 2016
<b>Version No.</b>	1
<b>Document Owner:</b>	Paul Greeno
<b>Post Holder:</b>	Senior Corporate and Governance Legal Officer
<b>Date of Next Scheduled Review:</b>	31 <sup>st</sup> 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](http://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 **Page 15** 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				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 6.33 P.M. ON TUESDAY, 25 FEBRUARY 2020**

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

#### **Members Present:**

Councillor Ehtasham Haque (Chair)  
Councillor Rajib Ahmed (Vice-Chair)  
Councillor Leema Qureshi

#### **Officers Present:**

Agnes Adrien	– (Head of Litigation, Legal Services)
Corinne Holland	– (Licensing Officer)
Mohshin Ali	– (Senior Licensing Officer)
Nicola Cadzow	– (Environmental Health Officer)
Farhana Zia	– Senior Committee Officer

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Mr Darren Almeida	3.1	Counsel for Applicant
Ms Sarah Le Fevre	3.2	Counsel for Applicant
Mr David Inzani	3.2	Solicitor for Applicant
Mr Jason Dervin	3.2	Spitalfields Estate General Manager Bishops Square S.A.R.L

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Ms Nicola Cadzow	3.1	Environmental Health
Mr Mohshin Ali	3.1	Licensing Authority
Ms Nicola Cadzow	3.2	Environmental Health

#### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interests made.

#### **2. RULES OF PROCEDURE**

The rules of procedure were noted.

### **3. ITEMS FOR CONSIDERATION**

#### **3.1 Licensing Act 2003 Application for a new Premise Licence for Noodles & Beer, Unit 6, 31 Bell Lane, London, E1 7LA**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Noodles & Beer, Unit 6, 31 Bell Lane, London, E1 7LA. It was noted that objections had been received by Officers on behalf of the Licensing Authority and Environmental Health as well as from a local resident.

At the request of the Chair, Mr Darren Almeida, Legal Representative on behalf of the Applicant explained the premises licence was being sought for a Noodle restaurant, which had a total of fifty three covers (seats). Mr Almeida explained the Applicant had put forward conditions, as per the supplement agenda, taking on board the advice of the Police Licensing Team, with whom it had agreed conditions. It would ensure a CCTV system and a Challenge 25 policy, is in place to combat against any crime and disorder or public nuisance, should it arise. Mr Almeida said staff would be trained to use the CCTV equipment and relevant notices would be placed outside the premises to ask patrons to leave quietly. The restaurant is not a nightclub so therefore there is no risk of a large crowd leaving at the same time. There would be a steady flow of customers coming and going, who would eat and leave the restaurant quietly. Mr Almeida said the concerns raised by the local resident had been addressed on page 6 of the supplement agenda (points a to e) concerning the breakout of noise from the premises. Mr Almeida said the adoption of the proposed conditions should allay the fears of residents and would uphold the licensing objectives. Mr Almeida requested the premises licence be granted.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She explained she objected to the application as scant detail was provided in the initial application on how the Applicant would uphold the licensing objectives in particular the public nuisance objective. Ms Cadzow said that having looked at the proposed conditions put forward in the supplement agenda, she remained concerned at the Applicants ability to report and log incidences of noise and public nuisance. She said the conditions did not specify times for the disposal of rubbish and bottles which she would expect to see in the proposed conditions or any mitigation against the level of noise that would be permitted before doors and windows would be closed. Ms Cadzow reminded Members the premises was in a cumulative impact zone (CIZ) and the onus was for the Applicant to show how the licensing objectives would not be undermined.

Mr Mohshin Ali, Licensing Officer concurred with the objection raised by Ms Cadzow stating that his objection related to the premises being in a cumulative impact zone. He said the Applicant's representative had made no attempt to address how it would rebut the presumption of refusing the licence, on the grounds that the premises is in a CIZ. Mr Ali said the conditions put forward did not, on a balance of probability address why the application should not be refused and the negative impact it would have on the area.

In response to questions the following was noted:

- The responsible authorities did not feel the written application or the oral representation made by the Applicant's legal representative rebutted the presumption of why the licence should be granted, as the premises is situated in a CIZ.
- The Applicants legal representative agreed there was no designated smoking area for patrons to smoke and initially said he would be happy to accept a condition to limit the number of smokers to five smokers outside at any one time. When challenged further, he stated his client would be happy if this was limited to three smokers.
- Members sought clarity why speakers would be placed away from adjacent walls of residential properties, page 41 of the agenda, when no licence had been applied for, for regulated entertainment. Mr Almeida said this must be an oversight from a previous template being used.
- In response to what would be done to mitigate against the disposal of rubbish, the Applicant's legal representative said the conditions put forward were not detailed so to allow the Sub-Committee to impose timings. Mr Almeida said his client would accept a condition that no waste should be disposed after 9:00 p.m.
- In response to how the presumption that the application be refused because it is in a CIZ, is rebutted Mr Almeida said the premises qualified as an exceptional circumstance. It was a small premises with fifty three covers and would operate within the council's legal framework hours. He said the business was not alcohol led and was located on the periphery of the CIZ away from the busy Brick Lane end and more towards Aldgate. He said the adoption of the proposed conditions would ensure the licensing objectives would be upheld. However the Chair commented that the name of the premises Noodle and Beer suggested otherwise that the premises, is not alcohol led and did not meet the exceptional circumstance criteria.

Members adjourned at 19:15 hours for deliberations and reconvened at 19:42 hours

### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative and Officers representing the Responsible Authorities objecting to the application, with particular regard to the four Licensing Objectives.

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

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

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

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns this had not been addressed by the Applicant in their application or their submission.

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. For instance, the Sub-Committee were concerned that the applicant had insufficiently addressed how they would not negatively add to the cumulative impact in the particular area in relation to the prevention of crime and disorder objective and the public nuisance objective. The Sub-Committee were not satisfied that the proposed conditions as presented at the Sub-Committee meeting rebutted the above presumption and concluded the premises did not qualify as an exceptional circumstance. The premises exceeded the limit of being a small premises with a capacity of fifty persons or less which intended to operate within the framework hours or that the premises is not alcohol led; because the name of the premises would suggest otherwise.

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

Accordingly, the Sub-Committee unanimously:

### **RESOLVED**

That the application for a New Premises Licence for Noodles and Beer, Unit 6, 31 Bell Lane, London E1 7LA be **REFUSED**.

### **3.2 Licensing Act 2003 Application for a new Premise Licence for Pavilion, 37 Brushfield Street, London E1 6AA**

At the request of the Chair, Corinne Holland, Licensing Officer introduced the report which detailed the application for a new premises licence for Pavilion, 37 Brushfield Street, London E1 6AA. It was noted that objections had been received by Officers on behalf of Environmental Health and local residents. However the objections from the local residents had been withdrawn following mediation between the Applicant and the objectors.

As the request of the Chair, the Applicant's Legal Representative Ms Sarah Le Fevre explained that the application, as submitted, had been extensively revised following a mediation meeting with local residents. The hours for the sale of alcohol applied for had been reduced from 07:00 - 23:30 hours, to 10:00 - 23:30 hours Monday to Sunday. The initial application reflected the hours of the previous business, whose licence had lapsed due to the business going into liquidation.

Ms Le Fevre explained the licence would apply to the basement area only and not the Ground, First and Mezzanine floors. The application had attracted six resident objections and one from a Housing Residents Association. However *all* these objections had been withdrawn following a mediation meeting on the 3<sup>rd</sup> February 2020. Ms Le Fevre said some objectors had written emails in support of the revised application.

Ms Le Fevre referred members to the pages 25 and 26 of the supplement agenda and the proposed conditions therein. She said additional conditions had been agreed with residents. The basement had a single access point and had been acoustically assessed to ensure noise did not carry to disturb neighbours. The access and egress point for the collection of waste was on Commercial Street, and is currently used by other businesses in Spitalfield Market. It therefore did not give rise to complaints as the operation to collect waste is supervised.

Ms Le Fevre said the her client, Mr Jason Dervin was the General Manager of the Spitalfields Estate for the Applicant company Bishops Square S.A.R.L. Mr Devin had been in post for eighteen plus years and had built good relations with neighbours. The Applicant had applied for the licence for the sale of alcohol for the basement area to allow for pre-booked private events. The other floors had been successfully let to a high end fashion retailer. Ms Fevre said exceptional circumstances applied because there had been a wholesale withdrawal of objections by residents, despite the premises being in a cumulative impact zone (CIZ).

Members then heard from Ms Cadzow, Environmental Health Officer who reminded members the application was for a new licence within a CIZ and therefore there was a presumption to refuse the application unless Members were satisfied the presumption had been rebutted. She said whilst she appreciated and welcomed the reduction in hours, she was concerned about the dispersal of people once the events were over. Ms Le Fevre reassured Members there was a dispersal policy in place.

In response to questions the following was noted:

- There had been no history of complaints against the premises.
- The Managing agents had taken over the lease, following the liquidation of the previous occupants business and wanted to attract high end operators.
- The basement would be used for private pre-booked events, with a maximum of 2 or 3 events per month.
- The maximum capacity as per the fire risk assessment is 220 people although it is unlikely events would attract the maximum capacity of people. There would be a limitation on the number of people attending.
- Mr Dervin is currently the Designated Premises Supervisor.

Members adjourned at 20:10 hours and reconvened at 20:30 hours.

### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative and from the Officer representing the Responsible Authorities objecting to the application, with particular regard to the Licensing Objective for the prevention of public nuisance.

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 representation from Environmental Health regarding the impact of the premise on the Brick Lane Cumulative Impact Zone (CIZ) however felt the Applicant had effectively rebutted the presumption by demonstrating through the proposed conditions and remedial action taken with the community that if the licence was granted, the licence would not add to the cumulative impact in the area.

The Sub-Committee were satisfied that the revisions made to the application plus the fact that *all* the resident objectors had withdrawn their objections warranted this application as an exceptional circumstance especially as some resident objectors had written emails in support of the application as a result of a mediation meeting held with the Applicant.

Accordingly, the Sub-Committee unanimously:

### **RESOLVED**

That the application for a New Premises Licence for Pavilion, 37 Brushfield Street, London E1 6AA be **GRANTED** with conditions.

The licence will apply to the Basement area only.

Sale of Alcohol (on sales)

Monday to Sunday 10:00 to 23:30 hours

Provision of Regulated Entertainment (recorded music only)

Monday to Sunday 10:00 to 23:30 hours

Hours premises open to the public

Monday to Sunday 07:00 to 23:30 hours

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.
4. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.

5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. No noise shall emanate for the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
7. The premises will close on Christmas Day and Boxing Day.
8. A direct telephone number of the manager at the premises shall be made available to residents and businesses in the vicinity.
9. Licensable activities in the basement floor shall only be provided at pre-booked private events.
10. The Premises Licence Holder will, if it is deemed necessary, carry out a risk assessment and the requirement for SIA trained door supervisors will be implemented in like with that risk assessment.
11. Deliveries to the premises shall only take place between 08:00 and 22:00 hours.
12. Collections of waste or recycling materials from the premises shall only take place between 08:00 and 22:00 hours.

The meeting ended at 8.35 p.m.

Chair, Councillor Ehtasham Haque  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.20 P.M. ON TUESDAY, 23 JUNE 2020**

**ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)**

**Members Present:**

Councillor Ehtasham Haque (Chair)  
 Councillor Faroque Ahmed  
 Councillor Mohammed Pappu

**Officers Present:**

Nicola Cadzow	– (Environmental Health Officer)
Kathy Driver	– (Principal Licensing Officer)
Corinne Holland	– (Licensing Officer)
Venky Ramakrishnan	– (Principal Enforcement Lawyer)
Farhana Zia	– Senior Committee Officer

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Mike Nickson	3.1	Applicant's Licensing Agent
Edward Stratton	3.1	Applicant
Leo Charalambides	3.2	Applicant's Counsel
Nicola Romanini	3.2	Applicant
Hannah Blackman	3.2	Applicant's Supporter
Peter Hetherington	3.2	Applicant's Supporter
James Wani	3.2	Applicant's Supporter
Bryony Beynon	3.2	Applicant's Supporter
Alison Gilliard	3.2	Applicant's Supporter
Amy Oldham	3.2	Applicant's Supporter

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Nicola Cadzow	3.1	Environmental Health
Lavine Miller-Johnson	3.1	Licensing Authority
Nicola Cadzow	3.2	Environmental Health
Kathy Driver	3.2	Licensing Authority
Wyn Davis	3.2	Resident

## 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

## 2. RULES OF PROCEDURE

The rules of procedure were noted.

## 3. ITEMS FOR CONSIDERATION

### 3.1 Licensing Act 2003 Application for variation of a Premises Licence for Retreat East Farm Shop, 20 - 22 Toynbee Street, London E1 7NE

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application the variation of the premises licence for Retreat East Farm Shop, 20-22 Toynbee Street, London E1 7NE. It was noted that objections had been received on behalf of the Licensing Authority, Environmental Health and local residents.

Mr Mike Nickson, Licensing Agent on behalf of the Applicant, confirmed the core element of the business would remain as a café, delicatessen and organic farm shop however the business was looking to extend its operating hours and was applying to vary the premises licence to allow for the sale of alcohol. Mr Nickson said the business intended to hold cheese and wine tasting events to invited guests in the evening. Mr Nickson said local residents had been written to and efforts had been made to explain the purpose of the variation of the licence. He said the main concerns were from the Responsible Authorities in relation to the premises being in the Cumulative Impact Zone (CIZ).

Mr Nixon explained the conditions that the Applicant had offered following a review of the Responsible Authorities' objections. He noted that the premises would not be alcohol led and would operate within the Council's framework hours. He said the application had been amended to state there would be no 'off sales' of alcohol after 18:00 hours on any day and said the business would not negatively impact the area or add to the issues already experienced in the cumulative impact zone.

Members then heard from Ms Lavine Miller-Johnson, who explained she was obliged to make an objection as the premises is located in the CIZ and believed the extra footfall in the area would add to the existing levels of public nuisance experienced in the area and that this would negatively impact the cumulative impact zone. She raised concerns regarding the 'on sales' of alcohol which would continue until 11:00 p.m. weekdays and 10:00 p.m. on Sunday. The amendment to Sunday timings having been made by Mr Nickson at the meeting. She said it was not clear what would happen to half-drunk bottles of alcohol from the 'on sale' purchases and how these would be disposed of.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who echoed the concerns raised by the Licensing Authority and expressed concern about the impact increased timings and the sale of alcohol would have on public nuisance and noise pollution. Ms Cadzow said she was pleased that some of the suggested conditions had been accepted and said that if the Sub-Committee were minded to grant the application then the four points raised in her email at page 9 of the supplement agenda should be considered.

In response to questions the following was noted:

- The Applicant was willing to limit off sales of alcohol from the application to 18:00 hours on any day and reduce the timings for the sale of 'on sales' of alcohol on Sunday to 22:00 hours.
- The Applicant's agent clarified the premises was not a wine bar. The purpose of the sale of alcohol was to allow for private, invitation-only wine and cheese tasting events.
- The possible spillage of patrons onto the street and noise pollution, was not an issue as the premises as a seating capacity of 30 and the events would be by invitation only. Staff are trained to adhere to the licensing policy and are aware of maximum capacity.
- Mr Nickson confirmed his client would be willing to accept the proposed conditions put forward by Environmental Health, should the application be granted.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by the Sub-Committee once this meeting was over and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

### **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,

the Applicant's Representative and the Officers representing the Responsible Authorities objecting to the application, with particular regard to the four Licensing Objectives.

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

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

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

The Sub-Committee noted the applicant's representation that the impact of the variation of the premises licence if granted, would be mitigated by the proposed conditions put forward and would not add to the further saturation of the area as this was an existing business looking to expand its offer of cheese and wine tasting, at privately held events to invited guests in the evening.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns relating to noise nuisance and the dispersal of customers at the end of events and close of business.

The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting the variation of the premises licence within the CIZ. For instance, the Sub-Committee were concerned that the applicant had insufficiently addressed how there would be no addition to the cumulative impact in the particular area in relation to the prevention of crime and disorder and public nuisance objective, especially given the extended times in which the premises would be operating in and the serving of alcohol to patrons and the general public.

The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting rebutted the above presumption given the effect the premises would have on the local community and deemed there may be a significant impact on the environmental health and neighbouring residents. This is especially so given the effect the noise, smoking and other related incidents of nuisance may have during the extended alcohol operating hours.

The Sub-Committee were 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 variation of the premises licence for a premises situated in a cumulative impact zone, in that the applicant failed to demonstrate how they would not undermine any of the four licensing objectives by adding to the cumulative impact in the area.

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for the variation of the Premises Licence for Retreat East Farm Shop, 20-22 Toynbee Street, London E1 7NE be **REFUSED**.

### **3.2 Licensing Act 2003 Application for a Premises Licence for (Klub Verboten) 11 West India Dock Road, London E14 8EZ**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application a new premises licence for Klub Verboten, 11 West India Dock Road, London E14 8EZ. It was noted that objections had been received on behalf of the Licensing Authority, Environmental Health and a local resident.

Mr Leo Charalambides, Counsel on behalf of the Applicant, stated the application was seeking a premises licence for a community hub, which provided cultural and social events and entertainment for the kink, fetish and BDSM communities. He said the sale of alcohol, refreshment and entertainment would be ancillary to the community function the premises would be providing to its patrons. Mr Charalambides said the granting of the licence would be in the 'public good' as it would provide a space for the marginalised groups of communities representing different genders, sexualities, sexual orientation and races, who had come together and were now seeking a permanent home, in the London Borough of Tower Hamlets.

Mr Charalambides stated the Applicant's experience and professionalism had been highly praised for providing a safe space to its patrons and this was evident in the number of supporters who had written to support the application. Mr Charalambides said the Applicant had worked with the Responsible Authorities to address their concerns, in particular with the Police, and had incorporated changes to their Operational Handbook and Safeguarding Manual. Mr Charalambides said that due to the partnership approach that had been taken, concerns around the crime and disorder objective could be parked as this application was being made on behalf of the Applicant and the police.

Mr Charalambides addressed the concerns raised by the Licensing Authority, clarifying that the membership is regulated with conditions, and bookings are made via an online platform, with pre-registered guests or pre-paid ticket holders attending the events. Mr Charalambides said tickets usually sold-out 24 hours prior to the events and individuals were vetted with strict controls on

the number of attendees. He said events organised by Klub Verboden were not 'destination venues' and would only attract those within the aforementioned communities.

Mr Charalambides continued stating that premises plan shown on page 156 of the agenda, was a rectangle space, with CCTV covering the entire floor. The space was designed to be flexible depending on the nature of activities taking place. For example, a lecture or art show during the day to equipment and lighting for the 'adult play' activities in the evening. The bar was mobile as the drinking of alcohol was ancillary to the activity.

It was noted the capacity of the venue was 280 persons plus 15 members of staff. Mr Charalambides said that due to the nature of the community, there should be no concern about public nuisance, because the events were ticketed. He said that whilst the timings applied for seemed long, they were not, as no one would be allowed in after 2:30 a.m. and most attendees would get to the venue early as tickets were incentivised to be cheaper if purchased for the earlier times. With regard to the dispersal of patrons after the events, patrons would be escorted to designated areas by SIA security guards and 'guardians', in order to ensure they left the area quietly and respectfully without causing public nuisance to residents.

Mr Charalambides said the conditions as per the operating schedule were carefully thought out, with a half hour wind up and drinking time, before events ended. He said the weekend would be the busiest days, however the application had been put together in partnership and demonstrated through the presale of tickets, the timed entry and last entry, as well as the dispersal policy that the club would have little impact on the wider community and residents.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer who stated her main concern related to the potential impact on the public nuisance objective, given the times the Applicant had applied for. She said the timings of the venue were extensive and were outside the framework hours of the Council. She said whilst she appreciated the efforts the Applicant had made in outlining their dispersal policy and had agreed to the proposed conditions as per her email on page 173 of the agenda, the hours were long and anyone leaving at the time sensitive time of 5:00 or 6:00 a.m. in small groups would make enough noise to disturb the neighbours, especially as the premises is located in a residential area. Ms Cadzow asked members to refuse the application on this basis.

Members then heard from Ms Kathy Driver, Licensing Officer who explained whilst discussions had taken place with the Applicant, the Licensing Authority remained concerned with respect to the location of the premises which was in a residential area. Ms Driver stated there were residential blocks on either side of the premises and opposite, and therefore she was gravely concerned about the impact public nuisance would have on residents. In addition, Ms Driver said the hours applied for were long, and with no public transport

available at those times, the DLR finished at midnight, this would give rise to further public nuisance. She said the logistics involved in dispersing crowds remained a concern. Patrons waiting for their taxis or Uber's, would make noise whilst waiting for their ride, even if talking quietly.

Ms Driver explained there was a bus stop directly outside the venue, however, as this was on a busy red route, there were road markings saying, 'no stopping'. As such, this would mean taxis could not stop directly outside the venue. Taxis would need to stop outside the residential blocks and cannot u-turn, so would need to reroute into further residential streets to leave the area. Ms Driver continued saying although she appreciated the dispersal plan put forward by the Applicant, it was difficult to see how the Applicant could successfully manage the dispersal of patrons to designated areas, as this would still involve locations in residential street. It was unclear where the designated areas would be plus involved patrons walking past residential properties to these 'designated' areas.

Ms Driver said she appreciated the comments of the Legal Representative regarding the licence area plan, at page 156 of the agenda pack, and how this space would be used however, the Licensing Authority were not convinced by this. She said the likelihood of the space be used for vertical drinking and as a club all of the time, was a concern, especially if patrons were involved in heavy drinking when arriving or leaving the venue, as this would give further rise of noise disturbance to the residents.

Ms Driver said she appreciated the proposed conditions put forward by the Applicant such as the smoking area being limited to 10 persons after 9:00 p.m., but despite the considerable conditions being offered and the measures stated in the Applicant's handbook, concern remained as to the location of the venue. Ms Driver asked Members to carefully consider the hours applied for, which she believed were excessive. She reminded Members this was a new premises licence being applied for, in a new building located predominately in a residential area, with limited public transport options for patrons arriving and leaving the venue.

After hearing the representations of the Responsible Authorities, the Sub-Committee heard from Mr Wyn Davis, a resident of Poplar ward. Mr Davis said he wanted to address the comment made by Mr Leo Charalambides, that this was a joint application on behalf of the Applicant and the Police. Mr Davis said he objected to the assertion that this was so, because it was wrong to usurp the police. No authority had been given by the police. He said the Police had decided not to object to the application which did not mean they agreed or supported the application.

Mr Davis continued stating there were approximately sixty-bedroom windows in direct line of sight, of the smoking area. Residents living in the area were professional working people, who's lives would be greatly affected by the continuous noise disturbance from the club, making them less productive for work the next day. Mr Davis said the drinking and the late hours of the club were an issue. He said whilst he appreciated the premises would be used for

many things such as a hub for the aforementioned communities, it was essentially a sex club. The application made was for a premises licence, with the sale of alcohol licence however, this should be considered under the Sexual Entertainment Venue legislation.

Mr Davis expressed his concern that the application for a new premises licence had been made during the coronavirus pandemic lockdown. He said neighbours were unaware an application of this nature had been made because they were sheltering at home. He said the lockdown had prohibited by law, the ability to talk to neighbours about the application or for them to view the information therein.

Mr Davis said he objected to the assertion that the residents of the London Borough of Tower Hamlets endorsed the application because as a resident for over 10 years, the neighbourhood was increasingly and substantially a residential area and the club would not fit in the locality. Mr Davis stated 47% of the population of Tower Hamlets was Muslim and whilst not trying to speak on behalf of the Muslim community, the vast majority would not be supportive of welcoming a sex club in the area. Mr Davis asked Sub-Committee members to reject the application and said it was clear from Klub Verboten's website they had been pushed out of other locations, as the club was not morally or socially acceptable to communities which reside in those localities. Mr Davis said it would be better for the club to be based in Soho or on an industrial site.

Members heard from the Supporters of the application.

Ms Hannah Blackman confirmed she was a member of Klub Verboten and a resident of Tower Hamlets. Ms Blackman said she had been a member since the beginning of Klub Verboten's inception. She said it was important for her to support the application in that the club gave her a safe space to express herself. She said Klub Verboten were professional and completely unrivalled in their diligence to protect their community and the wider community. She said Klub Verboten ensured measures were in place, with discretion, safety and selection being at the forefront of their care. She said it was important for club members to have the freedom to express themselves, and their marginalised community should not be silenced or pushed away. She said it would be nice for the club to have a permanent home.

Mr Peter Hetherington confirmed he was a member of Klub Verboten and a resident of Tower Hamlets. Mr Hetherington said he had helped with the training of the 'guardian team' given his previous experience of working for the police force. He said he had assisted in creating safe places for the club to operate in the last 10 years and from his observation Klub Verboten puts in double the effort with regards to safety than other operators. Mr Hetherington said the club was not a sex club. He said sex and alcohol were secondary to BDSM because being drunk would mean members could not participate. He said the guardian team ensured there was no rowdy behaviour in the smoking areas and members of the club knew how to leave quietly and be respectful of

the neighbours. Mr Hetherington said this was the only membership club in London and he hoped it could establish a permanent home in the borough.

Mr James Wani, supporter of Klub Verboten addressed the Sub-Committee stating that he had been a member of the club for just over a year and travelled from Heathrow to events being held in east London. He said he had attended approximately 60% of events organised by Klub Verboten as this was an opportunity to meet with friends and likeminded people. He said he had never seen anyone so drunk that they had to be expelled from the club or indeed seen or heard of any fights breaking out. He said it was a private members club and there was a familiarity in terms of the people attending. Mr Wani expressed his support for a permanent abode for Klub Verboten.

Ms Bryony Beynon, supporter of Klub Verboten addressed the Sub-Committee stating she was the Managing Director of the 'Good Night Out Campaign' working with several London Boroughs in the interest of a safer nightlife. She said she had provided specialist training to Klub Verboten and was impressed by their high standards and desire to provide a safe space for consenting adults of the BDSM and LGBTQ+ communities. Ms Beynon said it was important for these marginalised communities to be represented as they were also part of the wider community. She believed Klub Verboten to be very professional, who would comply with every possible condition placed on the licence. She said has a gender-based specialist, she endorsed the club's approach which went above and beyond other clubs and pubs that she had worked with. Ms Beynon said that this was one of the reasons why her organisation had allowed them to use their logo and material as Klub Verboten were fully compliant and ethical in their approach.

Lastly, the Sub-Committee heard from Ms Alison Gilliard, a supporter of Klub Verboten. Ms Gilliard had been a member of the club since November 2018 but was not a resident of the borough. She emphasised the public safety aspect of the club and said she felt safe travelling on public transport or taxi, as a lone woman to events organised by Klub Verboten. She said she had never incurred any problems with unwanted touching at events organised by Klub Verboten or witnessed rowdy behaviour. Ms Gilliard said it was a great place, a diverse community with patrons from all over the world.

It was acknowledged that the Chair of the Sub-Committee had been fair in his conduct of the meeting and had allowed opposing sides to express their views fairly and equitably. Mr Leo Charalambides, Counsel for the Applicant said the meeting had been conducive and fair and everyone, who had wanted to speak, had had the opportunity to do so.

In response to questions the following was noted:

- It was clarified 'Adult play' referred to consenting adults, who adhered to the strict dress code as outlined on page 449 of the agenda, who participated in dressing in "latex, rubber, PVC, Leather, Metal, Nylon, Lace, Studs etc" and which includes nudity. Adult play also included sexual interaction, sex, restraint, and bondage, which is regulated by

the code of conduct and procedures outlined in the Applicant's handbook.

- Mr Charalambides gave examples of other venues within the Borough which allowed for sexual intercourse to take place on their premises, that were not classified as sex clubs and said Klub Verboten was no different. Mr Charalambides said sex would take place on the premises, which would be self-regulated by the Applicant.
- Mr Charalambides argued the premises fell within the remit of the Licensing Act 2003 and the four licensing objectives. He said the application made it clear the premises would be used for adult entertainment, sexual entertainment, sexual contact, fetish, kink and BDSM but was not part of the SEV policy. He said explicit conditions were required on the licence and the Applicant had demonstrated this in the proposed operating schedule.
- In response to what distinguishes this premises from the SEV policy, Mr Charalambides said the Council's adopted SEV policy mainly concentrated on lap-dancing clubs; the application and the standard conditions were all to do with lap-dancing however the Applicant's application made clear it is not a lap-dancing club and does not agree to objectifying women for monetary gain.
- In reference to the smoking area, photographs on page 160 were referred to. It was clarified this was situated in the disused coal alley on either side of the front entrance of the premises. Discussions had taken place to the number of smokers and this had been limited to 10 persons. A health and safety risk assessment had not been undertaken however research showed an acoustic canvass screen could be placed above the railings which met with health and safety standards. The screen was designed to bounce noise down rather than ricochet and amplify. Reassurances were given the 'guardians,' would oversee the smoking area and patrons of the club would be made to suitably cover themselves before existing into the smoking area. The Applicant would work with the Licensing Officers to find a workable solution.
- With respect to transport links, patrons of the club would be encouraged to arrive early, using public transport and be suitably dressed so not to offend neighbours. 'Spotters' would enforce the dress code, when patrons are leaving. Taxis and Uber's would be called to designated areas, with the SIA guards and guardians escorting patrons to these areas. On the weekend the DLR starts at 5:30 a.m. and as such many will be leaving using public transport.
- The Licensing Officer confirmed the lockdown had not affected the licensing process and the correct procedures had been followed in terms of the receipt of the application and notification of the application to residents.
- The membership of the club consisted of professional people, from various backgrounds.
- In response to how the club would minimise noise, given the capacity of the club is approximately 300 people, reassurances were given that the staggered entry to the club and the pre-paid tickets would ensure

patrons did not all arrive in one go. On the weekend, events would finish at 2:30 a.m. with the gradual dispersal of patrons, because not everyone would stay until the end. The club nights were the main money-making events however the club's code of conduct and dispersal policy would ensure the safety of the neighbours and patrons alike.

- It was clarified the club would be situated in the basement area of the premises. The remaining parts of building was owned by the same landlord and consisted of artist studio's which were occupied in the daytime.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by the Sub-Committee once this meeting was over and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

### **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's Legal Representative, Supporters of the Applicant, Officers representing the Responsible Authorities and resident objecting to the application, with particular regard to the four Licensing Objectives.

The Sub-Committee noted the representation from the Applicant's legal representative that the application was for a new premises licence; for the premises to be used has a hub for the provision of community, cultural and social events and entertainment space for the kink, fetish and BDSM communities. The Sub-Committee noted the club would be holding ticket only events in the basement area of the building, to allow members of the community to express their sexuality and engage in acts of an adult nature and to participate in events relevant to the kink, fetish and BDSM community.

The Sub-Committee heard from the Supporters of the club, who expressed their praise for Klub Verboten's skill at organising events for their community, their consideration for health and safety and their support for a permanent home, for their community.

The Sub-Committee noted the representations from the Licensing Authority and Environmental Health regarding the impact of the premises would have on the crime and disorder and public nuisance objective and heard further from the resident objector who expressed concern in respect to the location of the premises being in a residential area. The Sub-Committee noted the concern relating to the smoking area, the dispersal of patrons after events had finished and the transport links in the area, given the opening times applied for by the Applicant.

Upon considering the evidence, the Sub-Committee were not satisfied the Applicant through the operating schedule had demonstrated how it would satisfactorily contain the rise of crime, disorder and anti-social behaviour given the extended times in which the premises would be operating in and the serving of alcohol to its patrons.

The Sub-committee considered the effect the establishment would have on the local community and deemed there may be a significant impact on the environmental health and neighbouring residents. This is especially so given the effect the noise, smoking and other related incidents of nuisance may have during the operating hours at night and the early hours of the morning the venue would be operating.

The Sub-Committee had concerns with regard to transport links during the late hours of operating and deemed these to be insufficient, especially in the early hours, so as to negate the effect of public nuisance, especially when the patrons are leaving to go home or elsewhere. The Sub-Committee deems there to be a significant risk of public nuisance. The Sub-Committee considers this would have an effect on the public safety of others in the locality and the wider general public, including road users.

The Sub-Committee were not convinced with the proposed measures for the entry and dispersal of patrons given the number of people attending the venue is estimated as 250 people. The Sub-Committee had concerns as to the effect of the public safety for attendees at the venue and outside. It was noted that there would be proposed 'guardians' situated in the venue and SIA approved security guards and that there had been consultation with relevant responsible authorities. However, given that there will be incidents of 'adult play' and confirmation that some people will be engaging in 'sexual intercourse', the Sub-Committee finds this concerning given the type of licence being applied for. The Sub-Committee considers that this may pose a risk of sexual violence notwithstanding the measures implemented in terms of the venue's code of conduct.

The Sub-Committee noted that this is a new application and considers that the activities taking place in the venue would not be directly beneficial to the majority of the residents residing in the local area and surrounding

community, as many of the attendees will be coming from elsewhere to engage in BDSM/Fetish/Sexual activities.

The application also requests extended licensing hours for which the Sub-Committee does not find acceptable for a new venue being operated within Tower Hamlets, especially given that it would be in a residential area in which there is a risk of public disorder, crime and nuisance to the local residents and community.

Accordingly, the Sub Committee unanimously;

**RESOLVED**

That the application for a new Premises Licence for Klub Verboten, 11 West India Dock Road, London E14 8EZ be **REFUSED**.

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

There were no decision deadlines to extend.

The meeting ended at 9.02 p.m.

Chair, Councillor Ehtasham Haque  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 5.30 P.M. ON TUESDAY, 14 JULY 2020**

**ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)**

**Members Present:**

Councillor Eve McQuillan (Chair)  
 Councillor Shah Ameen  
 Councillor Zenith Rahman

**Officers Present:**

Nicola Cadzow	– (Environmental Health Officer)
David Wong	– (Legal Services)
Mohshin Ali	– (Senior Licensing Officer)
Corinne Holland	– (Licensing Officer)
Simmi Yesmin	– (Democratic Services)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Neil Levene	4.1	(Representative on behalf of the Applicant)
Andrei Marcu	4.2	(Applicant)
Olu Olusola	4.2	(Licensing Agent)

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Nicola Cadzow	4.2	(Environmental Health Officer)
Corinne Holland	4.2	(Licensing Officer)

**Apologies**

None

**1. DECLARATIONS OF 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 meetings held on 4<sup>th</sup> February, 3<sup>rd</sup> & 17<sup>th</sup> March and 28<sup>th</sup> April 2020 were agreed and approved as a correct record.

## 4. ITEMS FOR CONSIDERATION

### 4.1 Application for a New Premises Licence for (Brand Events Ltd/Veg in the Park), Victoria Park, Grove Road, London E3 5TB

This item was adjourned and is to be considered at a future Licensing Sub-Committee meeting. Members believed the adjournment was in the interests of justice as the representative for the applicant was unavailable to present the application due to circumstances beyond his control which had arisen at short notice.

### 4.2 Application for Variation of a Premises Licence for Coupette 423 Bethnal Green Road London E3 0AN

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Coupette, 423 Bethnal Green Road, London E3 0AN. It was noted that objections had been received on behalf of two of the Responsible Authorities, Licensing Authority and Environmental Health. The application sought was for an extension for the sale of alcohol.

At the request of the Chair, Mr Andrei Marcu, Applicant explained that the premises had been given an award for being the 23<sup>rd</sup> best bar in the country and that the variation application was to extend the hours for sale of alcohol, in order for customers to socialise and spend quality time in the venue on for longer. He explained that the business offered table service only, patrons were not permitted to drink whilst standing, and the business operated a booking only system.

Mr Olu Olusola, Licensing Representative on behalf of the Applicant explained that they were aware of the Bethnal Green Cumulative Impact Zone (CIZ), and expressed that if the application were granted, it would not negatively impact on the CIZ. It was also noted that Coupette was not a walk in cocktail bar, and there was a booking system in place.

Mr Olusola explained that management were very responsible, they operated a table service, the quality of customers were those that would not cause public nuisance, and there was a dedicated taxi service available. It was noted that the capacity of the premises was normally 45 persons, but due to the pandemic and social distancing rules, the premises could only currently provide for 30 covers. Mr Olusola stated that the Applicant was seeking an

additional 30 minutes for sale of alcohol on Mondays to Thursdays only, and considered that this would not add to the cumulative impact.

Members then heard from Ms Corinne Holland, Licensing Officer. She explained there was some confusion in the hours applied for, as the hours in the application were for Monday to Sunday until 2am and recent correspondence referred to different hours, which needed clarifying. She said that there was no mention of the CIZ in the operating schedule as there was a need to demonstrate exceptional circumstances in order for a licence to be granted.

Ms Holland said that the hours applied for exceeded the Councils Framework Hours, there was no additional provision for late night refreshments so the premises would be alcohol led for the last few hours, and therefore the application should be rejected.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who referred to her representation on page 186-187, and explained the concerns in relation to the premises being in a CIZ particularly regarding the prevention of public nuisance. She said the hours applied for exceeded the Council's Framework Hours. Ms Cadzow stated that taxis waiting outside would cause an increase in noise nuisance. She concluded that a late night licence until 2am, 7 days a week in a residential area and in the CIZ would have a negative impact in the area, with the likelihood of noise breakout at night in a noise sensitive area.

In response to questions from Members the following was noted;

- That the hours had been amended in relation to Mondays to Thursdays from 11pm to 11.30pm, an addition of 30 minutes, with the hours for Friday, Saturday and Sunday to remain the same.
- That the normal capacity of the premises was 45 persons, now reduced to 30 persons to comply with social distancing rules.
- That 90% of patrons would be pre-booked, and the remaining 10% would be either those accompanying pre-booked persons or 'walk ins'.
- The staff discourage customers from congregating outside the premises, there was no amplified music, a dedicated taxi service was available, and had a dispersal policy was in place.
- Walk in customers could not be guaranteed a table, but where possible they were accommodated for.
- In order to prevent public nuisance, the premises had a small capacity, hence was relatively easier to manage, that they had separate booking time slots, whilst in some cases of 'walk ins' where capacity is already full, customers are asked to leave and are called back once a table was available to avoid people congregating outside.
- That the Applicant was happy to have conditions prohibiting vertical drinking and limiting the number of smokers outside the premises at any one time.

- There could normally be people waiting inside the premises for their tables, but due to the pandemic, the business could not currently allow too many people inside within social distancing guidelines.
- That there was signage displayed around the premises asking customers to leave the area quietly, and a part of the dispersal policy was to offer customers sweets and gums to reduce talking when leaving the premises.
- There was no amplified music at the premises only soft background music.
- That there have been no noise complaints.

Both parties made closing remarks.

The Chair advised all parties that a decision would be made by the Sub-Committee once this meeting was over and a decision notice, including the reasons for the decision, would be sent out to all parties within five working days.

### **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 his Licensing Representative, and from the Officers representing the Licensing Authority and Environmental Health, objecting to the application, with particular regard to the prevention of public nuisance.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises in the Bethnal Green Cumulative Impact Zone (CIZ) and in particular the concerns relating to the extended hours applied for. However, the Sub-Committee also noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions offered in the operating schedule, and the representation by the applicant of the premises as a relatively small, table service only bar. The Sub-Committee was therefore satisfied that there would be no addition to the cumulative impact in the area. It was also noted that the application had been amended, the hours for the

sale of alcohol had been vastly reduced, and the application was now for 30 minutes extra on Mondays - Thursdays.

The Sub Committee were of the view that imposing robust conditions such as no vertical drinking, no drinks allowed outside the premises and limiting the number of smokers outside the premises at any one time would promote the licensing objective of preventing public nuisance.

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 help alleviate any concerns raised by the Responsible Authorities.

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 Variation of the Premises Licence for Coupette, 423 Bethnal Green Road, London E3 0AN be **GRANTED with conditions**.

#### Sale of Alcohol (On and Off Sales)

Monday to Thursday from 11:00 hours to 23:30 hours  
Friday from 11:00 hours to 01:00 hours (the following day)  
Saturday from 10:00 hours to 01:00 hours (the following day)  
Sunday from 11:00 hours 23:00 hours

#### Opening Hours

Monday to Thursday from 10:00 hours to 23:30 hours  
Friday from 10:00 hours to 01:00 hours (the following day)  
Saturday from 10:00 hours to 01:00 hours (the following day)  
Sunday from 10:00 hours 23:00 hours

#### New Conditions to be imposed on the premises licence

1. No vertical drinking in the premises.
2. No more than 5 smokers allowed to smoke outside the premises at any one time.
3. 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
4. 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

5. 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
6. 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. No customers will permitted to drink outside the premises.
8. The premises license holder will ensure that all staff are trained regularly regarding the responsible sale of alcohol.
9. Sales of alcohol will only be made when a personal licence holder is present at the premises.
10. All door and windows of the premises shall be kept closed and shut at all times there is any music, live or recorded other than for entry or egress of customers.
11. No person under the age of 18 years shall be permitted into the premises without being under the supervision of an appropriate adult.
12. 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.

**5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Members agreed to extend the decision deadlines for the following applications to 30 September 2020;

<b>Premises</b>
La Verde, Unit 3 The Mosaic, 45 Narrow St, London E14 8DN
Wombats City Hostel, 7 Dock Street, London E1 8LL
Alcotraz, 212 Brick Lane, London E1 6SA
Manjal, 3 Turnberry Quay, London E14 9RD
London Oktoberfest, Millwall Park, London E14 3BA
NYX Hotel, 114-150 Hackney Road, London E2 7QL

The meeting ended at 7.15 p.m.

Chair, Councillor Eve McQuillan  
Licensing Sub Committee

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# Agenda Item 4.1

Committee : <b>Licensing Sub Committee</b>	Date 15/09/2020	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for variation of a Premises Licence for Wombats City Hostel, 7 Dock Street, London, E1 8LL</b>  Ward affected: <b>Whitechapel</b>
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## 1.0 Summary

Applicant:	<b>Wombats London Ltd</b>
Name and Address of Premises:	<b>Wombats City Hostel 7 Dock Street London E1 8LL</b>
Licence sought:	<b>Licensing Act 2003 - Variation to Premises Licence</b> <ul style="list-style-type: none"><li>• <b>Remove conditions restricting sale of alcohol to guests only therefore allowing members of the public</b></li><li>• <b>Allow non-amplified music outdoors until 23:00 hours</b></li></ul>
Objectors:	<b>Environmental Protection Residents</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Section 182 guidance  
Licensing Policy  
File

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Wombats City Hostel, 7 Dock Street, London, E1 8LL
- 3.2 The existing Premise Licence was issued on 15<sup>th</sup> November 2014 and a copy is enclosed as **Appendix 1**.
- 3.3 The timings of the existing licence are detailed below for information only:-

#### **The Supply of Alcohol (on premises only)**

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (the following day)

#### **The provision of Regulated Entertainment in the form of Live Music (indoors) and Recorded Music (indoors)**

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (midnight)

- 3.4 The applicant has described the nature of the variation as follows:  
*'To remove the condition of sales of alcohol to hostel guests only and open the premises to members of the public until 1.30am. Furthermore, occasionally play non-amplified music outdoors until no later than 11pm.'*
- 3.5 A copy of the variation application is enclosed as **Appendix 2**. There is no change to the timings for licensable activities. The applicant has described the variation as follows:

#### **Remove conditions 5 & 6:**

- 5) No non guests allowed into the bar area after 23:00hrs each night;  
6) Non guests have to be signed into the premises by a guest;

#### **Opening hours of the premises:**

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (the following day)

### 4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity are enclosed in **Appendix 3**.
- 4.2 Maps showing the vicinity are included as **Appendix 4**.
- 4.3 Nearby Licensed Premises are shown in **Appendix 5**.

## 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 1<sup>st</sup> November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://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 6**.
- 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 received.

<b>REPRESENTATION</b>	<b>APPENDIX</b>
Environmental Protection	7
Arabella Howell/Aaron Treyvaud	8
Andreas Lechthaler	9
Daniel Gleeson/ Philip Montgomery	10
Gordon Deas	11
Jake Moeller	12
Michael Pansters/Shannon Buck	13
Megan Raven	14
Natalie Moore/Emmet Coldrick	15
Paul & Frances Torrington	16
Rachel Baws	17

6.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health

6.10 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

6.11 The objections cover allegations of

- Public nuisance
- Anti - social behaviour
- Noise on the premises
- Crime & disorder

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

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

**Conditions on existing Premises Licence:**

The Committee may wish to note that the police 696 risk assessment (condition 7) no longer exists and may wish to remove this condition.

- 1) CCTV is to be installed.
  - 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;
  - c. 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;
  - d. 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;
- 2) That an incident report book be kept and record all incidents of crime and disorder associated with the premises;
- 3) Signs be prominently displayed both inside and in the outside asking customers to respect local residents, and to be quiet when leaving the premises;
- 4) A minimum of 2 SIA staff be on duty in the bar area from 20:00hrs until close of the bar on Thursday, Friday, Saturday and Sunday nights;
- 5) No non guests allowed into the bar area after 23:00hrs each night;
- 6) Non guests have to be signed into the premises by a guest;
- 7) All DJ events are to have a 696 risk assessment submitted to the MET's Proactive Licensing Intelligence at least 2 weeks prior to the event taking place;
- 8) Tower Hamlets Police Licensing are to be notified 2 weeks in advance of all private bookings of the bar area;
- 9) A Crime Prevention Plan will be agreed with Tower Hamlets Police;

- 10) Use Fire and Safety equipment will be installed to reasonable satisfaction of local Fire and Safety Officer;
- 11) The Premises are in the basement of the Hostel, there is not expected to be any noise or other nuisance problems;
- 12) The applicant will run a Challenge 25 Policy;
- 13) No unaccompanied persons under the age of 16 will be allowed to go into the Bar area.

**Conditions consistent with Operating Schedule** (others are existing conditions)

1. All staff directly involved with the in the the sale of alcohol is receiving appropriate training on their responsibility under the Licensing Act

**7.0 Conditions agreed in consultation with the responsible authorities**

None

**8.0 Licensing Officer Comments**

- 8.1 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.

**8.2 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)
- ❖ It is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention (10.5)
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
- ❖ 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)

- ❖ 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. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.21).
  - ❖ 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)
- 8.3 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.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.5 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.
- 8.6 The Government has advised that “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 and to respect the rights of people living nearby to a peaceful night.” (2.21)
- 8.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.8 In **Appendices 18 - 25** 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.

## 9.0 Legal Comments

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

## 10.0 Finance Comments

10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	A copy the existing licence
<b>Appendix 2</b>	A copy of the application for variation
<b>Appendix 3</b>	Photographs
<b>Appendix 4</b>	Maps of the surrounding area
<b>Appendix 5</b>	Nearby licensed premises
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from EP
<b>Appendix 8-17</b>	Resident Representations
<b>Appendix 18</b>	S182 on crime & disorder
<b>Appendix 19</b>	Licensing Policy advice on crime & disorder
<b>Appendix 20</b>	S182 advice re public nuisance
<b>Appendix 21</b>	Licensing Policy advice on public nuisance
<b>Appendix 22</b>	Advice re noise whilst the premises is in use
<b>Appendix 23</b>	Anti-social behaviour when on premises
<b>Appendix 24</b>	Framework hours
<b>Appendix 25</b>	Planning

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# Appendix 1

**(Wombats Hostel)  
7 Dock Street  
London  
E1 8LL**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 15<sup>th</sup> November 2014**



TOWER HAMLETS

LICENSING ACT 2003

### Part A - Format of premises licence

Premises licence number

18414

#### **Part 1 - Premises details**

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

(Wombats Hostel)  
7 Dock Street

**Post town**

London

**Post code**

E1 8LL

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

- The Sale by Retail of Alcohol
- The Provision of Regulated Entertainment

**The times the licence authorises the carrying out of licensable activities**

The Supply of Alcohol (on premises only)

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (the following day)

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

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (midnight)

**The opening hours of the premises**

There are no restrictions on the opening hours of this premises

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

On sales only

## **Part 2**

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

Wombats London Ltd.  
7 Dock Street  
London  
E1 8LL

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

Registered Company Number: 8863233

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

Carolyn Paarmann  
[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]

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

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

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.

## **Annex 2 - Conditions consistent with the operating Schedule**

- 1) CCTV is to be installed.
  - 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;
  - c. 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;

- d. 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;
- 2) That an incident report book be kept and record all incidents of crime and disorder associated with the premises;
- 3) Signs be prominently displayed both inside and in the outside asking customers to respect local residents, and to be quiet when leaving the premises;
- 4) A minimum of 2 SIA staff be on duty in the bar area from 20:00hrs until close of the bar on Thursday, Friday, Saturday and Sunday nights;
- 5) No non guests allowed into the bar area after 23:00hrs each night;
- 6) Non guests have to be signed into the premises by a guest;
- 7) All DJ events are to have a 696 risk assessment submitted to the MET's Proactive Licensing Intelligence at least 2 weeks prior to the event taking place;
- 8) Tower Hamlets Police Licensing are to be notified 2 weeks in advance of all private bookings of the bar area;
- 9) A Crime Prevention Plan will be agreed with Tower Hamlets Police;
- 10) Use Fire and Safety equipment will be installed to reasonable satisfaction of local Fire and Safety Officer;
- 11) The Premises are in the basement of the Hostel, there is not expected to be any noise or other nuisance problems;
- 12) The applicant will run a Challenge 25 Policy;
- 13) No unaccompanied persons under the age of 16 will be allowed to go into the Bar area.

### **Annex 3 - Conditions attached after Hearing by the licensing authority**

Not applicable

### **Annex 4 - Plans**

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

10<sup>th</sup> October 2014 – Basement (Drawing No: 1229-0-101)



**Part B - Premises licence summary**

**Premises licence number**

18414

**Premises details**

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

(Wombats Hostel)  
7 Dock Street

**Post town**

London

**Post code**

E1 8LL

**Telephone number**

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

The Supply of Alcohol (on premises only)

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (the following day)

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

- Monday to Sunday from 12:00hrs (midday) to 01:30hrs (midnight)

The opening hours of the premises

There are no restrictions on the opening hours of this premises

Name, (registered) address of holder of premises licence

Wombats London Ltd.  
7 Dock Street  
London  
E1 8LL

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

On sales only

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

8863233

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

Carolin Paarmann

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

No unaccompanied persons under the age of 16 will be allowed to go into the Bar area

# Appendix 2



\* required information

**Section 1 of 18**

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

Your reference  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.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

*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 18**

**APPLICATION DETAILS**

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

120,000

### Section 3 of 18

#### VARIATION

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

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

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 to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

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

To remove the condition of sales of alcohol to hostel guests only and open the premises to members of the public until 1.30am.

Furthermore, occasionally play non-amplified music outdoors until no later than 11pm.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
- No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes
- No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes
- No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Provide 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...

SUNDAY

Start

End

Start

End

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

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

- Indoors       Outdoors       Both

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.

Occasional live music non-amplified outdoors for guests of the hostel as well as members of the the public the latest until 11pm.

State any seasonal variations for the performance of live music

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

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

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

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes       No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes       No

**Section 11 of 18**

Continued from previous page...

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Section 14 of 18**

**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.

Provide 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.

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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

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

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

I have enclosed the premises licence

*Continued from previous page...*

I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**LICENSING OBJECTIVES**

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

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

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

The premises is operating at Challenge 25 policy  
All staff directly involved with the in the the sale of alcohol is receiving appropriate training on their responsibility under the Licensing Act

b) The prevention of crime and disorder

CCTV is installed

c) Public safety

Fire and Safety equipment is installed to reasonable satisfaction of local Fire and Safety Officer

d) The prevention of public nuisance

The premises are in the basement of the hostel, there is no expected to be any noise or other nuisance problems

e) The protection of children from harm

The premises is operating at Challenge 25 policy  
No unaccompanied person under the age of 16 is allowed to go into the bar area

**Section 17 of 18**

**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 18 of 18

### 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.

Variation 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](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 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 - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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>

\* Fee amount (£)

450.00

### DECLARATION

*Continued from previous page...*

I/WE UNDERSTAND THAT 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.

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	<input type="text" value="Carolyn Paarmann"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="08"/> / <input type="text" value="06"/> / <input type="text" value="2020"/> dd mm yyyy

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/change-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, 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.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>



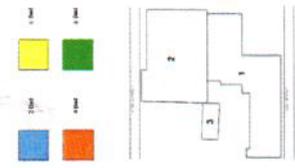
**WALL CONSTRUCTIONS**

- Type A = existing
- Type B = 130 mm w/ insulation
- Type C = 130 mm void insulation
- Type D = 80 mm non-raised
- Type E = new masonry

**NOTES**

**Partitions:**  
To all bathroom sides: 1 x 12.5 board and 1 x 12.5 moisture resistant board lining

**Doors:**  
All doors to bedrooms & bathrooms to be F303. All other doors to be F180.



**andrew mulroy architects ltd**  
Unit C14, Second Floor, Liberty House  
35-37 Corporation Street London EC3N 8SF

Client: **AM (2024) Ltd**  
Project: **CONSTRUCTION**  
Date: **12/28/2024**  
Sheet: **C22**

Scale: 1:100

**ADAR F02 LICENSABLE ACTIVITIES**

Date	Description	Rev	By	Check
14/02/23	Rev note	01	AM	AM
20/02/23	Rev note	02	AM	AM
20/02/23	Rev note	03	AM	AM
20/02/23	Rev note	04	AM	AM
20/02/23	Rev note	05	AM	AM
20/02/23	Rev note	06	AM	AM
20/02/23	Rev note	07	AM	AM
20/02/23	Rev note	08	AM	AM
20/02/23	Rev note	09	AM	AM
20/02/23	Rev note	10	AM	AM
20/02/23	Rev note	11	AM	AM
20/02/23	Rev note	12	AM	AM
20/02/23	Rev note	13	AM	AM
20/02/23	Rev note	14	AM	AM
20/02/23	Rev note	15	AM	AM
20/02/23	Rev note	16	AM	AM
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20/02/23	Rev note	24	AM	AM
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20/02/23	Rev note	26	AM	AM
20/02/23	Rev note	27	AM	AM
20/02/23	Rev note	28	AM	AM
20/02/23	Rev note	29	AM	AM
20/02/23	Rev note	30	AM	AM

# Appendix 3

**Wombats City Hotel, 7 Dock Street**







LICENSING ACT 2003

LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003

NOTICE OF APPLICATION TO VARY A PREMISES LICENCE  
Notice is given that Caroline Paomaleu  
has applied to London Borough of Tower Hamlets Licensing  
Authority to vary a Premises Licence under  
the Licensing Act 2003.

Premises	<u>Wombats Hostel</u>
The proposed variation is: (State times where applicable)	<u>To remove the condition of sales of alcohol to hostel guests only and open the premises to members of the public until 1.30am</u> <u>Occasionally play non-amplified music outdoors until no later than 11pm.</u>

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Section, London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place, London E3 5EQ**  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: 020 7364 5008

Representations must be received no later than 07/08/20

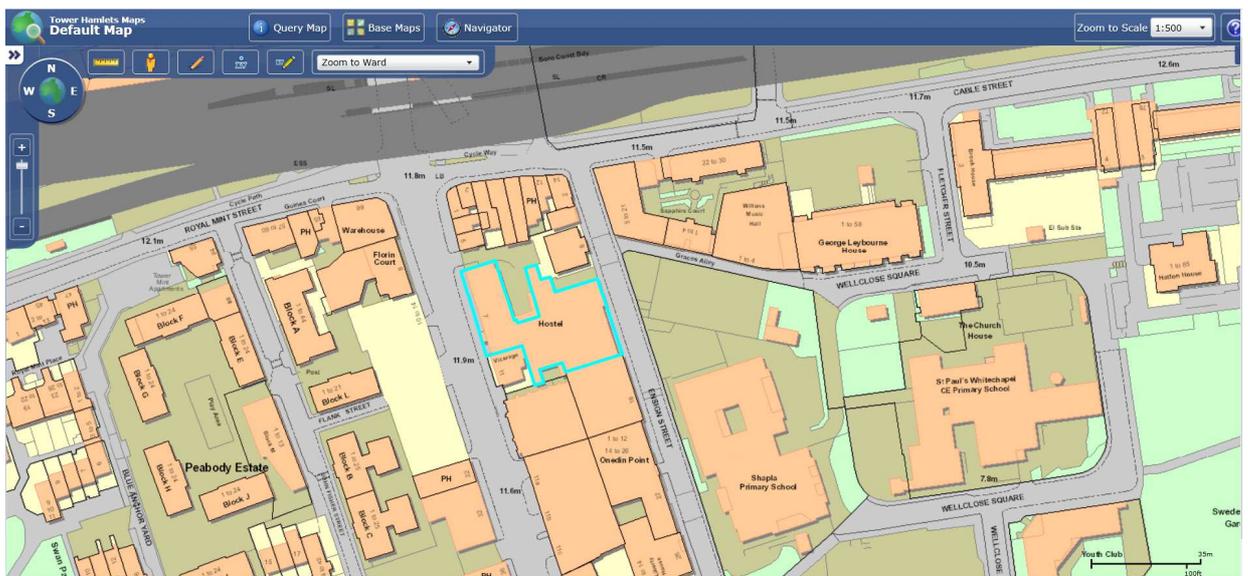
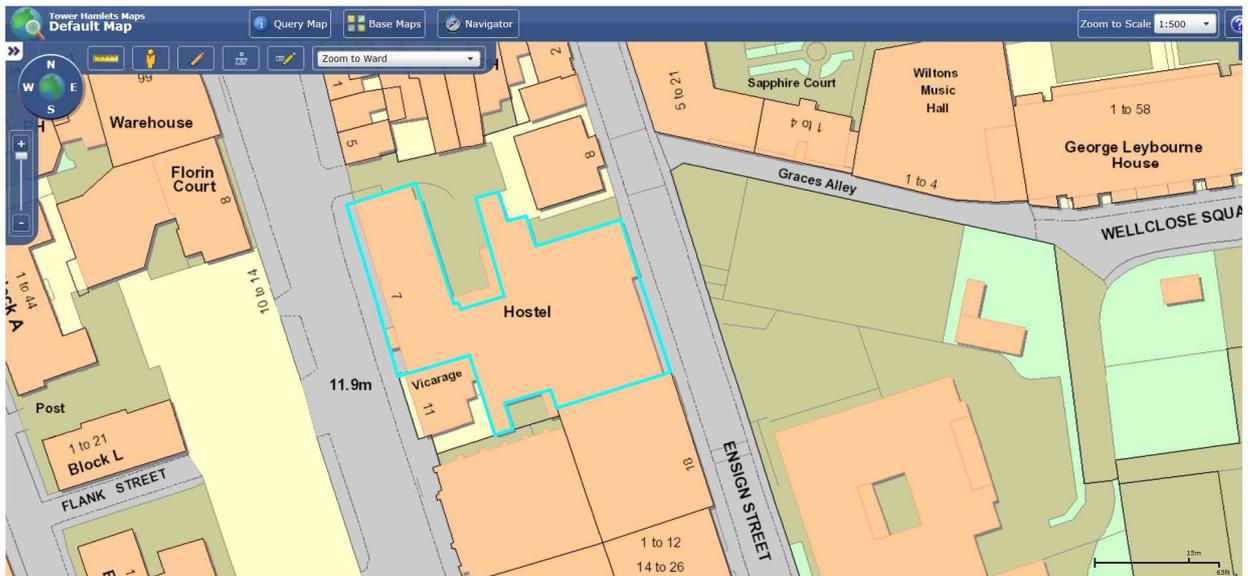
The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

*It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000)*

H:\Licensing\Word\Online Applications\Word Material\Licensing Act 2003\10279\_21\_201940-Notice of Application to vary a premises.doc

# Appendix 4

## Wombats City Hostel, 7 Dock Street



# Appendix 5

**Wombats City Hostel, 7 Dock Street - Nearby licensed premises**

Name of Premises	Licensing Activities	Opening Times
<b>(Bellavita Shop)</b> 11b & 11c Dock Street	<b><u>The sale by retail of alcohol</u></b> (on and off sales) <ul style="list-style-type: none"> <li>Monday to Sunday, from 07:00 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday, from 07:00 to 23:00</li> </ul>
<b>(Sir Sidney Smith)</b> 22 Dock Street	<p><b>The sale by retail of alcohol</b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 11:00 hours to 00:00 hours (midnight)</li> <li>Sunday, from 12:00 hours to 00:00 hours (midnight)</li> </ul> <p><b>The provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday 23:00 to 00:00 hours (midnight)</li> </ul> <p><b>The provision of regulated entertainment:</b> <u>(Live/Recorded Music/indoor sporting events)</u></p> <ul style="list-style-type: none"> <li>Monday to Saturday 11:00 to 00:00 hours (midnight)</li> <li>Sunday 12:00 to 00:00 hours (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday, from 07:00 hours to 00:30 hours the following day</li> </ul>
<b>(Cirilos Noodle Bar and Grill)</b> 4 Cable Street	<b><u>The sale by retail of alcohol</u></b> Monday - Sunday from 11:00 hours to 23:00 hours.	<ul style="list-style-type: none"> <li>Monday - Sunday from 05:00 hours to midnight</li> </ul>
<b>(Papa John's)</b> 6 Cable Street	<b><u>The Provision of Late Night Refreshment</u></b> (both indoors and outdoors) <ul style="list-style-type: none"> <li>Friday and Saturday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>Sunday to Thursday from 10:00hrs to 23:00hrs</li> <li>Friday and Saturday from 10:00hrs to 00:00hrs (midnight)</li> </ul>
<b>(Simmons)</b> 61 Royal Mint Street	<p><b><u>The sale by retail of alcohol</u></b></p> <ul style="list-style-type: none"> <li>Sunday - Thursday until midnight</li> <li>Friday and Saturday until 01:00 hours the following day</li> </ul> <p><b><u>The provision of regulated entertainment consisting of recorded music</u></b></p> <ul style="list-style-type: none"> <li>Sunday - Thursday from 10:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Sunday - Thursday from 10:00 hours to 00:30 hours the following day</li> <li>Friday and Saturday from 10:00 hours to 01:30 hours the following day</li> </ul>

	<p>to 00:30 hours the following day</p> <ul style="list-style-type: none"> <li>• Friday and Saturday from 10:00 hours to 01:30 hours the following day</li> </ul> <p><b><u>The provision of late night refreshment</u></b></p> <ul style="list-style-type: none"> <li>• Sunday - Thursday until midnight</li> <li>• Friday and Saturday until 01:00 hours the following day</li> </ul>	<ul style="list-style-type: none"> <li>• 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 11pm on New Years Eve and 11am on New Years Day</li> </ul>

# Appendix 6

## **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 7

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 02 July 2020 12:23  
**To:** Licensing  
**Subject:** 128620 MAU REPRESENTATION - Variation application Wombats City Hostel London "Aldgate Hostel", 7 Dock Street, London

Dear Licensing,

I have reviewed the variation of premises license application for Wombats City Hostel London "Aldgate Hostel", 7 Dock Street, London, and have considered 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;

Consideration has to be given to the following:-

1. By opening to the general public this has the potential to create an increase in footfall in the immediate and surrounding areas, and hence public nuisance to nearby residential premises.
2. Insufficient information in the operating schedule, to show how the applicant will promote the licensing objective for the prevention of public nuisance.

**Noise Sensitive premises:** residential premises in close proximity to 7 Dock 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) with particular attention to use of the external area for non-amplified music until 11pm.

### **CONCLUSION**

Environmental Protection **does not** support the application for Wombats City Hostel London "Aldgate Hostel", 7 Dock Street, London as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought, with particular attention to the use of the external area and patrons leaving the premises at 01:30 hours when the premise ceases operating.

Kind regards

**Nicola Cadzow**  
Environmental Health Technical Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets

John Onslow House  
London E3 5EQ

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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# Appendix 8

**LBTH**  
**TRADING STANDARDS**  
10 JUL 2020  
**LICENSING**

5 July 2020

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

**Notice of application to vary a premises licence. Licensing Act 2003**  
**Carolin Paarmann, Wombats Hostel, 7 Dock Street, E1 8LL**

**To remove the condition of sales of alcohol to hostel guests only and open the premises to members of the public until 1.30am**  
**Occasionally play non amplified music outdoors until no later than 11pm**

Dear Sir/Madam

These requests are unreasonable for more than one reason.

1 - This old street is changing fast into a dense residential area of mixed old and new buildings.

2 - It is reasonable to allow the playing of non amplified music until 9pm. My knowledge of clubs in Central London is that they are refused permission to use their outside space next to residents beyond 9pm. I do not know Tower Hamlets ruling on this, but it is reasonable for residents to protect their right to quiet enjoyment.

3 - Wombats have little control of people noise outside their front entrance. It is already antisocial. This will be amplified by additional members of the public spilling onto the street. Neighbours will complain.

4 - This is not Shoreditch High Street. It does not need to become Shoreditch High Street.

There is an opportunity to contain the night time nuisance to designated areas. Canter Way, Leman Street and Vaughan Way developments have organised the layout for community and commerce to work with the local residents. These were laid out in their original plans.

5 - Wombats has never been open to the public. Originally a Seaman hostel, then Look Ahead. Its present incarnation is equivalent to its history.

Why did Wombats not have a licence to open to the public when they opened? I don't have the answer - but would it be because they would not have been granted permission? And that they have been advised that x years later, by stealth, they would be granted permission? I understand their desire to make money - but protecting the residential neighbourhood from nuisance is necessary.

6 - Most importantly Wombats Hostel is for travellers, from 18 years old, sharing rooms, with lockers for safe keeping. This is not a hotel. The bar/breakfast area is their only respite and safe space in London. This is important.

From their Website: "Wombat's London is a home for travellers. For backpackers, flashpackers, day-trippers, business travellers and everyone who shares in the spirit of hostel life. In short, everyone who comes to London and prefers a real home base to just another hotel whilst exploring this buzzing metropolis."

If the bar is open to the public, would it attract pedlars and hustlers? Paying guests give proof of ID to Wombats. It is not reasonable that they would share their relaxing space with unaccounted members of the public.

In conclusion: I wholeheartedly do not think this application is commensurate with the hostel's declared offering to its customers. It relinquishes the safe space of the prior application ruling.

It is not reasonable for Dock Street and neighbouring residents to put up with the nuisance noise outside the front entrance being amplified by members of the public who may have nothing to do with the local area.

Yours sincerely,



Arabella Howell, 



Aaron Treyvaud, 

# Appendix 9

## Corinne Holland

---

**From:** Andreas Lechthaler [REDACTED]  
**Sent:** 07 August 2020 11:58  
**To:** Corinne Holland; Licensing  
**Cc:** [REDACTED]  
**Subject:** 7 Dock Street Licensing - representation letter to Council

Dear Corinne Holland

We have taken note of an application of variation of a premise license at our neighbouring property 7 Dock Street, "Wombats Hostel".

We have been living in [REDACTED], Upper floor since 2009 and have followed the 7 Dock Street from becoming Wombats Hostel and through several works in the past years, such as the two staged infill next to our premises, the eastern roof extension and the ongoing remodelling of the courtyard.

While the building processes has been respectful and Wombats has mediated promptly any particular nuisance caused by the construction, we are looking forward to the end of the works and connected noise which have been present on and off several years.

We appreciate very much that Wombats is applying a strict noise control in the courtyard with access and windows closed after 10pm.

Conversations and music from inside the premises up to 10pm can at times get very loud as it echoes in the small block that is enclosed with residential buildings from Dock Street, Cable Street and Ensign Street. However, frequency has been acceptable so far. Sometimes that noise moves to the Dock Street street side, but also here Wombats has been reacting well to request if this became too loud.

We have written to Wombats as we wanted to seek direct conversation before writing this representation to the council. The manager Carolin has replied promptly, guided us through the building and explained their intentions. We trust her to handle our concern about additional noise well and that she will be available whenever it became a nuisance to mitigate. However, we'd be concerned that potential replacement or successors would not act in the same way she does.

Our concern for **unamplified live music** until 11pm is that this will introduce a non tolerable noise level and frequency.

Our concern for **opening the premises to the public** is noise in the courtyard, and noise and anti-social behaviour on Dock Street at night.

The problematic noise is laughter and noise which keeps us awake and we often go to sleep at 10pm. Our bedroom and living space face the courtyard. It is the only side we open windows to as Dock Street has a lot of traffic noisy. We are spending more time in our home than before the lockdown started and we will continue to do so in the future.

Thank you for listening to our concerns!

With kind regards,  
Andreas Lechthaler

# Appendix 10

## Corinne Holland

---

**From:** Daniel Gleeson [REDACTED]  
**Sent:** 20 June 2020 14:20  
**To:** Licensing; Corinne Holland  
**Subject:** Representation re application 09/06/20 Wombats Hostel at 7 Dock Street

Dear Sir, Madam, Ms Holland,

We hope this email finds you well.

Please consider this email a written Representation concerning the the application submitted under the Licensing Act 2003 by Wombats Hostel at 7 Dock Street ('the premises') on 09/06/20. We do not have a reference number for this case: none is posted on the Vary Premises Notice displayed on the property.

Please also note that no notice of this application to vary premises license has been communicated to any immediate neighbour by either Tower Hamlets Council or the premises.

Our names are Philip Montgomery and Daniel Gleeson, resident immediately adjacent to the above-mentioned premises, at [REDACTED]. We share the same enclosed courtyard space at the rear of our property with the premises. The premises' outdoors space referenced in this application is approximately 25 metres from our private space/windows. We wish to object strongly to this application.

The application regards changing the on-site bar of the premises to be open to the public (as opposed to guests only), and for this to be permitted until 1:30am. It also seeks to allow non-amplified music outside until 11pm. Whilst not specified, we must assume that "outside" refers to the small outdoor space which is part of the on-site bar; this is part of the high enclosed larger courtyard space bordered on two sides by the premises itself, and on the other two sides by multiple private residences (Cable Street and Ensign Street).

Please note our objection to this application under the Licensing Act 2003, specifically concerning the planning objectives:

- the prevention of public nuisance (primarily)
- the prevention of crime & disorder (lesser extent)

To put the premises into context - it is a large & successful hotel/hostel, appealing mostly to international tourists, many of which are coach trips of teenagers from mainland Europe, situated in a predominantly residential area which is relatively calm & quiet at nighttime. The premises is situated within the Wiltons Music Hall Conservation Area, designated and supported by Tower Hamlets Council, aiming to preserve the townscape and history of the streets in the immediate area.

The issue of prevention of public nuisance in this application is a significant one. To have a public bar operating until 1:30am in this area is completely inappropriate and unnecessary. The area is highly and densely residential - many buildings facing the internal courtyard have 2 or 3 residences in them. Noise generated in this courtyard by the premises, its residents, and its bar is already a nuisance for neighbours. Currently the outdoor area of the bar is shut down at 10pm - up until this point conversations/shouting/bar noise can be heard from inside our own residence. On various occasions when it has become intolerable we have either telephoned the premises or visited in person to object and ask for the noise to be reduced.

We certainly do not wish this to be permitted to happen for another hour until 11pm. And certainly not with the added nuisance of music outdoors - the addition of music would simply be far too intrusive to neighbouring private residences. The courtyard is surrounded by walls on 4 sides - sound is easily amplified and is heard all around.

For the bar to become open to the public, until 1:30am, would invariably mean noise and nuisance on Dock Street and immediately adjacent streets into the early hours of the morning, as customers potentially intoxicated leave and make their way home. As already stated, the area is generally quiet & calm, especially so late at night.

A public bar would only encourage crime & disorder; littering, shouting, urination under the adjacent railway & DLR bridges, and potential drug dealing - often seen in this area. None of this needs to be encouraged by a late night public bar.

The premises is not immediately near a tube station, it is not situated on or near any bus routes, and it does not sit on a main highway. There is no demand for a late night public bar. We therefore consider this application misjudged and inappropriate in terms of its surrounding environment. There is no need or call for such a license variation in this area.

We are aware of several other neighbours in the immediate vicinity of the property who object to this application also.

Thank you for your time in reading and considering this Representation, we look forward to your response.

Sincerely,

Daniel Gleeson  
&  
Philip Montgomery  
both resident at

██████████  
██████  
██████

# Appendix 11

The Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

Dear Sirs

**WOMBATS HOSTEL  
LICENSING ACT 2003 – APPLICATION TO VARY A PREMISES LICENCE**

I am the owner of a flat in [REDACTED] [REDACTED] which I now rent out, and I know the area well having lived in the flat between 2002 and 2016.

Although the main entrance to the hostel is on Dock Street, the bar backs onto Ensign Street which is where the outside terrace is located.

Ensign Street is predominantly a residential street, increasingly so with the new block on the junction with the Highway. Noise carries significantly along the street, so it would be very disturbing and anti-social for the residents if permission is granted to play music outdoors until 11pm *on any occasion*.

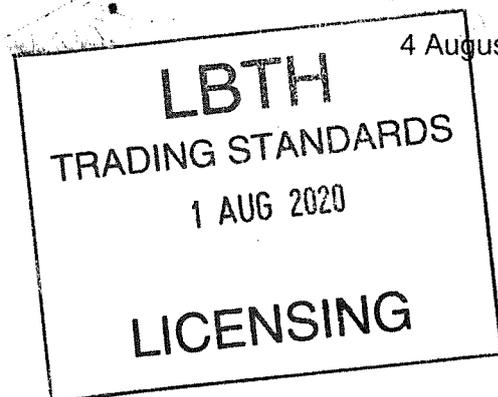
I therefore urge the Licensing Section to consider the residents and reject this aspect of the application.

I understand that in these difficult times business need to find new revenue streams to survive. I have no objection to the application to enable the hostel to serve alcohol to non-residents, however again I would implore the Licencing Board to consider the residents surrounding the hostel and ensure that conditions are attached to prevent anti-social consequences of extending the license.

In addition, as you may be aware there have been massive ongoing problems with drug dealing on Ensign Street over the years. This should also be taken into account when this application is considered as making the area more of a late night destination is likely to exacerbate the problems.

Yours faithfully

[REDACTED]  
Gordon Deas  
[REDACTED]



# Appendix 12

## Corinne Holland

---

**From:** jake [REDACTED]  
**Sent:** 07 July 2020 11:54  
**To:** Licensing  
**Subject:** Objection to Application by Wombats (Aldgate Hostel, 7 Dock Street, London, E1 8LL) To Extend Trading Hours and Play Amplified Music

Mr Jake Moeller  
[REDACTED]  
[REDACTED]  
[REDACTED]

3 July 2020

The Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ

To Whom it May Concern

**Application by Wombats Hostel to Extend Trading Hours to 0130 and Play Amplified Music (Aldgate Hostel, 7 Dock Street, London, E1 8LL)**

I am a resident of [REDACTED] ([REDACTED]) and I am deeply concerned about the above application by Wombats Hostel (Caroline Paarmann).

Our block sits adjacent to Wombats and following their new extension, their courtyard sits now, at the same level as our roof terrace. This means the noise of any congregation of people on their upper terrace will be amplified across our roof terrace and down on to Ensign St below.

Furthermore, the idea of playing amplified music until 11pm is also a considerable concern. Our building is now hemmed in by the new development in Dock St as well as the new development at the end of Ensign St. Effectively the courtyard and these buildings act as a sound amplifier. Meaning that loud music will be overheard by residents in our block as noise reverberates off the buildings and from the courtyard below.

I would remind Tower Hamlets, that following the building two large blocks of flats (mentioned above) in Dock and Ensign Streets as well as the high concentration of existing residential flats in Cable, Dock and Ensign Streets, there are likely many residents who will be adversely affected by loud music and late and potentially loud congregations of Hostel residents.

We have enough to deal with in Ensign St. The building works, the ongoing street closure the high levels of anti-social behaviour and drug use. Now Wombat's wants to play amplified music and stay open until 0130. This is a highly residential area and with many families and children living in these flats. The area is incompatible with a defacto nightclub or entertainment venue.

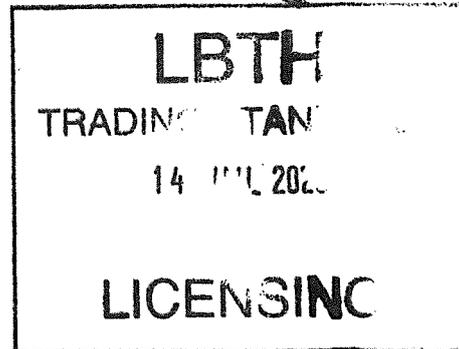
Best regards

Jake Moeller

Jake Moeller Esq

10 July 2020

The Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ



Dear Sir/Madam

**Application by Wombats Hostel to Extend Trading Hours to 0130 and Play Amplified Music**

I am the leasehold owner and resident of [REDACTED]. I am contacting you to register my objection to the application which has been filed by Wombats Hostel (Caroline Paarmann) to extend their trading hours to 1.30am and play amplified music until 11pm.

I object to Wombats' application to extend their trading hours up to 1.30am due to the noise this will generate. Onedin Point sits adjacent to Wombats Hostel. Following Wombats' recent extension, their roof terrace now sits at the same height as Onedin Point's roof terrace. I anticipate that Wombats will wish to open their roof terrace to their guests. New developments in Dock St and at the end of Ensign St are higher than the roof terraces of Wombats Hostel and Onedin Point. This means that the noise generated by Wombats' guests on their roof terrace will be amplified around the sides of these new developments and carry across our roof terrace and down on to Onedin Point below at a time when residents, including children, will very likely be asleep.

I also object to Wombats' application to play amplified music up to 11pm. It is not clear from the application whether this music will be played on Wombat's roof terrace, but if this is the intention, the resulting noise will again carry across our roof terrace and down on to Onedin Point below at a time when residents, including children, will likely be asleep.

The new developments in Dock Street and at the end of Ensign Street, in addition to the high concentration of existing flats in Cable, Dock and Ensign Streets, mean that this is a very densely populated residential area. It is simply not appropriate for Wombats Hostel to be permitted to trade until 1.30am and play amplified music until 11pm when there is significant potential for very many residents to be seriously disturbed.

I therefore request that you reject this application in its entirety.

Yours faithfully

[REDACTED]  
Jake Moeller

# Appendix 13

## Corinne Holland

---

**From:** Michael Pansters <[REDACTED]>  
**Sent:** 06 July 2020 19:52  
**To:** Licensing  
**Subject:** Wombats Hostel license application

To whom it may concern,

We are writing to you today to voice our strong opposition to the application by Wombats Hostel to make changes to their license terms. We have a number of points to make as to why this should not be approved:

1. The outdoor area of Wombats Hostel is faced on three sides by residential buildings, primarily made of brick. Guests are regularly loud, often playing music either instrumentally or on a stereo. This noise is amplified into the surrounding space by the walls which makes it unpleasant, and at times impossible to sit outside, particularly during the summer months.
2. 'Occasional live music non-amplified outdoors' is a vague statement which could have a wide range of interpretation. By definition a drum kit, or trumpet is non-amplified, yet both are not appropriate to be played outdoors up to 11pm.
3. Guests can be regularly seen drinking on the outdoor area at the top of the lift shaft tower, which is not part of the space currently covered by their license.
4. There are four pubs within 150m of Wombats Hostel. These provide more than ample service for the general public in the surrounding area. This is a quiet residential area after general business hours, and allowing Wombats to serve non-staying guests up until 1.30am would have a profoundly negative effect. Whether it be through littering, loud conversation, or public urination, the public nuisance that inevitably comes with bar patrons is not welcome.

It was disappointing to note that we did not receive letter of notification about the application to vary the license conditions at Wombats Hostel from Tower Hamlets Council, as we have done for other applications in the area. A hand written notice on the door of a closed building is, in our view, inappropriate. We are sure that had notification been actively given to all surrounding residents, many more objecting representations would have been submitted.

We look forward to receiving notification that the right decision has been made in regards to the application by Wombats Hostel.

Yours sincerely,

Michael Pansters & Shanon Buck  
[REDACTED]  
[REDACTED]

# Appendix 14

## Corinne Holland

---

**From:** Megan <[REDACTED]>  
**Sent:** 08 July 2020 17:01  
**To:** Corinne Holland  
**Subject:** Re: Licensing Act 2003 & Wombats Hostel, Dock Street

Yes,

My full address is :

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

- just behind of what's the Wobats Hostel is planning.  
Thank you.

On Wed, 8 Jul 2020 at 15:42, Corinne Holland <[Corinne.Holland@\[REDACTED\]](mailto:Corinne.Holland@[REDACTED])> wrote:

Dear Ms Raven

Under the Licensing Act 2003 I can only treat your representation as valid if you provide your full address.

If you do not wish to provide this then unfortunately I cannot accept your representation.

Kind regards

**Corinne Holland**

Licensing Officer

Licensing and Safety Team

Place Directorate

London Borough of Tower Hamlets

John Onslow House

London E3 5EQ

[REDACTED]

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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**From:** Megan [mailto:████████████████████]  
**Sent:** 07 July 2020 15:39  
**To:** Licensing  
**Subject:** Licensing Act 2003 & Wombats Hostel, Dock Street

Hello,

I am writing to you to object the further expansion of Wombats Hostel on Dock Street in Tower Hamlets. Apparently they want to build terrace where alcohol will be consumed until 1:30am and Music will be played until 11pm. Before the lockdown, the noise problems were already an issue and the Hostel ignored any complaints. Now they want to make the life of local people even more miserable. I think that the license should not be granted for the Wombats Hostel and its representative - Carolin Pearmann who applied for application of a premises license. If they are given the permission to sell alcohol for longer and play the music for longer, the Antisocial Behaviour and nuisance occurrences will be greatly amplified. Please stop the Hostel from further expansion.

Thank you- yours sincerely - local resident:

Megan Raven.

# Appendix 15

## Corinne Holland

---

**From:** Natalie Moore <[REDACTED]>  
**Sent:** 07 July 2020 16:12  
**To:** Licensing  
**Subject:** The application submitted under the Licensing Act 2003 by Wombats Hostel at 7 Dock Street on 09/06/20

Dear Sir or Madam,

I am writing to object to the above application to vary the licensing permit for the Wombats Hostel on Dock Street. I do not have a reference number for the application.

My husband and I own the top floor flat [REDACTED]. Our flat overlooks the back of the Wombats Hostel and its garden area.

We object to both aspects of the application, viz the application to open the bar until 1.30am and to play music outdoors until 11pm.

The area is a residential and conservation area. The proposed variations will have a significant negative impact on residents in the vicinity, including in particular those whose flats overlook the Wombats outside area. The prospect of music being played outside until late at night and the bar being open until the early hours of the morning (with the associated noise issues) is very concerning. The premises is hostel accommodation for tourists. The licence should not be changed to convert it into a party venue which will blight the ordinary lives of local residents.

Yours faithfully,

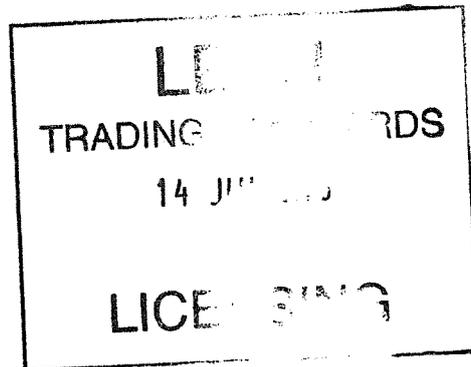
Natalie Moore and Emmet Coldrick

# Appendix 16

8 July 2020

The Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ

To Whom it May Concern



**Application by Wombats Hostel to Extend Trading Hours to 0130 and Play Amplified Music**

We are owners of a flat in [REDACTED] and we are extremely concerned about the above application by Wombats Hostel (Caroline Paarmann).

Our block sits adjacent to Wombats and following their new extension, their courtyard sits now, at the same level as our roof terrace. This means the noise of any congregation of people on their upper terrace will be amplified across our roof terrace and down on to Ensign St below.

Furthermore, the idea of playing amplified music until 11pm is also a considerable concern. Our building is now hemmed in by the new development in Dock St as well as the new development at the end of Ensign St. Effectively the courtyard and these buildings act as a sound amplifier. Meaning that loud music will be overheard by residents in our block as noise reverberates off the buildings and from the courtyard below. The level of noise has already increased considerably in recent months because of these developments.

I would remind Tower Hamlets, that following the building two large blocks of flats (mentioned above) in Dock and Ensign Streets as well as the high concentration of existing residential flats in Cable, Dock and Ensign Streets, there are likely many residents who will be adversely affected by loud music and late and potentially loud congregations of hostel residents.

We have enough to deal with in Ensign St. The building works, the ongoing street closure the high levels of anti-social behaviour and drug use (about which we have complained on many occasions). Now Wombat's wants to play amplified music and stay open until 0130. This is a highly residential area and not suitable for a nightclub or entertainment venue of this nature.

Best regards

[REDACTED]

Paul and Frances Torrington

[REDACTED]

# Appendix 17



29 July 2020

The Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ

To Whom it May Concern

**Application by Wombats Hostel to Extend Trading Hours to 0130 and Play Amplified Music**

I am a resident of [REDACTED] and I am deeply concerned about the above application by Wombats Hostel (Caroline Paarmann).

Our block sits adjacent to Wombats and following their new extension, their courtyard sits now, at the same level as our roof terrace. This means the noise of any congregation of people on their upper terrace will be amplified across our roof terrace and down on to Ensign St below.

Furthermore, the idea of playing amplified music until 11pm is also a considerable concern. Our building is now hemmed in by the new development in Dock St as well as the new development at the end of Ensign St. Effectively the courtyard and these buildings act as a sound amplifier. Meaning that loud music will be overheard by residents in our block as noise reverberates off the buildings and from the courtyard below.

I would remind Tower Hamlets, that following the building two large blocks of flats (mentioned above) in Dock and Ensign Streets as well as the high concentration of existing residential flats in Cable, Dock and Ensign Streets, there are likely many residents who will be adversely affected by loud music and late and potentially loud congregations of Hostel residents.

We have enough to deal with in Ensign St. The building works, the ongoing street closure the high levels of anti-social behaviour and drug use. Now Wombat's wants to play amplified music and stay open until 0130. This is a highly residential area and not suitable for a nightclub or entertainment venue.

Best regards



Rachel Baws



# Appendix 18

# 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 cooperate 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 19

## 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 20

# 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 21

## 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 22

## 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 23

## 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 24

## **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

# Appendix 25

## **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 of 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.

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