



Licensing Sub Committee

Agenda

Tuesday, 23 February 2021 at 5.30 p.m.

Online 'Virtual' Meeting -

<https://towerhamlets.public-i.tv/core/portal/home>

Contact for further enquiries:

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



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

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Scan this QR code to view the electronic agenda



A Guide to Licensing Sub Committee

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 23 February 2021

5.30 p.m.

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 - 30)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 12th January 2021.

4. ITEMS FOR CONSIDERATION

**4.1 Licensing Act 2003 Application for a Premises Licence for Hackney Essentials
146 Columbia Road, London E2 7RG (Pages 31 - 118)**

**4.2 Licensing Act 2003 Application for variation of a Premises Licence for Funk, 142
Columbia Road, London E2 7RG (Pages 119 - 176)**



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.

Next Meeting of the Licensing Sub Committee

Tuesday, 2 March 2021 at 5.30 p.m. to be held in Online 'Virtual' Meeting -
<https://towerhamlets.public-i.tv/core/portal/home>



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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: Janet Fasan, Director of Legal 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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub- Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				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 5.30 P.M. ON TUESDAY, 12 JANUARY 2021

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

Members Present:

Councillor Amina Ali (Chair)
Councillor Amina Ali (Chair)
Councillor Mohammed Pappu
Councillor David Edgar

Officers Present:

David Wong	– (Legal Services)	
Mohshin Ali	– (Senior Licensing Officer)	
Simmi Yesmin	– (Democratic Services	Officer,
	Committees, Governance)	

Representing applicants	Item Number	Role
Sam Shearman	4.1	(Applicant)
Kevin Maple	4.2	(Trading Standards Officer)
PC Mark Perry	4.2	(Metropolitan Police)

Representing objectors	Item Number	Role
Corinne Holland	4.1	(Licensing Officer)
Nicola Cadzow	4.1	(Environmental Health Officer)
Ashok Thakur	4.2	(Premise Licence Holder)

Apologies

None.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 10th, 17th and 24th November were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for (Alcotraz), 212 Brick Lane, London E1 6SA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Alcotraz, 212 Brick Lane, London E1 6SA. It was noted that objections had been received on behalf of officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Sam Shearman, Applicant, explained that the business concept involved an immersive theatrical experience in which guests purchase tickets in advance to attend and take part. The experience is based on popular Hollywood films and TV and brings to life a prison story with guests as the inmates instructed to conduct a covert mission whilst behind bars. As part of the experience, guests are encouraged to bring their own bottle of alcohol whilst enjoying a theatrical storyline that unfolds around them involving actors.

It was noted that the premises had a capacity of 40 people per session due to Covid 19 and that the premises had been operating since 2017. Mr Shearman explained that each session was for 1¾ hours, and tickets would have to be purchased online in advance. Mr Shearman also confirmed that there were 10 members of staff on the premises, and on Saturdays, they would have multiple sessions with 30-40 minute intervals.

Mr Shearman referred to the conditions that he had proposed such as having a first aider, having SIA accredited door staff, and operating a Challenge 25 policy. It was also noted that the venue had been closed for most part of 2020, and so far into 2021, but the intention was to attempt to unlock a new revenue stream to help the survival of the business by introducing a delivery option for craft cocktails and drinks via third parties such as UberEATS and Deliveroo.

He explained that the hours were within the framework hours, the premises had a small capacity of 40 customers, it would have a staggered entrance and egress system, and the staggering of people leaving would involve having customers disperse in small groups. Mr Shearman said that notices would be displayed around the premises asking everyone to leave quietly and respect the needs of local residents. In conclusion, Mr Shearman said that the premises did not negatively add to the Cumulative Impact Zone and was able to rebut the presumption against granting an application relating to premises in a Cumulative Impact Zone by demonstrating exceptional circumstances, as it was a unique business model, involving small premises with a capacity of

under 50 people, the hours were within the framework hours, and the business was not alcohol led, focused more on a theatrical experience.

Members then heard from Ms Corinne Holland, Licensing Officer who acknowledged the reduced capacity of 40 and asked if alcohol would be sold after the experience concluded? She explained that the reason for the objection was because the premises was in a Cumulative Impact Zone and the written application made no reference regarding the effects of an additional licensed premises in a Cumulative Impact Zone. She raised concerns that customers may stay on and consume more alcohol, and then leave in high spirits, affecting residents. There was no mention of how and when deliveries would be made. There was insufficient information in the application on how the venue would not add to public nuisance already impacting a Cumulative Impact Zone. She said that if Members were minded to grant the application, then the conditions proposed by the Licensing Authority in the papers should be imposed.

She added that if Members were minded to grant the application, conditions should be imposed in relation to no idling of vehicles and no patrons congregating outside the premises.

In response to questions, the following were noted:-

- That it was a small venue providing a unique experience.
- That deliveries would be between the hours of 5pm-9pm.
- That they would be offering mixologist created craft cocktails.
- That delivery drivers would already be in the area for deliveries to other premises, so would not add to the volume of delivery drivers in the area.
- That customers would be able to wait inside the premises for taxis.
- That only background music was used.
- The policy for staggered leaving of customers would continue after Covid-19 ended.
- Staggered leaving of customers in small groups would help minimise any noise disruption to residents.
- That the metal barriers outside the premises was for structured queuing, but can be moved closer to the premises in order to lessen the amount of the footway taken up.
- That the policy of no re-admission once any customer left the premises would continue, so there would be no exit followed by re-entry, if customers left for a smoking break, mitigating noise disruption to residents.

Concluding remarks were then made by all parties.

The Licensing Objectives

In considering the application, Members are normally required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant and Officers representing the Licensing Authority and Environmental Health with particular regard to 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 Members heard from the Applicant that the premises offered a unique theatrical and experience led venue, would have a maximum of 40 guests in the venue at each time, would be open for limited hours within the Council's framework hours, and was not alcohol led. It was noted that the premises had been trading where customers bring their own alcohol and now wanted to be able to provide a service to sell alcohol during the experience and offer a takeaway service. The Members were satisfied upon questioning the Applicant, that granting a premises licence for the nature of business the Applicant intends and with the conditions proposed and accepted by the Applicant would not negatively add to the CIZ.

The Sub-Committee considered the Council's Licensing Policy, in particular the Special Cumulative Impact Policy - Section 19.8;

“This policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be used. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the licensing objectives within the brick lane and Bethnal green CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include;

- Small premises with a capacity of fifty persons or less who will only intend to operate during framework hours.
- Premises which are not alcohol led and operate within the framework hours.”

The Sub-Committee considered that this was application had exceptional circumstances due to size of the premises, the customer capacity was less than 50 persons and it was not an alcohol led premises.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane CIZ, and the concerns relating to the likely disturbance to residents nearby. However the conditions proposed by the Applicant with the addition of a SIA door supervisor to manage customers entering and leaving the premises, and the conditions proposed by the Licensing Authority, in particular alcohol only being sold to guests who have purchased a ticket in advance as well as other conditions relating to off sales and no idling of vehicles outside the premises, gave the Sub Committee the assurance that this venue would not negatively impact on the CIZ.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed would help alleviate any concerns raised by the responsible authorities.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises Licence for Alcotraz, 212 Brick Lane, London E1 6SA be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday and Tuesday (no licensable activities)
Wednesday and Thursday, from 12:00 hours to 23:30 hours
Friday and Saturday, from 12:00 hours to 00:00 hours (midnight)
Sunday, from 12:00 hours to 22:30 hours

The provision of regulated entertainment – Indoors (Plays)

Monday and Tuesday (no licensable activities)
Wednesday to Friday, from 17:00 hours to 23:00 hours
Saturday, from 12:00 hours to 23:00 hours
Sunday, from 16:00 hours to 19:00 hours

Late Night Refreshment - Indoors

Monday and Tuesday (no licensable activities)
Wednesday and Thursday, from 23:00 hours to 23:30 hours
Friday and Saturday, from 23:00 hours to 00:00 hours (midnight)

The opening hours of the premises

Wednesday and Thursday, 12:00 hrs to 00:00 hrs (midnight)
Friday and Saturday, from 12:00 hrs to 00:30 hrs the following day
Sunday, from 12:00 hrs to 23:00 hrs

Conditions

1. Alcohol shall only be sold/supplied, on the premises, to customers who have purchased a ticket in advance.
2. All sales of alcohol for consumption, off the premises, shall be in sealed containers only, and shall not be consumed on the premises.
3. A standard age verification check shall be undertaken on entering the website when purchasing alcohol online. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
4. Alcohol shall only be delivered to a residential or business address and not to a public place.
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 idling of vehicles of either patrons, taxis or delivery vehicles outside the premises whilst the premises is in operation.
7. All tickets will be sold online where age verification takes place. Additionally at the physical premise door supervisors shall carry out ID checks for all attendees and their guests.
8. At least one SIA accredited door supervisor on the premises at all times at least 30 minutes prior to guests arrival and 30 minutes after guests leave to help close.

9. Front door to be manned by the above door supervisor during opening hours.
10. Clear terms & conditions shall be associated with ticket purchases to refuse entry to anyone intoxicated and operate strict policies to remove disorderly guests.
11. All staff shall be fully trained on safety procedures with guests entering and exiting as well as their behaviours during the experience. Vigilance in preventing the use and sale of illegal drugs - signage on entrance and in toilets and immediate removal if caught.
12. Guests shall be strictly instructed that there is no re-admission, with the ambition that guests are not loitering outside for any reason, keeping guests contained within the premise.
13. Guests shall be strictly instructed upon exit to head towards the nearest taxi rank or tube station by security staff.
14. The actors and staff shall be trained to keep noise to a minimum when entering and exiting the premises, encouraging the guests to do the same.
15. Tickets shall be purchased in advance online, requiring over 18 proof to open credit cards. Admission for over 18s only.
16. Strict Challenge 25 policy on the door. Only a passport, driving licence or Proof of Age issued under the PASS scheme shall be accepted as proof of age.
17. A register of refusals book shall be kept.
18. CCTV System is installed to monitor entrance/exits, and other parts of the premises in order to monitor and help prevent crime;
19. A clear and legible notice shall be displayed at the premises entrance indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
20. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
21. Clear signage on the desired behaviours of guests during the experience shall be displayed.
22. Customers shall be subjected to random searches of body and bags as per operational risk assessment
23. There shall be no admission to the venue, even with pre-purchased tickets for anyone displaying intoxication or drug use.

24. Customers will not be sought by means of personal solicitation outside or in the vicinity of the premises.
25. There shall be bi-monthly staff training on public safety measures.
26. Guests shall be organised in a queue and maintained quiet by staff whilst entering the premises.
27. The street shall be swept and cleared of any litter throughout opening hours and at the end of every day.
28. The premises shall be fitted with adequate soundproofing.
29. No loud music shall be played, and the sound system used to play background effects shall be fitted with an industry standard limiter.
30. Notices shall be placed at exits and there shall be verbal instructions from staff to remind guests to leave quietly and quickly.
31. A dispersion policy shall be employed at all times to ensure guests leave via Bethnal Green Road quietly.
32. Guests will be told on ticket emails about the closest car parking, and be prompted to take public transport to minimise congestion at the busiest times of the year.

4.2 Application to Review the Premises Licence for (Stop N Shop) 59 Commercial Street, London E1 6BD

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Stop N Shop, 59 Commercial Road, London E1 6BD. It was noted that the review had been triggered by Trading Standards and supported by the Metropolitan Police. Mr Ali also informed the Sub-Committee that there had been an application for a transfer of licence and a variation, but this was invalid as there were pending review proceedings.

At the request of the Chair, Mr Kevin Maple referred to his review statement contained in the agenda on pages 158-161 and detailed the two incidents that led to the review application.

He explained that as part of a test purchase programme, the premises were visited on 18 September 2019, when a test purchase of cigarettes was carried out to ascertain whether the premises was selling illicit cigarettes, these defined as being either counterfeit or which have been imported without duty being paid or which fail to display the correct labelling for the UK market. The premises was found to have illicit cigarettes.

The premises were visited again on 27 September 2019, when there was the discovery and subsequent seizure of illicit tobacco products and also nitrous

oxide (NOx) charger canisters. During the search of the premises, officers found the following items:-

1. Twenty (20) packets each comprising one hundred and four (104) (Total: 2,080 cigarettes) of various branded illicit non-UK cigarettes, and forty-one (41) packets (Total: 1,840 grams) of illicit hand rolling tobacco.
2. Twenty-four (24) boxes of Twenty-four (24) cream charger canisters containing (NOx) nitrous oxide (Total: 576 canisters)

Officers seized the tobacco products as they were non-UK and they did not display the required health warnings for the UK market. In addition, officers seized the nitrous oxide canisters as they were of the opinion that considering the quantity of the NOx canisters (cream chargers) and their location (i.e. behind the counter), it was highly likely the trader was supplying them to the public for recreational misuse. It was noted that whilst cream chargers are a legal product when sold for their legitimate use in the catering industry, the supply, or offer to supply or possession with intent to supply, of such items for recreational misuse (i.e. by inhaling the nitrous oxide gas inside for its psychoactive effect) was an offence.

In the statement of Officer Grier, he stated that during questioning, Mr Ashok Thakur (Premises Licence Holder) confirmed that he had full knowledge that he was selling foreign cigarettes at £4.00 per packet and that it was illegal to sell. Mr Thakur further explained he was given foreign cigarettes from tourists as part of his business to hold their luggage, for which he accepted illicit cigarettes as payment. The Sub-Committee heard that when questioned on the possession of the nitrous oxide (NOx) chargers, Mr Thakur said he was selling them to nearby coffee shops, but had been unable to verify which local coffee shops these were.

Mr Maple also highlighted a history of previous non-compliance with the law by Mr Thakur. Council records showed that Mr Thakur had previously failed a test purchase of alcohol, when he sold alcohol outside licensable hours, for which Mr Thakur was prosecuted and fined.

Mr Maple was of the view that the NOx was being sold with an intention to supply for recreational use as a psychoactive drug. Mr. Maple suggested that if Mr Thakur was selling it to coffee shops, he should have been able to verify which coffee shops they were.

In conclusion, Trading Standards Service were of the opinion that there were serious concerns in relation to crime & disorder, public safety, public nuisance and the safeguarding of children. Accordingly, Trading Standards had no confidence in the ability of the management of the premises to uphold the licensing objectives, and so respectfully requested Members revoke the premises licence.

Members then heard from PC Mark Perry, representing the Metropolitan Police, who stated that the current business owner could not be trusted,

having displayed a total disregard for the law and peoples' safety by selling dangerous products that can be harmful to people who use them.

PC Perry also raised concerns that whilst Mr Thakur had had over 500 nitrous oxide canisters stored behind the counter, his explanation that these were for local coffee shops was seriously undermined by the fact he could not identify these coffee shops. Therefore, it was the opinion of the Police that the management of the premises could not be trusted to uphold any of the licensing objectives, the breaches of the law being so serious, that the proportionate response was revocation, rather than imposition of any conditions placed on the premises licence.

In response to remarks about this by the Chair, Mr Ashok Thakur, Premises Licence Holder began by apologising to the Sub Committee for the incidents which had been mentioned by the officers, and said he regretted what had happened, also expressing that he had unknowingly broken the law.

With regard to the NOx, Mr Thakur said he got it for a local coffee shop who had asked him to get these for them to buy, if they ran out of stock, so he purchased these from a wholesaler in Petticoat Lane and kept it behind the counter, but never ended up selling it. He apologised profusely, and said he regretted his actions.

In response to questions the following were noted:-

- That Mr Thakur had no proof of purchase or sales of the NOx canisters.
- Mr Thakur asserted that the NOx canisters were kept behind the counter for whenever coffee shops wanted it.
- That he thought one of them was a coffee shop called Modern Coffee
- That NOx substance misuse was a key priority for the Council to address in the borough
- Assurance was given by Mr Thakur that this would not happen again.

Concluding remarks were then made by all parties.

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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them, including written and verbal representations from Kevin Maple representing Trading Standards as the Applicant, and PC Mark Perry from the Metropolitan Police who had supported the review application with particular regard to all four of the licensing objectives.

The Sub Committee carefully considered all evidence before them and had no doubt that the premises had undermined the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm.

The Sub-Committee Members were extremely concerned that there had been repeated breaches of legislation, amounting to the commission of criminal offences, in particular the shop was found during a test purchase to have illicit cigarettes for sale, whilst during another visit, Council officers seized illicit non-UK tobacco products and nitrous oxide (NOx) charger canisters. Members also noted the background of trading outside licensing hours, and the past prosecution and as well as pending prosecution against Mr Ashok Thakur, the Premises Licence Holder (PLH).

Members noted Mr Thakur's apology for the matters mentioned by Trading Standards, which led to the review application, and his acceptance of the fact that those breaches of the law had taken place. The Members had no confidence in the credibility of the explanation given by Mr Thakur, when he asserted that the nitrous oxide canisters were for sale to coffee shops, as he could not produce evidence to support that, when asked. The Sub Committee were of the opinion that these repeated breaches of the law demonstrated that the PLH had total disregard for upholding the law, hence there was no confidence that Mr Thakur would uphold the licensing objectives.

Members were satisfied that there were no conditions that could be imposed on the licence to promote the licensing objectives, given the evident serious mismanagement of the premises, from the failures to comply with the law on not having for sale, illicit non-UK tobacco products, nor nitrous oxide canisters. Members believed that there was no other course of action that would satisfy and maintain and uphold the licensing objectives as there was a clear lack of confidence in the Premises Licence Holder to uphold the licensing objectives.

In reaching their decision, Members had regard to paragraph 11 of the Guidance Issued by the Secretary of State for the Home Office under Section 182 of the Licensing Act 2003 in relation to reviews, and in particular paragraph 11.28 of the statutory guidance relating to reviews;

"Where reviews arise and the 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".

The Sub-Committee considered that there were clear issues of crime and disorder, issues of public safety, and issues over the protection of children from harm. They therefore felt it was necessary and proportionate to revoke the premises licence.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Review of the Premises Licence for Stop N Shop, 59 Commercial Street, London E1 6BD be **GRANTED with the revocation of the premises licence.**

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Jack the Chipper, 74 Whitechapel High Street, London E1 7QX	02/03
Adana, 267 Bethnal Green Road, London E2 6AH	16/03
Morleys 60-62 Brick Lane London E1 6RF	16/03
Da Nonna, Unit 2 New Crane Place London E1w 3TS	30/03

The meeting ended at 7.15 p.m.

Chair, Councillor Amina Ali
Licensing Sub Committee

Appendix 1



* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

NPL/E27RG

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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

Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value=""/>
	<input type="text" value=""/>
	<input type="text" value=""/>
City or town	<input type="text" value=""/>
County or administrative area	<input type="text" value=""/>
	<input type="text" value=""/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="146"/>
Street	<input type="text" value="Columbia Road"/>
District	<input type="text" value=""/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text" value=""/>
Postcode	<input type="text" value="E2 7RG"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value=""/>
Non-domestic rateable value of premises (£)	<input type="text" value="23,750"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name

District

City or town

County or administrative area

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Telephone number

Other telephone number

* Date of birth

* Nationality

Right to work share code

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /

dd mm yyyy

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

dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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.

This store will be stocking artisan products with a good selection of vegan products, candles, ceramic crafts and other such handmade items.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
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 in the column on the left, list below

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

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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)

Continued from previous page...

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

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises. The CCTV system shall conform to the following points: 1. Cameras must be sited to observe the entrance and exit doors both inside and outside. 2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification. 3. Cameras viewing till areas must capture frames not less than 50% of screen. 4. Cameras overlooking floor areas should be wide angled to give an overview of the premises. 5. Be capable of visually confirming the nature of the crime committed. 6. Provide a linked record of the date, time and place of any image. 7. Provide good quality images –colour during opening times. 8. Operate under existing light levels within and outside the premises. 9. Have the recording device located in a secure area or locked cabinet. 10. Have a monitor to review images and recorded picture quality. 11. Be regularly maintained to ensure continuous quality of image capture retention. 12. Have signage displayed in the customer area to advise that CCTV is in operation. 13. Digital images must be kept for 31 days. 14. Police will have access to images at any reasonable time. 15. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

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

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

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

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

* Full name

Besim Hajdini

* Capacity

Agent For The Applicant

* Date

23 / 09 / 2020
dd mm yyyy

Add another signatory

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

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

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

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

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

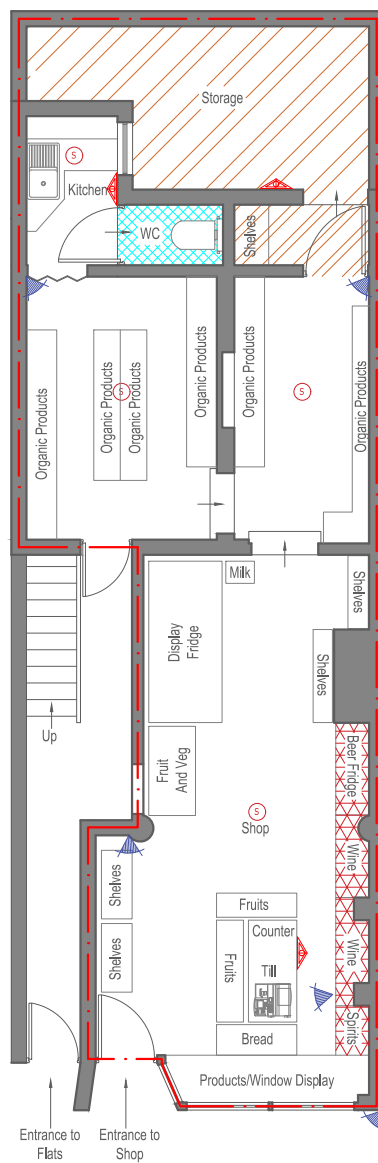
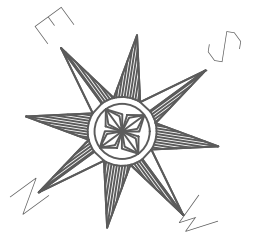
OFFICE USE ONLY

Applicant reference number	<input type="text" value="NPL/E27RG"/>
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"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2

Notes
 1- This drawing is not for construction
 2- All dimensions are to be checked on site and the architect is to be informed of any discrepancies before construction commences.
 3- All references to drawings refer to current revision of that drawing.
 4- The drawings are ADA GROUP property and should not be copied, reproduced or disclosed without written permission.



GROUND FLOOR PLAN

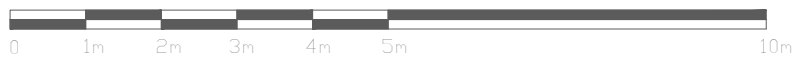
Drawing Symbols Key

-  AMBIT OF PREMISES
-  ALCOHOL
-  WC AREA
-  STORAGE AREA
-  SMOKE DETECTOR
-  FIRE EXTINGUISHER
-  CCTV
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN

ADDRESS
 146 Columbia Road, E2 7RG

SHEET
 1/1

SCALE
 1/100 @A3



DATE
 11/08/2020

REFERENCE
 CR 1108-GFP
Page 61
 NAME
 Ground Floor Plan

REV

V1

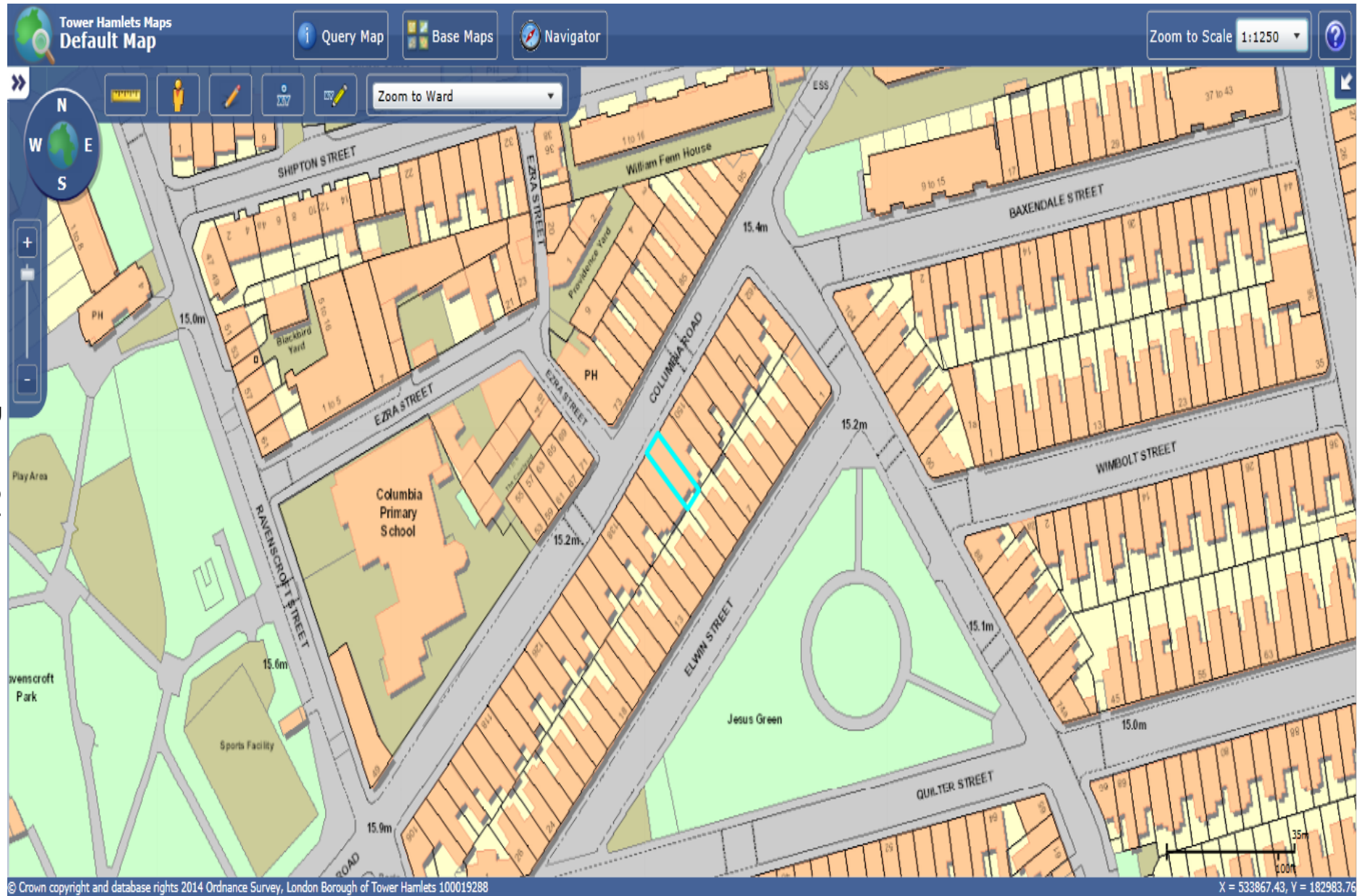
ADA Group
 453 West Green Rd.
 London N15 3PW
 info@adagroup.org.uk
 0208 881 7466



Appendix 3



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Appendix 4

Hackney Essentials - Nearest licences

Name and address	Licensable activities and hours	Opening hours
(Mason & Painter) 67 Columbia Road London E2 7RG	<u>The sale by retail of alcohol (off sales only)</u> <ul style="list-style-type: none"> • Monday to Thursday, from 15:00 hours to 20:00 hours • Friday from 15:00 hours to 21:00 hours • Saturday from 11:00 hours to 21:00 hours • Sunday from 10:00 hours to 19:00 hours 	<ul style="list-style-type: none"> • Monday to Thursday, from 15:00 hours to 20:00 hours • Friday from 15:00 hours to 21:00 hours • Saturday from 11:00 hours to 21:00 hours Sunday from 10:00 hours to 19:00 hours
(Londis) 88-90 Columbia Road London E2 7QB	<u>Sale of Alcohol (off sales only)</u> <ul style="list-style-type: none"> • Monday to Thursday from 0800hrs to 23:30hrs • Friday and Saturday from 08:00hrs to 00:00hrs (midnight) • Sunday from 08:00hrs to 22:30hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 08:00hrs to 01:00hrs (the following day)
(The Birdcage) 80 Columbia Road London E2 7QB	<u>Sale of Alcohol (On and Off Sales)</u> <ul style="list-style-type: none"> • Monday to Saturday from 10:00hrs to 01:00hrs (the following day) • Sunday from 08:00hrs to 01:00hrs (the following day) <u>The Provision of Late Night Refreshment (indoors):</u> <ul style="list-style-type: none"> • Monday to Sunday from 23:00hrs to 01:00hrs (the following day) <u>The Provision of Regulated Entertainment in the form of Films (indoors):</u> <ul style="list-style-type: none"> • Monday to Sunday from 07:00hrs to 01:00hrs (the following day) <u>The Provision of Regulated Entertainment in the form of Live Music and Recorded Music (indoors):</u> <ul style="list-style-type: none"> • Monday to Saturday from 10:00hrs to 01:00hrs (the following day) • Sunday from 08:00hrs to 01:00hrs (the following day) <u>Non-standard times:</u> <ul style="list-style-type: none"> • From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day • An additional hour to the standard and non-standard times on the day when British Summertime commences 	<ul style="list-style-type: none"> • Monday to Sunday from 07:00hrs to 01:30hrs (the following day) <u>Non-standard times:</u> <ul style="list-style-type: none"> • From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day • An additional hour to the standard and non-standard times on the day when British Summertime commences
(Stringray Globe Cafe) 109 Columbia Road London E2 7RL	<u>Supply of Alcohol - On and Off Sales</u> Monday to Sunday from 10:00 hours to 23:00 hours	There are no restrictions on the hours during which this premises are open to the public

Hackney Essentials - Nearest licences

<p>(The Royal Oak) 73 Columbia Road London E2 7RG</p>	<p><i>Supply of Alcohol</i></p> <ul style="list-style-type: none"> Monday to Thursday 10 00 hrs to 23 00 HRS Friday to Saturday 10 00 hrs to midnight Sunday 08 00 hrs to 23 00 hrs <p><i>Late Night Refreshment</i></p> <ul style="list-style-type: none"> Friday and Saturday to midnight <p>Regulated Entertainment consisting of film, (film or video for race nights) indoor sporting events, live music recorded music, dance, (or anything of a similar description)</p> <ul style="list-style-type: none"> Monday to Saturday 10 00 hrs to 22 30 hrs Sunday 08 00 hrs to 22 30 hrs <p>For all regulated activities Also on a maximum of 12 events per year until 01 00 hrs, with seven days notice in writing to the Metropolitan Police and the Licensing Section, with the Police exercising an absolute veto.</p>	<p>Monday to Thursday 10 00 hrs to 0030 hrs Friday and Saturday 10 00 hrs to 01 30 hrs Sunday 08 00 hrs to 00 30 hrs</p>
<p>(Brawn) 49 Columbia Road London E2 7RG</p>	<p><i>Regulated Entertainment</i> (Plays, Recorded Music, Live Music, Performance of Dance, Entertainment of a similar description) Monday to Saturday – 9am to 0.30am</p> <p><i>Sunday – 12midday to 10.30pm</i> (Films) Monday to Saturday – 9am to 0.30am Sunday – 12midday to 00.30am Supply by retail of alcohol (On and off supplies) Monday to Saturday – 11am to 0.30am Sunday – 12midday to 10.30pm</p> <p><i>Late night refreshment</i> Monday to Saturday – 11pm to 0.30am</p>	<p>Monday to Saturday – 9am to 0.30am Sunday – 8am to 00.30am On Christmas Eve and New Years Eve, the premises shall be open between 9am (8 am if on Sunday) and 1am.</p>
<p>(Funk) 142 Columbia Road London E2 7RG</p>	<p>The sale by retail of alcohol (Off sales only)</p> <ul style="list-style-type: none"> Tuesday to Friday, from 11:00 hours to 19:00 hours Saturday and Sunday, from 11:00 hours to 17:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> From November to December 20:00 hours on Wednesdays and Sundays 	<ul style="list-style-type: none"> Tuesday to Friday, from 11:00 hours to 19:00 hours Saturday, from 11:00 hours to 17:00 hours Sunday, from 09:00 hours to 17:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> From November to December 20:00 hours on Wednesdays and Sundays.

Hackney Essentials - Nearest licences

<p>(Laxeiro Tapas Bar) 93 Columbia Road London E2 7RG</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <p>On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12 midnight</p> <p>For conditions relating to times for restaurants see Mandatory Conditions</p>	<p>On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12.30 midnight</p>
<p>110 – 112 Columbia Road London E2 7RG</p>	<p>Sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 10:00 hours to 23:00 hours • Sunday, from 09:00 hrs to 22:00 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 10:00 hours to 23:00 hours • Sunday, from 09:00 hrs to 22:00 hours

Appendix 5

**Section 182 Advice by the Home Office
Updated on April 2018**

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 6

Mohshin Ali

From: Ibrahim Hussain
Sent: 23 October 2020 12:35
To: Mohshin Ali
Subject: FW: Hackney Essentials 146 Columbia Road E2 7RG: Emrah Kangal
Attachments: 20201023_120612.jpg

From: C Budd <[REDACTED]>
Sent: 23 October 2020 12:32
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Hackney Essentials 146 Columbia Road E2 7RG: Emrah Kangal

I violently object to the licensing application for 146 Columbia Rd.
We already have a number of licensed premises on Columbia Rd and Ezra Street
I live on Barnet Grove near Columbia Rd.

Columbia Rd is already a very busy destination area with several pubs, restaurants and off-licenses in the rear vicinity. There are 7 licenses for on and off sales in the immediate area and 3 Off licenses.

- The Royal Oak: On and Off Sales
- Braun: Currently applying for an Off License on top of On License
- Birdcage: On sales
- Printers and Stationers: On and Off sales
- Campania: On and Off sales
- Stringray Globe: On and Off sales
- Nelsons Head: On and Off Sales
- Flowers Supermarket: Off-license
- Co-op: Off license
- Sainbury's Off License.

There are many problems with excessive noise from people drinking in the streets and parks. This has all been exacerbated by the Covid restrictions on indoor drinking.
We are now being deluged with applications for new licensed premises and existing ones want to expand their hours and outside drinking areas.
We have repeatedly raised the issue of street drinking on Ezra Street which will be exacerbated by yet another licensed premise on Columbia Rd.
We do not need or want our entire street turned into a party destination. It is a residential area and should be respected as such.
The Council needs to work with residents to have a coherent plan for licensing premises in the area, preferably no new licenses should be granted.
A meeting last year was attended by 67 residents who are concerned about the issues of noise and street drinking but there has been no apparent action by either the Council or police.
Liveable Streets pocket parks especially outside the Birdcage pub will only exacerbate street drinking, noise and drug usage in this area. We need a PSPO to be granted to this area specifically as a matter of urgency.

Carol Budd
[REDACTED]

Appendix 7

Mohshin Ali

From: Licensing
Sent: 23 October 2020 16:43
To: Mohshin Ali
Subject: FW: Hackney Essentials

From: Christopher Kul Want [REDACTED] >
Sent: 23 October 2020 16:35
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Hackney Essentials

Dear Licensing

We are writing to object in the strongest terms possible to the application for a license to sell alcohol by Hackney Essentials on Columbia road E2 until 11.00 pm at night.

The number of licenses for the sale of alcohol in or near this area - twelve in all at the last count – has become exponential:

1. The Royal Oak (corner Columbia road and Ezra street): On and Off Sales
2. Braun (corner Columbia road and Ravenscroft Street): On and off sales
3. Birdcage (Columbia road): On sales
4. Printers and Stationers (Ezra Street): On and Off sales
5. Campania (Ezra Street): On and Off sales
6. Stringray Globe (Ezra Street): On and Off sales
7. Nelsons Head (Shipton Street): On and Off Sales
8. Flowers Supermarket (Columbia Road): Off-license
9. Co-op (Hackney Road): Off license
10. Sainsburys (Hackney Road) Off License.
11. Clutch Restaurant (Ravenscroft Street): On sales
12. 12 Mason & Painters

As a consequence of these licensed premises (which are already far too numerous for such a local area), there are many problems with excessive noise from people drinking in the streets and the parks in the area that has increased alarmingly in recent months. It has been particularly disturbing for local residents. Unfortunately, drinkers do not disperse at closing time but continue to make excessive noise and disturbance into the early hours of the morning, especially at week-ends.

It is for the reasons above that we object to the issue of a further alcohol license in this area. A major problem has now arisen with the number of licenses in the area. We would ask that in the future the Council work with residents to formulate a coherent plan for licensing premises in the area. The shift to the area around Columbia road becoming a party destination is alarming and very upsetting for residents. It is as if the party psychology of central Shoreditch is now an ever-present disturbance in our residential area, and co-operation with the Council about social disturbance needs to be pursued. We would hope that the Council including the licensing department meet with local residents about this matter, ideally through the residents organisation JHERA). Preferably no new licenses for the area should be granted (and of

course not until 11.00 pm, given that licensing should cease by 10.00 pm; otherwise, this only encourages drinking outside in the streets and park).

Christopher Want and Catherine Yass

[REDACTED]

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Appendix 8

Mohshin Ali

From: Licensing
Sent: 23 October 2020 16:44
To: Mohshin Ali
Subject: FW: Hackney Essentials Application to sell alcohol until 11 pm

From: Duncan Campbell [REDACTED] >
Sent: 23 October 2020 16:35
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Hackney Essentials Application to sell alcohol until 11 pm

Hackney Essentials
146 Columbia Road
E2 7RG

Application for a new license to sell alcohol off sales **Mon - Sunday until 11pm**

We live on the corner of Ezra Street and Ravenscroft Street E2 7RP and this is just the latest application for a nearby business to see alcohol until 11pm at night. There are already many, many places with late licenses for alcohol and we cannot see why further licences need to be granted. It just encourages street drinking which is already a major problem.

We have no objection to them selling alcohol during the day until 7 pm but after that it becomes a problem.

Many thanks.

Duncan Campbell,
[REDACTED]

Appendix 9

Corinne Holland

From: kristin perers [REDACTED] >
Sent: 23 October 2020 22:29
To: Licensing
Cc: John Pierce
Subject: Objection 146 Columbia Rd

To Tower Hamlets Licensing,

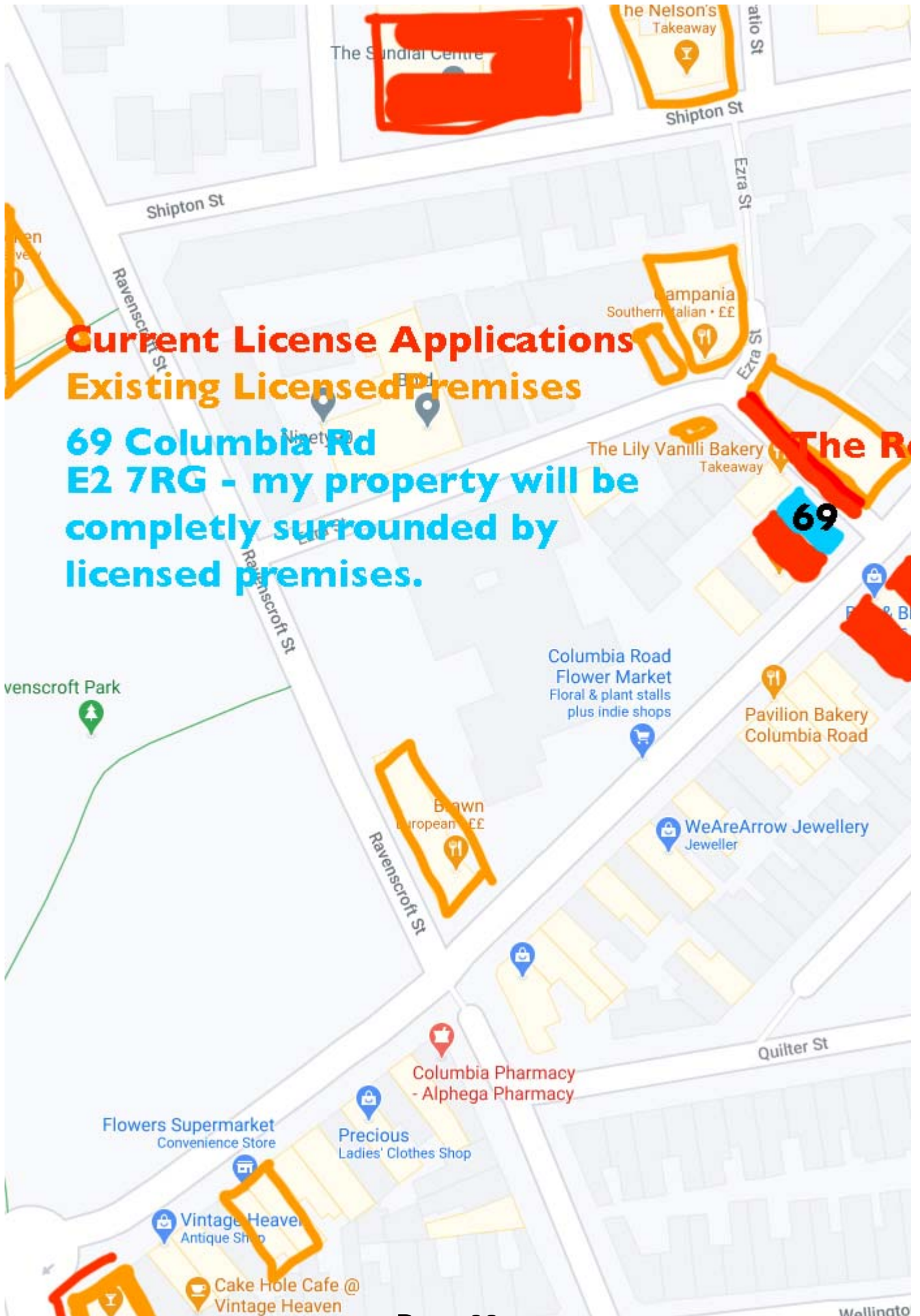
I am writing to OBJECT to the proposed license application from Emrah Kangal at Hackney Essentials 146 Columbia Road, E2 7RG. I own number [REDACTED] the residential property across the road. Whilst I support and enjoy the shop as a local business the sale of alcohol until 11pm at night is unacceptable and goes against Tower Hamlets licensing policy for these reasons:

- A) This area has become a destination for people hanging out on the street drinking. The effects of this cause such disruption to our home life that it makes it unliveable at times because of noise pollution, being woken in the night, anti social and even at times intimidating threatening behaviour. The passing of this license would increase this and goes against TH policy as it **does not promote a safe and cohesive community.**
- B) There are thirteen other licensed premises within a few square blocks and the neighbourhood is saturated for places to buy alcohol we do not need any more licensed premises.
- C) There are four current applications in this small corner - please see map below (please see Map Exhibit A). If these are passed my home will be completely surrounded by licensed premises. I would make a plea to the Licensing authority to look at this in a more holistic way - right now the rapid rate of license applications and street drinking is becoming intolerable and will have long lasting effects on a historic neighbourhood that is valued for its balanced mix of residential properties, small shops and the Sunday flower market. **This does not promote a fair and prosperous community but rather gives dominance to the night time economy over the right to a quiet residential life.**
- D) Hackney Essentials is currently open 9-7pm Mon - Sat and 9-6 Sun. The application proposes not only for a license but to open for another 4/5 hours specifically to cater to the sale of alcohol. This is non essential to the neighbourhood.
- E) The architecture of the street is on a small Victorian/ Edwardian scale. Residents live above the shops on both sides of the street (houses are 11.6 meters apart across the road door to door on Columbia Rd), the acoustics are such that sound travels easily. We have to get on well with our neighbours as we hear everything they do! Late night hours and sale of alcohol would make the area more attractive as a destination for late night - with groups hanging out on the street and furthering this as a 'party' destination. **This does not support residents in making this a great place to live or a healthy and supportive community.**
- F) Please see attached photos which show the view from the applicants shop at 146 Columbia Road (Exhibit B) and also a view down Ezra Street back to Hackney Providers shop Exhibit C) illustrating the crowds of people gathering on the street drinking right below residential homes.

Yours sincerely,

Kristin Perers
[REDACTED]

Exhibit A Map of Area



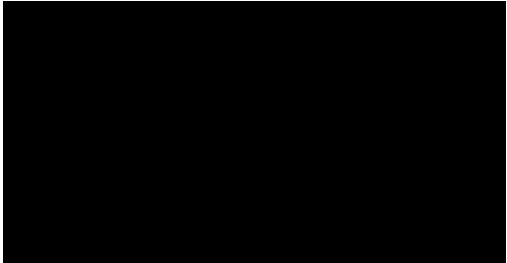






KRISTIN PERERS

Photographer



Appendix 10

Mohshin Ali

From: Licensing
Sent: 23 October 2020 15:26
To: Mohshin Ali
Subject: FW: New License application on Columbia Road

From: Linda Wilkinson [REDACTED] >
Sent: 23 October 2020 14:51
To: Licensing <Licensing@towerhamlets.gov.uk>; John Pierce [REDACTED] >
Subject: New License application on Columbia Road

I am using the bones of this note, sent by another resident to object to the licensing application for 146 Columbia Rd.

We already have a number of licensed premises on Columbia Rd and Ezra Street
I live near Columbia Rd.

Columbia Rd is already a very busy destination area with several pubs, restaurants and off-licenses in the rear vicinity. There are 7 licenses for on and off sales in the immediate area and 3 Off licenses.

- The Royal Oak: On and Off Sales
- Braun: Currently applying for an Off License on top of On License
- Birdcage: On sales
- Printers and Stationers: On and Off sales
- Campania: On and Off sales
- Stringray Globe: On and Off sales
- Nelsons Head: On and Off Sales
- Flowers Supermarket: Off-license
- Co-op: Off license
- Sainbury's Off License.

There are many problems with excessive noise from people drinking in the streets and parks. This has all been exacerbated by the Covid restrictions on indoor drinking.

We are now being deluged with applications for new licensed premises and existing ones want to expand their hours and outside drinking areas.

We have repeatedly raised the issue of street drinking on Ezra Street which will be exacerbated by yet another licensed premise on Columbia Rd.

We do not need or want our entire street turned into a party destination. It is a residential area and should be respected as such.

The Council needs to work with residents to have a coherent plan for licensing premises in the area, preferably no new licenses should be granted.

A meeting last year was attended by 67 residents who are concerned about the issues of noise and street drinking but there has been no apparent action by either the Council or police.

Liveable Streets pocket parks especially outside the Birdcage pub will only exacerbate street drinking, noise and drug usage in this area. We need a PSPO to be granted to this area specifically as a matter of urgency.

Linda Wilkinson

Chair Jesus Hospital Estate Residents Association

Appendix 11

Mohshin Ali

From: Ibrahim Hussain
Sent: 23 October 2020 12:07
To: Mohshin Ali
Subject: FW: Objection(s) to licencing application for Hackney Essentials (Columbia Road, E2)

From: Paul Crozier [REDACTED] >
Sent: 23 October 2020 11:45
To: Licencing <Licensing@towerhamlets.gov.uk>
Subject: Objection(s) to licencing application for Hackney Essentials (Columbia Road, E2)

I am writing to object to the licencing application for Hackney Essentials on Columbia Road (off sales Mon-Fri until 11pm). My objection is based on the following

- There are already several other stores with similar licence or in process of applying for such. The multitude of licenced premises changes the character of the area and is encouraging more noise and anti social behaviour locally.
- I understand that the premises are not responsible for managing behaviour but granting a licence means they are in a role where they enable it.
- Granting a licence until 11pm is particularly problematic at present. With hospitality curfews at 10 premises selling alcohol until 11 only encourage groups/individuals to purchase more alcohol and with nowhere to go we have seen an increase in noise and antisocial behaviour on the local streets
- I would seek a compromise with reduced hours of sale however I understand that the licencing does not work in this way hence my objection to the licence as a whole
- Whatever the intentions of the current occupants, once granted the licence is in place. I strongly object on the grounds that this will lead to fundamental changes to the character of the street around Columbia Road and Ezra Street. This is a residential area too and there needs to be a balanced long term view that does not enable all the local shops to become bars.

I am a resident with a young family. We have lived here many years and value the role of traders and independent shops on the street. To maintain that value and the character of Columbia Road needs a approach from Licencing that maintains the diversity and balance across the area. Without such a considered approach granting licences will only contribute to further problems with noise and antisocial behaviour - problems which increasingly affect and impact on our daily lives

Paul Crozier
[REDACTED]

Appendix 12

Corinne Holland

From: William Taylor [REDACTED]
Sent: 23 October 2020 22:59
To: Licensing
Subject: 146 Columbia Road (Hackney Essentials): objection

Dear Sir/Madam

[REDACTED] is our family home.

I am writing to object to the application to extend the opening hours of 146 Columbia Road from 7pm (6pm on Sundays) until 11pm in order to sell alcohol.

We support Hackney Essentials as a local grocer but we do not support its role as an evening off licence.

However given the noisy street drinking which is already a problem in Ezra Street directly opposite this premises as well as surrounding streets I consider this effective change of evening use risks causing public nuisance.

This corner of Columbia Road is becoming a destination for young people to drink together outside in groups on the street before going on to a venue. This new licence would encourage this and may lead to underage drinking and crime and disorder.

Yours

William Taylor

Appendix 13

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 14

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 15

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 16

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 17

Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
 - Limitations on ages below 18,
 - Limitations or exclusion when certain activities are taking place,
 - Requirements for an accompanying adult,
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the “Challenge 25 Scheme”. The rationale for this is because it can often be difficult to judge how old teenagers are and “Challenge 25 age verification system” would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

12 Children and Public Entertainment

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
 - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
 - No child unless accompanied by an adult to be permitted in the front row of any balcony,
 - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.

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

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 18

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.

Appendix 19

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	23/02/21	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for Funk, 142 Columbia Road, London E2 7RG
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: **The Cheese Truck Limited**
Name and **Funk**
Address of Premises: **142 Columbia Road**
London E2 7RG

Licence sought: **Licensing Act 2003**
To extend the hours for the Sale of Alcohol
Removal of non standard timings

Objectors: **Local Resident**

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

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for a variation of the premises licence for Funk, 142 Columbia Road, London E2 7RG.

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

3.3 A copy of the variation application is enclosed as **Appendix 2**.

3.4 The applicant has described the nature of the variation as:
To extend the hours for the sale of alcohol
Remove non standard timings

3.5 The hours that have been applied for are as follows:-

Sale of Alcohol (off sales)

Monday to Saturday 10:00 hours to 21:00 hours

Sunday 10:00 hours to 19:00 hours

Hours premises are open to the public:

Monday to Saturday from 10:00 hours to 21:00 hours

Sunday from 10:00 hours to 19:00 hours

Removal of non standard timings "From November to December (terminal hour 20:00 hours on Wednesday's and Sunday's".

4.0 **Location and Nature of the premises**

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 3**.

4.3 Maps showing the vicinity are included as **Appendix 4**.

4.4 Details of other licensed venues in the immediate vicinity are included as **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 1st November 2018.

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

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 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.
- 6.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident.

See **Appendix 6 – P. Crozier**

- 6.8 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
- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

6.9 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

6.10 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti social behaviour from patrons leaving the premises
- Noise while the premise is in use

6.11 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.

7.0 Licensing Officer Comments

7.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2021 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is

earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Further Guidance on this can be found at

<https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

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

7.3 Guidance issued under section 182 of the Licensing Act 2003

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

appropriate conditions and/or different hours from those requested.”
(10.14)

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

- 7.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 7.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 7.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 7.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 7.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 7.9 In **Appendices 7-9** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

8.0 **Legal Comments**

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Other licensed venues in the area
Appendix 6	Representation of local resident
Appendix 7	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 8	Licensing officer comments on Noise when the premises is in use
Appendix 9	Licensing Policy relating to hours of trading.

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Appendix 1

(Funk)
142 Columbia Road
London
E2 7RG

Licensable Activities authorised by the licence

Sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 6th January 2014



Part A - Format of premises licence

Premises licence number

132370

Part 1 - Premises details

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

(Funk)
142 Columbia Road

Post town
London

Post code
E2 7RG

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Tuesday to Friday, from 11:00 hours to 19:00 hours
- Saturday and Sunday, from 11:00 hours to 17:00 hours

Non-standard timings

- From November to December 20:00 hours on Wednesdays and Sundays

The opening hours of the premises

- Tuesday to Friday, from 11:00 hours to 19:00 hours
- Saturday, from 11:00 hours to 17:00 hours
- Sunday, from 09:00 hours to 17:00 hours

Non-standard timings

- From November to December 20:00 hours on Wednesdays and Sundays.

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

Off sales only

Part 2

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

The Cheese Truck Limited
The Cheese Bar, Unit 93
Chalk Farm Road
Camden
London
NW1 8AH

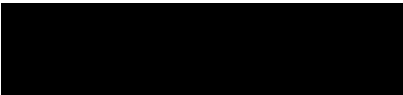


Registered number of holder, for example company number, charity number (where applicable)

08879337

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

Olga Roriz Chaves Sequeira Cruchinho



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 No: LBH-PER-N-2062
Issuing Authority: London Borough of Hackney

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

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.

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 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. To prevent the supply of alcohol to under-age customers, we will apply "Challenge 25".
2. Alcohol bottles will be stored right next to the counter (the further away possible from the door of the premises), so that good vigilance of the product can be retained at all times.
3. The shop is already equipped with window metal shutters that keep the shop front safe at all times.
4. Alcoholic products shall not be displayed on the front window display.
5. CCTV system shall be installed to monitor and record the activities, in order to help prevent crime and disorder.
6. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers shall be displayed.

7. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
8. Customers will be asked not to stand around loudly talking in the street outside the premises and will not be admitted to premises above opening hours.
9. A "Challenge 25" policy shall be in operation. This will ensure anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

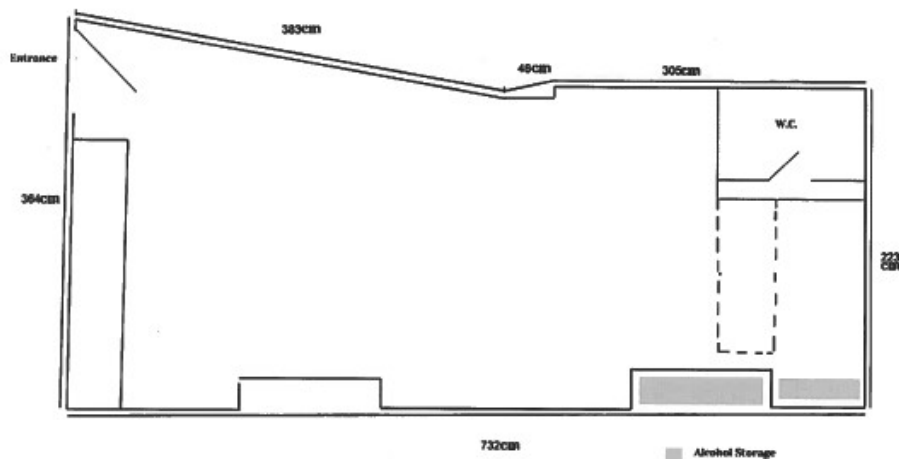
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

21 November 2013 – Ground Floor





Part B - Premises licence summary

Premises licence number

132370

Premises details

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

(Funk)
142 Columbia Road

Post town
London

Post code
E2 7RG

Telephone number
[REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Tuesday to Friday, from 11:00 hours to 19:00 hours
- Saturday and Sunday, from 11:00 hours to 17:00 hours

Non-standard timings

- From November to December 20:00 hours on Wednesdays and Sundays

The opening hours of the premises

- Tuesday to Friday, from 11:00 hours to 19:00 hours
- Saturday, from 11:00 hours to 17:00 hours
- Sunday, from 09:00 hours to 17:00 hours

Non-standard timings

- From November to December 20:00 hours on Wednesdays and Sundays.

Name, (registered) address of holder of premises licence

The Cheese Truck Limited
The Cheese Bar, Unit 93
Chalk Farm Road
Camden
London
NW1 8AH

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

Off Sales only

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

08879337

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

Olga Roriz Chaves Sequeira Cruchinho

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

No restriction

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We The Cheese Truck Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 17884

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
A Portuguese Love affair (to now be known as Funk) 142 Columbia Road			
Post town	London	Postcode	E2 7RG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£15,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	The Cheese Truck Limited Unit 93 Camden Market		
Post town	London	Postcode	NW1 8AH

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

(Please see guidance note 1) Yes

No

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

The proposed variation is to extend the sale of alcohol from the current hours of Tuesday to Friday 11:00 to 19:00, Saturday and Sunday to 11:00 to 17:00 to Monday to Saturday 10:00 to 21:00 and Sunday 10:00 to 19:00.

The opening hours of the premises will be Monday to Saturday 10:00 to 21:00 and Sunday 10:00 to 19:00.

To remove the following non-standard timings “From November to December (terminal hour is) 20:00 hours on Wednesdays and Sundays”.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	 <u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) 		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)					
Mon	10:00	21:00						
Tue	10:00	21:00						
Wed	10:00	21:00						
Thur	10:00	21:00				<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	10:00	21:00						
Sat	10:00	21:00						
Sun	10:00	19:00						

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	21:00	
Tue	10:00	21:00	
Wed	10:00	21:00	
Thur	10:00	21:00	
Fri	10:00	21:00	
Sat	10:00	21:00	
Sun	10:00	19:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The variation of the premises licence does not impact on licensing objectives. The conditions of the premises licence will be complied with.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

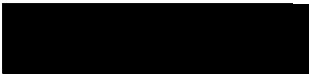
Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	20 October 2020
Capacity	Solicitors for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Andrew Woods
 Woods Whur 2014 Limited
 St James House
 28 Park Place

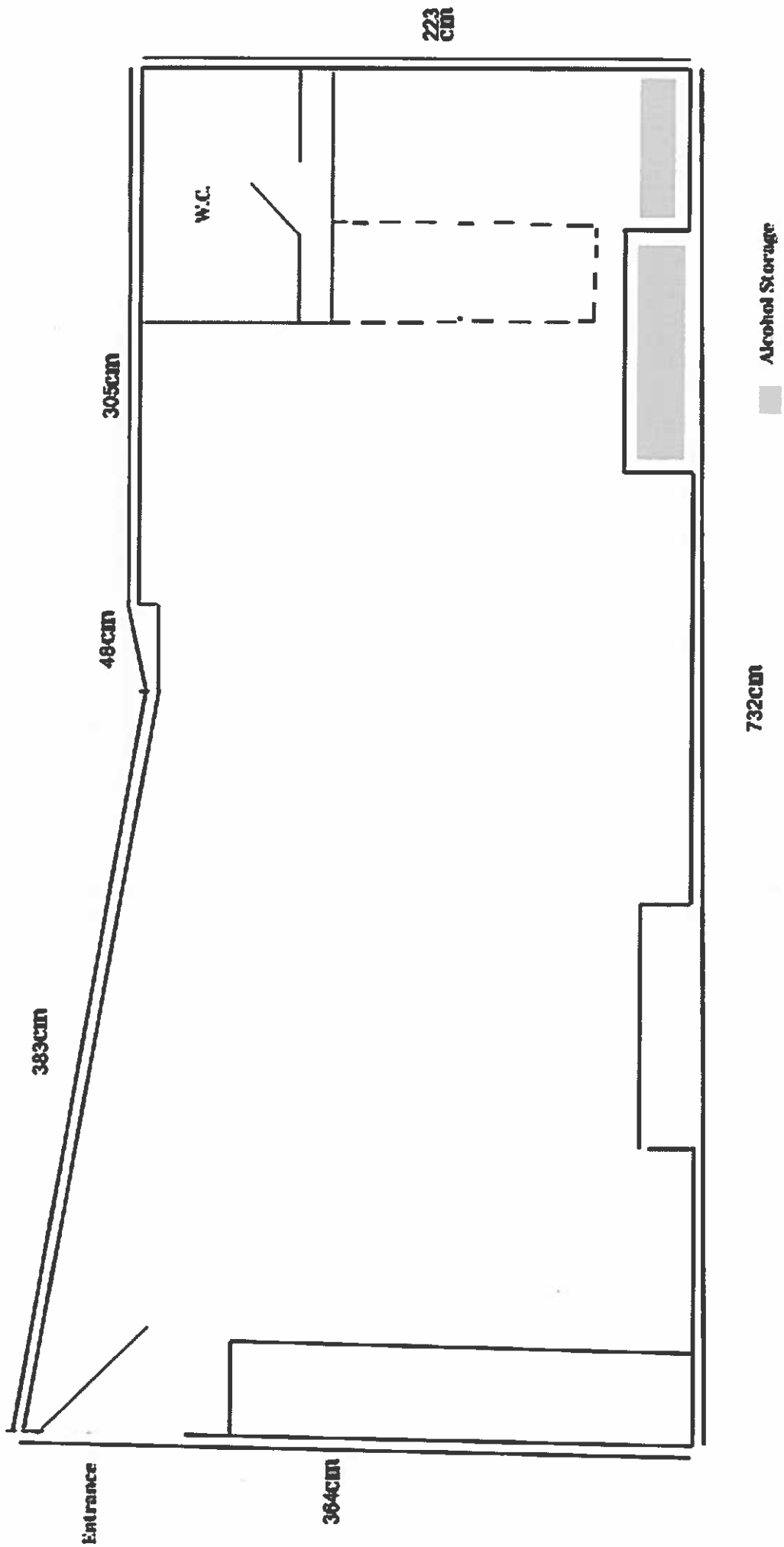
Post town	Leeds	Post code	LS1 2SP
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 3



Appendix 4





Appendix 5

Venues in vicinity of 142 Columbia Road

Name and address	Licensable activities and hours	Opening hours
<p>(Brawn) 49 Columbia Road London E2 7RG</p>	<p>Sale of alcohol On sales (temporary permission for off sales during 1st lockdown) Monday to Saturday – 11am to 0.30am Sunday – 12midday to 10.30pm</p> <p>Regulated Entertainment (Plays, Recorded Music, Live Music, Performance of Dance, Entertainment of a similar description) Monday to Saturday – 9am to 0.30am</p> <p>Sunday – 12midday to 10.30pm (Films) Monday to Saturday – 9am to 0.30am Sunday – 12midday to 00.30am</p> <p>Late night refreshment Monday to Saturday – 11pm to 0.30am</p>	<p>Monday to Saturday – 9am to 0.30am Sunday – 8am to 00.30am</p> <p>On Christmas Eve and New Years Eve, the premises shall be open between 9am (8 am if on Sunday) and 1am.</p>
<p>Mason & Painter 67 Columbia Road, E2 7RG</p>	<p><u>The sale by retail of alcohol (off sales only)</u> Monday to Thursday, from 15:00 hours to 20:00 hours Friday from 15:00 hours to 21:00 hours Saturday from 11:00 hours to 21:00 hours Sunday from 10:00 hours to 19:00 hours</p>	<p>Monday to Thursday, from 15:00 hours to 20:00 hours Friday from 15:00 hours to 21:00 hours Saturday from 11:00 hours to 21:00 hours Sunday from 10:00 hours to 19:00 hours</p>
<p>(The Royal Oak) 73 Columbia Road London E2 7RG</p>	<p>Supply of Alcohol (On and off sales) Monday to Thursday 10 00 hrs to 23 00 HRS Friday to Saturday 10 00 hrs to midnight Sunday 08 00 hrs to 23 00 hrs</p> <p>Late Night Refreshment Friday and Saturday to midnight</p> <p>Regulated Entertainment consisting of film, (film or video for race nights) indoor sporting events, live music recorded music, dance, (or anything of a similar description) Monday to Saturday 10 00 hrs to 22 30 hrs Sunday 08 00 hrs to 22 30 hrs</p>	<p>Monday to Thursday 10 00 hrs to 0030 hrs Friday and Saturday 10 00 hrs to 01 30 hrs Sunday 08 00 hrs to 00 30 hrs</p> <p>For all regulated activities Also on a maximum of 12 events per year until 01 00 hrs, with seven days notice in writing to the Metropolitan Police and the Licensing Section, with the Police exercising an absolute veto.</p>

Venues in vicinity of 142 Columbia Road

<p>(The Birdcage) 80 Columbia Road London E2 7QB</p>	<p><u>Sale of Alcohol (On and Off Sales)</u></p> <ul style="list-style-type: none"> Monday to Saturday from 10:00hrs to 01:00hrs (the following day) Sunday from 08:00hrs to 01:00hrs (the following day) <p><u>The Provision of Late Night Refreshment (indoors):</u></p> <ul style="list-style-type: none"> Monday to Sunday from 23:00hrs to 01:00hrs (the following day) <p><u>The Provision of Regulated Entertainment in the form of Films (indoors):</u></p> <ul style="list-style-type: none"> Monday to Sunday from 07:00hrs to 01:00hrs (the following day) <p><u>The Provision of Regulated Entertainment in the form of Live Music and Recorded Music (indoors):</u></p> <ul style="list-style-type: none"> Monday to Saturday from 10:00hrs to 01:00hrs (the following day) Sunday from 08:00hrs to 01:00hrs (the following day) <p><u>Non-standard times:</u></p> <ul style="list-style-type: none"> From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day An additional hour to the standard and non-standard times on the day when British Summertime commences 	<ul style="list-style-type: none"> Monday to Sunday from 07:00hrs to 01:30hrs (the following day) <p><u>Non-standard times:</u></p> <ul style="list-style-type: none"> From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day An additional hour to the standard and non-standard times on the day when British Summertime commences
<p>(Laxeiro Tapas Bar) 93 Columbia Road London E2 7RG</p>	<p>Sale of alcohol(on sales) On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12 midnight (Temporary off sales during first lockdown now expired) (Restaurant permission – alcohol must be sold with table meal)</p>	<p>On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12.30 midnight</p>
<p>(Stringray Globe Cafe) 109 Columbia Road London E2 7RL</p>	<p>Supply of Alcohol - On and Off Sales</p> <p>Monday to Sunday from 10:00 hours to 23:00 hours</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Venues in vicinity of 142 Columbia Road

<p>110 – 112 Columbia Road London E2 7RG</p>	<p>Sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 10:00 hours to 23:00 hours • Sunday, from 09:00 hrs to 22:00 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 10:00 hours to 23:00 hours • Sunday, from 09:00 hrs to 22:00 hours
<p>(Jones Dairy) 23 Ezra Street London E2 7RH</p>	<p><u>The sale by retail of alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 09:00hrs to 23:00hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 09:00hrs to 23:00hrs
<p>(Degustation) 21a Ezra Street London E2 7RH</p>	<p><u>Sale of alcohol (On and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Friday 09:00 hours – 21:00 hours • Saturday & Sunday 09:00 hours – 20:00 hours 	<ul style="list-style-type: none"> • Monday to Friday 09:00 hours – 21:00 hours • Saturday & Sunday 09:00 hours – 20:00 hours
<p>(Iberian Connections) 2-10 Ezra Street London E2 7RH</p>	<p><u>Sale of Alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> • Sunday 08:00 hours to 15:00 hours 	<ul style="list-style-type: none"> • Sunday 08:00 hours to 15:00 hours

Appendix 6

Kathy Driver

From: Ibrahim Hussain
Sent: 23 October 2020 12:12
To: Kathy Driver
Subject: FW: Objection(s) to licencing application for Funk Columbia Road, E2)

From: Paul Crozier [REDACTED]
Sent: 23 October 2020 11:49
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Fwd: Objection(s) to licencing application for Funk Columbia Road, E2)

I am writing to object to the licencing variation application for Funk on Columbia Road (off sales Tues-Fri until 9pm and Sunday until 7pm). My objection is based on the following

- There are already several other stores with similar licence or in process of applying for such. The multitude of licenced premises changes the character of the area and is encouraging more noise and anti social behaviour locally.
- I understand that the premises are not responsible for managing behaviour but granting a licence means they are in a role where they enable it.
- Whatever the intentions of the current occupants, once granted the licence is in place. I strongly object on the grounds that this will lead to fundamental changes to the character of the street around Columbia Road and Ezra Street. This is a residential area too and there needs to be a balanced long term view that does not enable all the local shops to become bars.

I am a resident with a young family. We have lived here many years and value the role of traders and independent shops on the street. To maintain that value and the character of Columbia Road needs a approach from Licencing that maintains the diversity and balance across the area. Without such a considered approach granting licences and variations to increase hours will only contribute to further problems with noise and antisocial behaviour - problems which increasingly affect and impact on our daily lives

Paul Crozier
[REDACTED]

Appendix 7

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 8

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 9

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

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