

# Licensing Sub Committee

## Agenda

Tuesday, 2 March 2021 5.30 p.m.

Online 'Virtual' Meeting -

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

### Contact for further enquiries:

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## Licensing Sub Committee

Tuesday, 2 March 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. ITEMS FOR CONSIDERATION

#### 3.1 Application for Variation of a Premises Licence for London Cocktail Club Commercial Unit 12, 29 Sclater Street London E1 6LB

PAGE  
NUMBER

WARD(S)  
AFFECTED

19 - 86

Spitalfields  
&  
Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority



**3.2 Application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX**

87 - 156

**Spitalfields  
&  
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health

**4. 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.



# 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, Monitoring Officer, Tel: 0207 364 4800.

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

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

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

## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

## **2. Composition of Sub-Committee**

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

## **3. Procedure**

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



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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

### (2) Licensing Sub-Committee Role and Membership.

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

#### Licensing Sub- Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the **Page 13** 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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# Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	2 <sup>nd</sup> March 2021	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Lavine Miller-Johnson</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for variation of a Premises Licence for London Cocktail Club Commercial Unit 12, 29 Sclater Street London E1 6LB</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **The London Cocktail Club LTD**  
Name and **Commercial Unit 12, 29 Sclater Street**  
Address of Premises: **London E1 6LB**

Licence sought: **Licensing Act 2003**  
**To amend the hours for the Sale of Alcohol**  
**To modify conditions**

Objectors **Licensing Authority**

## 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

Lavine Miller-Johnson

020 7364 2665

### 3.0 **Background**

3.1 This is an application within the Brick Lane CIZ for a variation of the premises licence for London Cocktail Club Commercial Unit 12, 29 Sclater Street London E1 6LB.

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 allow the retail sale of alcohol to commence at 10.00 hours rather than the current hour of 16:30 hours. Also, to modify existing condition 20.

3.5 Existing condition 20 of Annex 3 - Conditions attached after a hearing by the licensing authority on 11th February 2014 when licence was granted.

- *Condition 20 reads, A minimum of two SIA door staff shall be employed at the premises from 9.00pm until closing on Fridays and Saturdays.*
- *To be modified to read, A minimum of two SIA shall be employed at the premises from 9pm until closing on Fridays and Saturdays.*

3.6 This condition shall be suspended until 1 October 2022 or until the premises are permitted to trade without social distancing measures in place, whichever is the earliest”.

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

#### **Sale of Alcohol (on sales)**

Monday to Thursday from 10:00 hours to 00:00 hours

Friday to Saturday from 10:00 hours to 01:00 hours

Sunday from 10:00 hours to 00:00 hours

#### **Hours premises are open to the public:**

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

Friday to Saturday from 10:00 hours to 01:30 hours

Sunday from 10:00 hours to 00:30 hours

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

4.1 Images and map showing the premises and surrounding area are included as  
**Appendix 3**.

4.2 Other licensed venues in the area **Appendix 4**.

## **5.0 Licensing Policy and Government Advice**

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

## **6.0 Representations**

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

See **Appendix 5 – Licensing Authority Mohshin Ali**

- 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 6-9** 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

<b>Appendix 1</b>	A copy the existing licence
<b>Appendix 2</b>	A copy of the application for variation
<b>Appendix 3</b>	Images and map showing the premises and surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Representation of Licensing Authority
<b>Appendix 6</b>	Licensing officer comments on anti-social behaviour patrons leaving the premises
<b>Appendix 7</b>	Licensing officer comments on Noise when the premises is in use
<b>Appendix 8</b>	Licensing officer comments on Crime and Disorder
<b>Appendix 9</b>	Licensing Policy relating to hours of trading



# Appendix 1

**(London Cocktail Club)  
Commercial Unit 12,  
Avant Garde Building  
29 Sclater Street  
London  
E1 6HR**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

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

**Signed by**

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

**Date: 11<sup>th</sup> February 2014**



**Part A - Format of premises licence**

Premises licence number

26032

**Part 1 - Premises details**

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

**(London Cocktail Club)  
Commercial Unit 12,  
Avant Garde Building  
29 Sclater Street**

**Post town**

London

**Post code**

E1 6HR

**Telephone number**

None

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

Not applicable

### **Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

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

#### Sale of Alcohol (on sales only)

- Sunday to Thursday from 16:30 hours to 00:00 hours
- Friday & Saturday from 16:30 hours to 01:00 hours (the following day)

#### The Provision of Late Night Refreshments (indoors)

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday & Saturday from 23:00 hours to 01:00 hours (the following day)

#### The Provision of Regulated Entertainment in the form of Films (indoors), Live Music (indoors) and Recorded Music (indoors)

- Sunday to Thursday from 16:30 hours to 00:00 hours
- Friday & Saturday from 16:30 hours to 01:00 hours (the following day)

### **The opening hours of the premises**

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

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

On sales only

**Part 2**

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

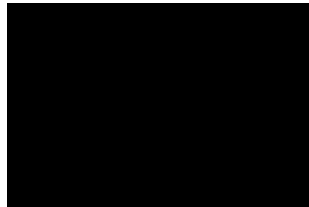
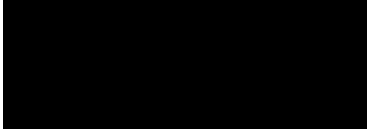
The London Cocktail Club Ltd  
3<sup>rd</sup> Floor. 33 Percy Street  
London  
W1T 2DF

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

Registered Number: 07438012

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

John James Goodman



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

Licence Number:   


## Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

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

Not applicable

## **Annex 3 - Conditions attached after a hearing by the licensing authority at a Hearing on 11<sup>th</sup> February 2014 when licence was granted**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV



- system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
  3. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
  4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
  5. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
  6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  7. No servicing to take place before 8am and after 11pm.
  8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  9. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
  10. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
  11. There shall be no off sales permitted

12. There shall be a designated member of staff who is able to advise other staff on child protection matters
13. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
14. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
17. A challenge 21 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.
18. A drugs policy shall be agreed with the Tower Hamlets Police Licensing Unit.
19. Form 696 Risk Assessment shall be completed and submitted to the Police whenever any outside promoters or DJs are used at the premises.

20. A minimum of two SIA door staff shall be employed at the premises from 9.00pm until closing on Fridays and Saturdays
21. Staff will monitor the patrons using any smoking area and ensure that they remain within the cartilage of the premises at all times.
22. The venue is to provide information on local taxi firms and transport links to all patrons leaving the venue.
23. A direct telephone for number for the manager at the premises shall be publicly available, and displayed at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
24. No waste or recyclable materials, including bottles shall be moved, removed from or placed in outside areas between 11.00pm and 08.00am on the following day.
25. A registry of security personnel employed on the premises shall be maintained in a legible format, and made available to Police upon reasonable request. The register should be completed by the DPS/duty manager/nominated staff member at the commencement of work by each member of security staff, and details recorded should include full name, SIA badge number, contact details and time of commencement of duties. The security operative should then sign their name against these details.

#### **Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:  
6<sup>th</sup> December 2013 – The London Cocktail Club (22/09/2013 – DRG: No 02)  
First floor and basement



**Part B - Premises licence summary**

**Premises licence number**

**26032**

**Premises details**

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

**(London Cocktail Club)  
Commercial Unit 12,  
Avant Garde Building  
29 Sclater Street**

**Post town**

London

**Post town**

E1 6HR

**Telephone number**

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on sales only)

- Sunday to Thursday from 16:30 hours to 00:00 hours
- Friday & Saturday from 16:30 hours to 01:00 hours (the following day)

The Provision of Late Night Refreshments (indoors)

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday & Saturday from 23:00 hours to 01:00 hours (the following day)

The Provision of Regulated Entertainment in the form of Films (indoors), Live Music (indoors) and Recorded Music (indoors)

- Sunday to Thursday from 16:30 hours to 00:00 hours
- Friday & Saturday from 16:30 hours to 01:00 hours (the following day)

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

(The London Cocktail Club Ltd)  
The London Cocktail Club Ltd



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

On sales only

Registered company number

07438012

Name of designated premises supervisor

John James Goodman

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

No restrictions

# Appendix 2

**Section 1 of 18**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if 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.

**Applicant Business**

Is the applicant's 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 the applicant's business is registered, use its registered name.

VAT number   Put "none" if the applicant is not registered for VAT.

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

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

A private individual acting as an agent

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country



Continued from previous page...

## Section 2 of 18

### APPLICATION DETAILS

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

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

\* Premises Licence Number

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

Address     OS map reference     Description

#### Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

#### Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

## Section 3 of 18

### VARIATION

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

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

Yes     No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

*Continued from previous page...*

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

**Describe Briefly The Nature Of The Proposed Variation**

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

This variation is to : (1) allow the retail sale of alcohol to commence at 10.00am rather than 16.30. The opening hours of the premises is currently 10am and so opening hours do not need to be amended. This variation is sought due to Covid restrictions- the premises needs to rethink its operation to remain viable. (2) modify existing condition 20 to read "A minimum of 2 SIA shall be employed at the premises from 9pm until closing on Fridays and Saturdays. This condition shall be suspended until 1 October 2022 or until the premises are permitted to trade without social distancing measures in place, whichever is the earliest". All other operational conditions will apply

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 5 of 18**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 8 of 18**

*Continued from previous page...*

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 11 of 18**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

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

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

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

- Yes  No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises       Off the premises       Both

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

State any seasonal variations.

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

*Continued from previous page...*

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

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

**Section 14 of 18**

**ADULT ENTERTAINMENT**

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

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

n/a

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

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

modify existing condition 20 to read "A minimum of 2 SIA shall be employed at the premises from 9pm until closing on Fridays and Saturdays. This condition shall be suspended until 1 October 2022 or until the premises are permitted to trade without social distancing measures in place, whichever is the earliest".

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**LICENSING OBJECTIVES**

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

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

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

*Continued from previous page...*

modify existing condition 20 to read "A minimum of 2 SIA shall be employed at the premises from 9pm until closing on Fridays and Saturdays. This condition shall be suspended until 1 October 2022 or until the premises are permitted to trade without social distancing measures in place, whichever is the earliest".

all other conditions shall remain

b) The prevention of crime and disorder

see above

c) Public safety

see above

d) The prevention of public nuisance

see above

e) The protection of children from harm

see above

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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



*Continued from previous page...*

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

## Section 18 of 18

### PAYMENT DETAILS

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

Variation Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

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

\* Fee amount (£)

315.00

### DECLARATION

*Continued from previous page...*

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

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

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

* Full name	<input type="text" value="Lana Tricker"/>
* Capacity	<input type="text" value="solicitor for applicant"/>
* Date	<input type="text" value="26"/> / <input type="text" value="10"/> / <input type="text" value="2020"/> dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

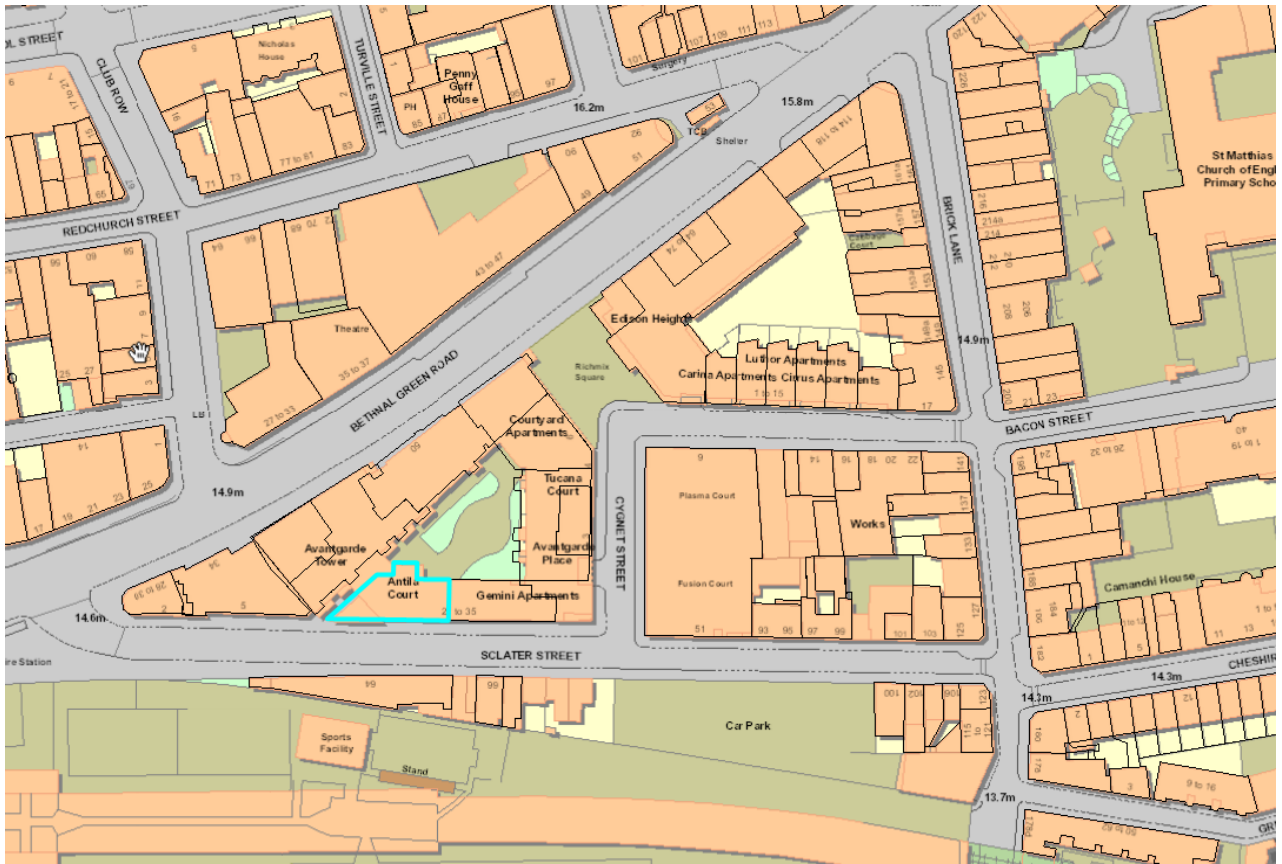
**OFFICE USE ONLY**

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

# Appendix 3

# 12, 29 Sclater Street London E 1 6LB

## Map of local vicinity



Images of the venue and area

Picture 1



Picture 2



Picture 3



# Appendix 4

Premises Address	Licensable Activities	Opening hours
<p><b>(Rum Kitchen)</b> Unit 13 (Basement and Ground Floors) 5 Sclater Street London E1 6GX</p>	<p><b>The sale by retail of alcohol</b> Monday to Sunday, from 11:00 hours to 23:30 hours</p> <p><b>The provision of late night refreshment</b> Monday to Sunday, from 23:00 hours to 23:30 hours</p> <p>On and off sales</p>	<p>Monday to Sunday, from 11:00 hours to 23:30 hours</p>
<p><b>(Smokestack)</b> Unit 11 Avant Garde Sclater Street London E1 6HZ</p>	<p><b>The sale by retail of alcohol</b> Daily 10:00 hours to 00:00 hours</p> <p><b>The provision of late night refreshment</b> Daily 23:00 hours to 00:00 hours</p> <p>On and off sales</p>	<p>Daily 10:00 hours to 00:30 hours</p>
<p><b>(Close-Up Cinema)</b> 97-99 Sclater Street London E1 6HR</p>	<p><b>Sale of Alcohol</b> Monday to Sunday from 10:00 hours to 23:30 hours</p> <p><b>The Provision of Regulated Entertainment - indoors</b> <u>Films</u> Monday to Sunday from 10:00 hours to 23:30 hours</p> <p><b>The Provision for Late Night Refreshments</b> Monday to Sunday from 23:00 hours to 23:30 hours</p> <p>On sales only</p>	<p>Monday to Sunday from 08:00 hours to 00:00 hours (midnight)</p>
<p><b>(Sainsbury's Supermarkets Ltd)</b> Unit 7 50 Bethnal Green Road</p>	<p><b>Supply of Alcohol</b> Monday to Sunday from 07:00hrs to 24:00hrs (midnight)</p>	<p>There are no restrictions to opening hours of the premises</p>



London E1 6JW	Off sales only	
<p><b>(Brewdog)</b> 51 Bethnal Green Road London E1 6LA</p>	<p><b>GROUND FLOOR</b> <b>Sale of Alcohol</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sunday to Thursday, from 08:00 hours to 12midnight</li> <li><input type="checkbox"/> Friday and Saturday, from 08:00 hours to 01:00 hours the following day</li> </ul> <p>Provision of Late Night Refreshment</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sunday to Thursday, from 23:00 hours to 12midnight</li> <li><input type="checkbox"/> Friday and Saturday, from 23:00 hours to 01:00 hours the following day</li> </ul> <p>Provision of Regulated Entertainment: Live Music, Recorded Music, Provision of Facilities for Making Music and Provision of Facilities for Dancing:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Friday and Saturday, from 08:00 hours to 01:00 hours the following day</li> </ul> <p><b>LOWER GROUND FLOOR</b> <b>Sale of Alcohol</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sunday to Thursday, from 08:00 hours to 01:00 hours the following day</li> <li><input type="checkbox"/> Friday and Saturday, from 08:00 hours to 02:00 hours the following day</li> </ul> <p>Provision of Late Night Refreshment</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sunday to Thursday, from 23:00 hours to 01:00 hours the following day</li> <li><input type="checkbox"/> Friday and Saturday, from 23:00 hours to 02:00 hours the following day</li> </ul> <p>Provision of Regulated Entertainment:</p>	<p>Sunday to Thursday, from 08:00 hours to 01:30 hours the following day Friday and Saturday, from 08:00 hours to 02:30 hours the following day</p>

	<p>Live Music, Recorded Music, Provision of Facilities for Making Music, Performances of Dance and Provision of Facilities for Dancing</p> <p><input type="checkbox"/> Sunday to Thursday, from 08:00 hours to 01:00 hours the following day</p> <p><input type="checkbox"/> Friday to Saturday, from 08:00 hours to 02:00 hours the following day</p> <p>Non-standard Times for all of the above</p> <p>From start of permitted hours on New Year's Eve until the end of the permitted hours on New Year's Day.</p> <p>The opening Non-standard Times</p> <p><input type="checkbox"/> From start of permitted hours on New Year's Eve until the end of the permitted hours on New Year's Day.</p> <p>On and off sales</p>	
<p><b>(Lahpet)</b> Unit 8 Ground Floor 58 Bethnal Green Road London E1 6JW</p>	<p><b>The sale by retail of alcohol</b> Monday to Sunday, 10:00 hours to 00:00 hours</p> <p><b>The provision of regulated entertainment – Indoors</b> <u>(Recorded Music)</u> Monday to Sunday, 10:00 hours to 00:00 hours</p> <p><b>The provision of late night refreshment – Indoors and outdoors</b> Monday to Sunday, 23.00pm to 00:00 hours</p> <p>On sales only</p>	<p>Monday to Sunday, 08:00 hours to 00:00 hours</p>

<p><b>(Cocktail Trading Co)</b> 64-68 Bethnal Green Road London E1 6GQ</p>	<p><u>The Supply of Alcohol (both on and off premises)</u></p> <ul style="list-style-type: none"> <li>From Monday to Sunday from 10:00hrs to 00:00hrs (midnight)</li> </ul> <p><u>The provision of late night refreshment (indoors)</u></p> <ul style="list-style-type: none"> <li>From Monday to Sunday from 23:00hrs to 00:00hrs (midnight)</li> </ul> <p><u>Regulated Entertainment (in the form of music) (indoors)</u></p> <ul style="list-style-type: none"> <li>From Monday to Sunday from 10:00hrs to 00:00hrs (midnight)</li> </ul> <p>On and off sales</p>	<p>Monday to Sunday from 10:00hrs to 00:00hrs (midnight)</p>
<p><b>(Rich Mix Cultural Foundation)</b> 35-47 Bethnal Green Road London E1 6LA</p>	<p><b>The times the licence authorises the carrying out of licensable activities</b></p> <p><b><u>THE SALE BY RETAIL OF ALCOHOL:</u></b> Ground Floor Café, Ground Floor Visual Arts Gallery, Cinema 1, Cinema 2, Cinema 3 and 4<sup>th</sup> Floor venue and gallery: Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 hours to midnight Friday and Saturday from 09:00 hours to 01:00 hours the following day</p> <p>Basement: Visual Arts Gallery First Floor: Mezzanine Level, Gallery and Studio 3 Second Floor: Live Room and two Group Teaching Spaces, Office, Studio 1 and 2</p>	

	<p>Third Floor: Meeting Room  Fourth Floor: Bar and Rehearsal Space :  Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 09:00 hours to 23:00 hours</p> <p><b><u>PLAYS:</u></b>  4th Floor Venue and gallery:  Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 hours to midnight  Friday and Saturday from 09:00 hours to 01:00 hours the following day  4th Floor Rehearsal Space:  Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 09:00 hours to 23:00 hours</p> <p><b><u>FILMS:</u></b>  <b>Cinema 1, 2 and 3</b>  Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 hours to midnight  Friday and Saturday from 09:00 hours to 01:00 hours the following day</p> <p><b><u>MOVING IMAGE INCIDENTAL TO OTHER ACTIVITIES AND FOR EDUCATIONAL AND ARTISTIC PURPOSES ONLY:</u></b>  Basement: Visual Arts Gallery and Lobby  Ground Floor: Main Entrance Hall, Lobby and Box Office &amp; Concessions  First Floor: Gallery, Liftlobby, Stairlobby, Cinema 1 Landing and Studio 3  Second Floor: Lobby, Live Room and two Group</p>	
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	<p>Teaching Spaces, Office, Studio 1 and 2  Third Floor: Lift and Stair Lobbies and Meeting Room  Fourth Floor: Bar, Bar Lobby, Stairs Lobby and Rehearsal Space</p> <p>Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 09:00 hours to 23:00 hours</p> <p><b><u>INDOOR SPORTS AND BOXING OR WRESTLING ENTERTAINMENT:</u></b>  <b>4th Floor venue and gallery only</b></p> <p>Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 hours to midnight  Friday and Saturday from 09:00 hours to 01:00 hours the following day</p> <p><b><u>LIVE MUSIC AND RECORDED MUSIC AND FACILITIES FOR MAKING MUSIC AND ANYTHING OF SIMILAR:</u></b>  Fourth Floor venue and gallery, Cinema 1, 2 and 3, Ground Floor Café and Ground Floor visual arts gallery</p> <p>Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 hours to midnight  Friday and Saturday from 09:00 hours to 01:00 hours the following day</p> <p>Basement: Visual Arts Gallery  First Floor: Mezzanine Level, Gallery and Studio 3  Second Floor: Live Room and two Group Teaching Spaces, Office, Studio 1 and 2  Third Floor: Meeting Room</p>	
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	<p>Fourth Floor: Bar and Rehearsal Space  Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 09:00 hours to 23:00 hours</p> <p><b><u>PERFORMANCE OF DANCE AND PROVISION OF FACILITIES FOR DANCING AND ANYTHING OF SIMILAR:</u></b></p> <p>Fourth Floor venue and gallery, Cinema 1, 2 and 3, Ground Floor Café and Ground Floor visual arts gallery  Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 hours to midnight  Friday and Saturday from 09:00 hours to 01:00 hours the following day  Basement: Visual Arts Gallery  First Floor: Mezzanine Level, Gallery and Studio 3  Second Floor: Live Room and two Group Teaching Spaces, Office, Studio 1 and 2  Fourth Floor: Bar and Rehearsal Space  Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 09:00 hours to 23:00 hours</p> <p><b><u>LATE NIGHT REFRESHMENT:</u></b></p> <p><b>4th Floor Bar</b>  Sunday, Monday, Tuesday, Wednesday and Thursday until midnight  Friday and Saturday until 01:00 hours the following day</p> <p><b>On and off sales</b></p>	
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# Appendix 5

Licensing Authority

Email: [REDACTED]

PLACE Directorate  
Public Realm

Environmental Health & Trading Standards  
Licensing & Safety Team

23<sup>rd</sup> November 2020

Your reference  
My reference: LIC/133157/MA

Tel: [REDACTED]  
Fax: 020 7364 0863  
Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

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

Dear Sir/Madam,

### Licensing Act 2003

Variation: (London Cocktail Club), Commercial Unit 12, , Avant Garde Building,  
29 Sclater Street, London E1 6HR

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

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

#### Cumulative Impact Policy

On 1<sup>st</sup> November 2013, Tower Hamlets Council adopted a Cumulative Impact Policy in the Brick Lane Area. The Council Cumulative Impact Zone (CIZ) was revised alongside this Statement of Licensing Policy on the 1<sup>st</sup> November 2018. *Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough (19.3).*

The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane area is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Brick Lane CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

**Tower Hamlets Council**  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ



*The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:*

- *New Premises Licences applications,*
- *New Club Premises Certificates applications*
- *Provisional Statements,*
- *Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).*

*The Licensing Authority expects such applications to have regard for and make reference to the CIZ (19.5).*

*The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused (19.6).*

*Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:*

- *Genuinely exceptional circumstances,*
- *Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,*
- *Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),*
- *Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,*
- *Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues (19.7)*

***This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.***

*Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:*

- *small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,*

- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint (19.8).

#### The Home Office guidance

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

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

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

#### Variation requested

There is no concern to the additional starting times requested by the licence holder.

The licence holder wishes to amend the following existing condition:

***Annex 3 - Conditions attached after a hearing by the licensing authority at a Hearing on 11<sup>th</sup> February 2014 when licence was granted***

***Condition 20: “A minimum of two SIA door staff shall be employed at the premises from 9.00pm until closing on Fridays and Saturdays”.***

To read as follows:

***“A minimum of 2 SIA shall be employed at the premises from 9pm until closing on Fridays and Saturdays. This condition shall be suspended until 1 October 2022 or until the premises are permitted to trade without social distancing measures in place, whichever is the earliest”.***

The second part of the condition is not enforceable so the licence holder may want to come up with the appropriate wording in relation to the restrictions that limit capacity due to Coronavirus.

I have looked at the history of the premises and the following relevant Complaints (CMU) and visits (EVU) are registered on the Licensing Authority's (LA) system Civica Authority Protection (APP):

**12/09/2020** – Late Night Levy Police visited at 2350 hours and noted:  
*“Officers attended the London Cocktail Club On Sclater Street Security were on the door stopping revellers from standing in the street and ensuring that customers remained in the venue. Slight bit of noise emanating from the venue but nothing excessive or that would cause concern to officers No signs of drug use or dealing”.*

**08/09/2020** – LA attended premises 8/9/20 15:06 and discussed the following:  
*“Called into the premises and spoke to Daniele Antonucci the area manager about the noise complaint.  
He was aware of the lady who had complained as she had emailed and attended the premises.  
He said normally they are open in the basement but they have started having the ground floor bar open on Sundays. He said the noise team visited on Sunday and thought the music level was ok but advised to turn the base down which he says they will do moving forward.  
He said he had also given the resident a telephone number to contact them directly.  
As far as he was concerned the complaints were music related and not customers outside.  
He said he has doorman on a Friday /Saturday only”*

**30/08/2020** – (EVU:077037) LA visited the premise at 00:30 hrs  
*“Two customers outside smoking, two SIA staff manning the door. No noise issue”.*

**14/08/2020** – LA sent warning letter (attached) to the premises about noise from customers outside.

**10/08/2020 (CMU: 100683)** – LA received a complaint about noise from customers outside.

**09/02/2019** – LA visited the premises and carried out compliance check. *“Only issue of note was copy of Licence that was kept in safe appeared to be an earlier copy compared to what I had printed off”.*

**07/01/2019 (CMU: 093723)** – LA received a complaint about noise from customers outside on 4<sup>th</sup> January 2019;

*"I'm long overdue making a noise complaint as the noise is constantly horrendous 7 days a week. It is exceptionally bad on weekends but Monday - Thursday their license was somehow granted until midnight.*

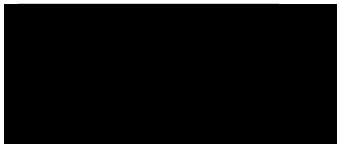
*Their smoking area is out on the street and there is no door man on week nights telling people to be quiet so there are constantly drunk loud people on the street after 23.00.*

*When they do close at midnight and put their customers out in the street there is nobody telling them to move on from outside the Club.*

*I am up for work at 6.30am Monday - Saturday and I'm constantly being kept awake by this. I have spoken to the manager by email but it hasn't made a difference.*

On a balance of probability, this Authority is concerned by the removal of the condition can potentially undermine the licensing the licensing objectives. If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected.

Yours faithfully



Mohshin Ali



CC: Lana Tricker (solicitor

Encl: LA warning letter



London Cocktail Club  
Unit 12  
Avant Guard Building  
29 Sclater Street  
London  
E1 6HR

14<sup>th</sup> August 2020

My reference P/LIC/C100683

**Place Directorate  
Public Realm**

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

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

Tel **020 7364** [REDACTED]  
Fax **020 7364 0863**  
Enquiries to **Corinne Holland**  
Email [REDACTED]

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

**Dear Sir/Madam,**

**Licensing Act 2003**

**Premises: London Cocktail Club, Unit 12, 29 Sclater Street, London, E1 6HR**

This Licensing Authority has received a complaint on the 9<sup>th</sup> August 2020 regarding the noise emanating from the front of your premises late into the evening..

I wish to bring this complaint to your attention:

Please see the excerpt of the complaint:

*There's excessive noise from drunk customers outside the London cocktail club on Sclater street. It's impossible to sleep and there are many families on this street: it's unacceptable that they should have such a late licence.*

*The noise is consistent throughout the evening - shouting, bottles smashing etc.*



The best of London in one borough

**Tower Hamlets Council**  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

I note that you have the following conditions on your licence:

5. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.

8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

Please be advised that you have a duty to comply with the four licensing objectives, namely:

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

Please be advised that local residents, local businesses, ward councillors and responsible authorities, including the Licensing Authority can trigger a review of your premises licence if any of the above licensing objectives are not being promoted.

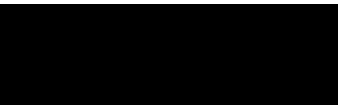
Please would you be able to address this issue to prevent any further complaints.

Enforcement visits will be carried out to the premises to establish the legitimacy of the complaint. Should you be found to be in breach of the licence, enforcement action may be sought in the form of a prosecution or a review of the licence.

I note that you have taken advantage of the Section 172F for allowing 'off sales' under the Business & Planning Act 2020 but please be advised if complaints are received a responsible authority can apply for a summary review to modify, suspend or revoke the off sales which are permitted via this Act.

I would welcome any comments you may wish to make in regards to the above.

Yours sincerely



**Corinne Holland**  
**Licensing Officer**

c.c. James Hopkins 

# Appendix 6

## **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 7

## 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 8

## Crime and Disorder

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

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

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

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

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

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

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

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



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

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

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

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

## **Smuggled goods**

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

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

## **Olympic Park – Football Ground**

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

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

# Appendix 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 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 3.2

Committee : <b>Licensing Sub-Committee</b>	Date 2 <sup>nd</sup> March 2021	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Jack the Chipper) 74 Whitechapel High Street, London E1 7QX</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Kin Catering Limited**

Name and **Jack the Chipper**

Address of Premises: **74 Whitechapel High Street  
London  
E1 7QX**

Licence sought: **Licensing Act 2003 – premises licence**

- **The sale by retail of alcohol (on sales only)**
- **The provision of late night refreshment**

Representations: **Licensing Authority (RA)  
Environmental Health Noise Team**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

3.1 This is an application for a premises licence for (Jack the Chipper) 74 Whitechapel High Street, London E1 7QX.

3.2 The applicant has described the premises as:  
*“Restaurant and premises trading as Jack the Chipper”.*

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

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

#### **The sale by retail of alcohol – (on sales only)**

- Monday to Wednesday, from 10:00 hrs to 23:30 hrs
- Thursday to Saturday, from 10:00 hrs to 00:30 hrs the following day
- Sunday, from 10:00 hrs to 23:30 hrs

#### Non-standard timings

- Christmas Eve and New Years’ Eve, until 00:30 hrs the following day

#### **The provision of late night refreshment - (Indoors)**

- Monday to Wednesday, from 23:00 hrs to 24:00 hrs (midnight)
- Thursday to Saturday, from 23:00 hrs to 01:00 hrs the following day
- Sunday, from 23:00 hrs to 24:00 hrs (midnight)

#### Non-standard timings

- Christmas Eve and New Years’ Eve, until 01:00 hours the following day

#### **The opening hours of the premises**

- Monday to Wednesday, from 10:00 hrs to 24:00 hrs (midnight)
- Thursday to Saturday, from 10:00 hrs to 01:00 hrs the following day
- Sunday, from 10:00 hrs to 24:00 hrs (midnight)

#### Non-standard timings

- Christmas Eve and New Years’ Eve, until 01:00 hrs the following day

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

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

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

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

## 5.0 Licensing Policy and Government Advice

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

## 6.0 Representations

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Licensing Authority acting as a Responsible Authority (See **Appendix 5**).
  - Environmental Health Noise Team (See **Appendix 6**).
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home Secretary (Home Office Immigration Enforcement)
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

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

#### **7.0 Conditions consistent with Operating Schedule**

- 7.1 *The Designated Premises Supervisor shall ensure that all existing staff, new staff, supervisors, and managers receive an induction in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. This training shall include the contents of the premises licence, times of the operation, licensable activities, and all conditions. Training documents shall be signed and dated, and training records shall be made available to Police or authorised council officers on request. The records shall be retained for at least 18 months.*
- 7.2 *Alcohol shall only be served on the premises ancillary to a substantiative table meal.*
- 7.3 *CCTV shall be installed and maintained in a good working condition and cover the entrance of the premises and all external areas.*
- 7.4 *CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly log arrangements. All images shall be stored for a minimum of 31 days and all recordings shall show the correct date and time*
- 7.5 *A staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times the premises is open to the public. This staff member shall be able to show Police recent date footage with the minimum of delay when requested. This date or footage reproduction shall be almost instantaneous.*
- 7.6 *Appropriate signage shall be in a prominent position, informing customers they are being recorded on CCTV.*
- 7.7 *A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the*



*incident, a description of the customers, the name of the staff who refused the sale and the reason the sale was refused. The book shall be made available to Police or authorised council officers on request.*

- 7.8 *An incident log shall be kept at the premises, and be available on request by an authorised officer or to Police which will include the following:*
- a. all crimes and incidents of disorder reported to the venue;*
  - b. all ejections of patrons;*
  - c. any complaints received concerning crime and disorder*
  - d. seizure of drugs and offensive weapons*
  - e. any faults in the CCTV system, searching equipment or scanning equipment;*
  - f. any refusal of the sale of alcohol;*
- 7.9 *Signs shall be placed in a prominent place at all exit points of the premises requesting patrons to respect the neighbours and leave quietly.*
- 7.10 *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

## **8.0 Conditions in consultation with the Responsible Authorities**

None

## **9.0 Licensing Officer Comments**

- 9.1 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.

- 9.2 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>

- 9.3 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - unamplified live music between 8am and 11pm in all venues.
  - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.4 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.5 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
  - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
  - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
  - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to

impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
  - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
  - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.6 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.9 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.10 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

9.11 In **Appendices 7 - 13** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 10.0 Legal Comments

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

## 11.0 Finance Comments

11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Representation of Licensing Authority (RA)
<b>Appendix 6</b>	Representation of EH Noise Team
<b>Appendix 7</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 8</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 9</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 10</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 11</b>	Planning
<b>Appendix 12</b>	Licensing Policy relating to hours of trading
<b>Appendix 13</b>	Tower Hamlets Cumulative Impact Zone

# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** Kin Catering Limited

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
74 Whitechapel High Street Shadwell			
<b>Post town</b>	London	<b>Postcode</b>	E1 7QX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 27500

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

<b>Name</b> Kin Catering Limited
<b>Address</b> 3 Warners Mill Silks Way Braintree Essex CM7 3GB
<b>Registered number (where applicable)</b> 11748086



Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
10	11	2020

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1) Restaurant and premises trading as Jack the Chipper
--

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

N/A
-----

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

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

Provision of regulated entertainment (please read guidance note 2)

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)

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

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Tue					
			<b>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</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

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

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Tue					
			<b>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</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)	
Thur				
Fri			<b>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</b> (please read guidance note 6)	
Sat				
Sun				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					



**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6).		
Sat					
Sun					

## II

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23.00	24.00			
Tue	23.00	24.00			
Wed	23.00	24.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	01.00			
Fri	23.00	01.00	<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 6)  Christmas Eve 23.00 to 01.00 New Years Eve 23.00 to 01.00		
Sat	23.00	01.00			
Sun	23.00	24.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	00:30			
Fri	10:00	00:30			
Sat	10:00	00:30			
Sun	10:00	23:30	<b>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</b> (please read guidance note 6)		
			Christmas Eve 23:00 to 00:30 New Years Eve 23:00 to 00:30		

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

<b>Name</b> Mr Ibrahim Uzun
<b>Date of birth</b> [REDACTED]
<b>Address</b> [REDACTED]
<b>Postcode</b> [REDACTED]
<b>Personal licence number (if known)</b> [REDACTED]
<b>Issuing licensing authority (if known)</b> [REDACTED]

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p>
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>Christmas Eve 23:00 to 01:00 New Years Eve 23:00 to 01:00</p>
Mon	10:00	24:00	
Tue	10:00	24:00	
Wed	10:00	24:00	
Thur	10:00	01:00	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	24:00	

## M

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

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

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

CCTV to be installed to Home Office Guidance standards and maintained in a good working condition and cover the entrance of the premises and all external areas.

Recordings shall be kept for 31 days and shall be made available to police and authorised officers from Tower Hamlets.

The Designated Premises Supervisor shall ensure that all existing staff, new staff, supervisors and managers receive an induction in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. This training shall include the contents of the premises licence; times of operation, licensable activities and all conditions. Training documents shall be signed and dated, and training records shall be made available to police or authorised council officers on request. The records shall be retained for at least 18 months.

Alcohol shall only be served on the premises ancillary to a substantive table meal.

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. The Premises will operate the Challenge 25 Policy and this will be adhered to at all times.

Appropriate signage shall be displayed, in a prominent position, informing customers they are being recorded on CCTV.

A copy of the Premises Licence summary including the hours which are licensable activities are permitted shall be clearly visible from the outside entrance to the premises.

### **b) The prevention of crime and disorder**

CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. All images shall be stored for a minimum of 31 days and all recordings will show the correct date and time.

A staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times that the premises is open to the public. This staff member shall be able to show police recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.

A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to police or authorised council officers on request.

The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.

Alcohol will not be sold to any patron who appears in any way to be intoxicated.

Water will be available to help with responsible drinking and negate any patron becoming intoxicated.

**c) Public safety**

CCTV will be installed to the premises

Emergency lighting to be installed

All exits to be clearly visible and clear of any obstacles at any time

An incident log shall be kept at the premises and made available for inspection on request by an authorised officer of Hammersmith and Fulham Council or to the Police which will include the following

- All crimes and incidents of disorder reported to the venue
- All ejections of patrons
- Any complaints received regarding crime and disorder
- Seizure of drugs and offensive weapons
- Any refusal of the sale / supply of alcohol
- Any faults in the CCTV system or searching equipment or scanning equipment

**d) The prevention of public nuisance**

Signs shall be placed in a prominent place at all exit points of the premises requesting patrons to respect the neighbours and leave quietly

Sound proofing to be installed to limit noise and public nuisance

Deliveries to the premises to be restricted to normal opening hours

CCTV to be installed

Any incidents of anti social behaviour to be recorded in an incident book which shall be kept at the premises for inspection for at least 12 months

**e) The protection of children from harm**

A Proof of Age Challenge 25 scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

No children shall be permitted on the premises unless accompanied by a responsible adult

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a


limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	11 November 2020
Capacity	Agent

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



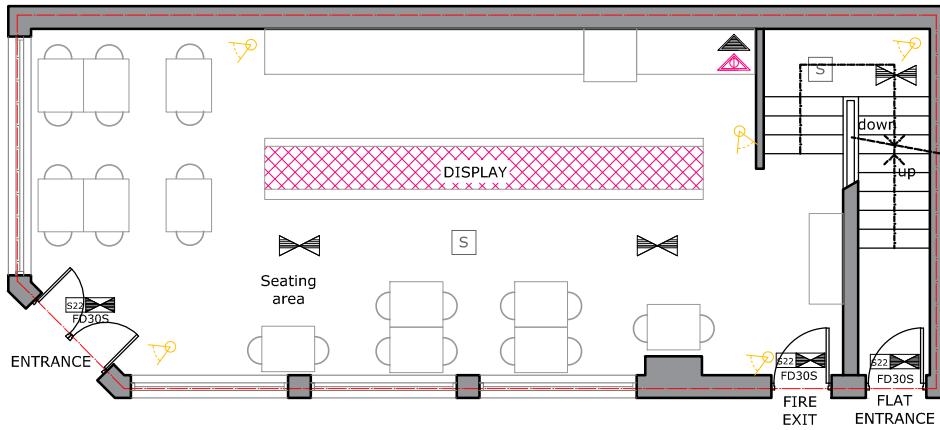
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Kevin Morris LHC Business Consultancy 13 Ashlyn Close			
Post town	Bushey	Postcode	WD23 2EJ
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

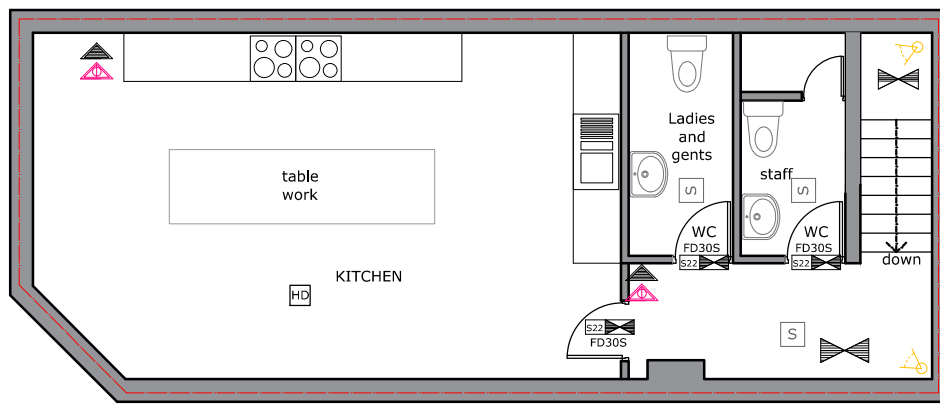
**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

# Appendix 2



**GROUND FLOOR**



**BASEMENT FLOOR**

**LEGEND**

- AMBIT OF PREMISES
- LIQUOR SALES
- SAFETY LIGHTING
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 LT. WATER FIRE EXTINGUISHER
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
- 30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INTUMESCENT STRIPS AND SELF CLOSER)
- CCTV OPERATING SYSTEM



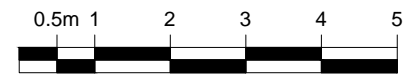
ARCHITECTURE / PLANNING / LICENSING  
 352 Green Lanes  
 London N13 5TJ  
 020 8801 6601 / 0 7879 999 178  
 www.advancepl.co.uk  
 info@advancepl.co.uk

**PLEASE NOTE**

1. All dimensions to be verified on site.
2. All dimensions are in millimeters.
3. No work shall commence until all approvals and agreements have been obtained. These include, Planning, Building Regulations, Water and party Wall.
4. The Copyright of this drawing belong to Advance Planning and Licensing Limited.

Date	07/10/19
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Scale (@ A4)	1 : 100
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Drawn by	AZ
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Checked by	KK
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PROJECT STATUS	<b>PROPOSED</b>
	<b>LICENSING</b>

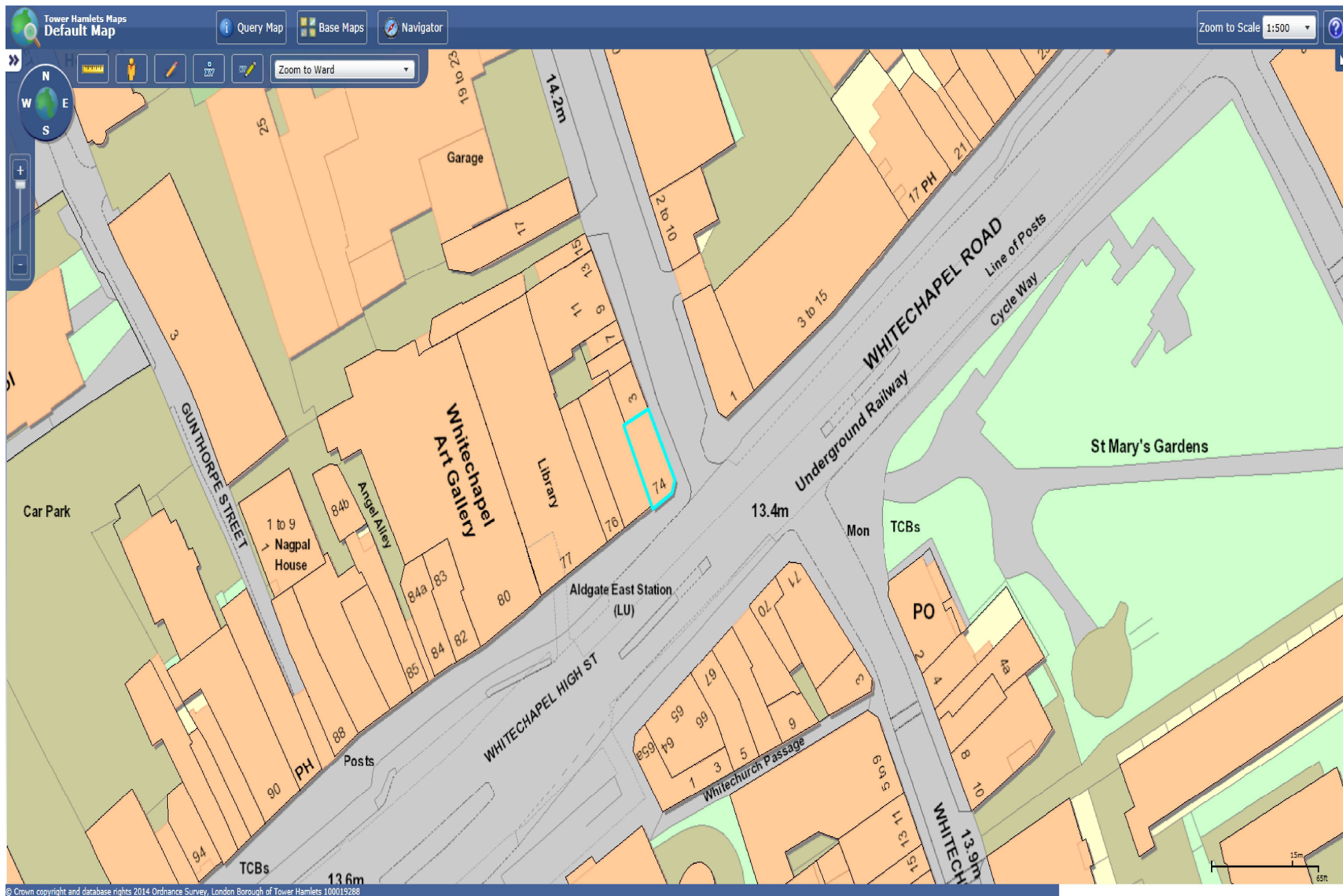
PROJECT	74 Whitechapel High St London, E1 7QX
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SHEET	FLOOR PLAN
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JOB No.	<b>19.061</b>
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DRAWING NUMBER	<b>L100</b>	REV

# Appendix 3



Page 117



Page 118

# Appendix 4

**Nearest licences: Jack the Chipper, 74 Whitechapel High street**

<p><b>(KFC)</b> 84 Whitechapel High Street London E1 7QX</p>	<p><b>The provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 23:00 hours to 00:00 hours (midnight)</li> </ul>	<p>Monday to Saturday, from 10:00 hours to 00:00 hours (midnight) Sunday, from 10:00 hours to 23:00 hours</p>
<p><b>(Whitechapel Art Gallery)</b> 80-82 Whitechapel High Street London E1 7QX</p>	<p><b>The sale by retail of alcohol (On and off sales)</b></p> <p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 11.00 hours until 23.00 hours Sunday Midday until 21.30 hours</p> <p>The provision of regulated entertainment Thursday and Friday 19.30 hours until 21.30 hours</p> <p><b>Recorded Music:</b> Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 11.00 hours until 23.00 hours, Sunday Midday until 21.30 hours</p>	<p><b>11.00 hours until 23.00hours</b> Monday, Tuesday, Wednesday, Thursday, Friday and Saturday Midday until 21.30 hours Sunday.</p>
<p><b>(Big Moe's Diner)</b> 96 Whitechapel High Street London E1 7RA</p>	<p><b>The provision of late night refreshment - indoors</b></p> <ul style="list-style-type: none"> <li>Sunday to Thursday from 23:00 hours to 23:15 hours</li> <li>Friday to Saturday, from 23:00 hours to 00:30 hours the following day</li> </ul> <p><u>Non-standard timings</u> Christmas Eve and New Year's Eve, from 23:00 hours to 02:00 hours the following day</p>	<ul style="list-style-type: none"> <li>Sunday to Thursday from 08:00 hours to 23:45 hours</li> <li>Friday to Saturday, from 08:00 hours to 01:00 hours the following day</li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>Christmas Eve and New Year's Eve, from 08:00 hours to 02:00 hours the following day</li> </ul>



**Nearest licences: Jack the Chipper, 74 Whitechapel High street**

<p><b>(Efes)</b>  <b>1 Whitechapel Road</b>  <b>London</b>  <b>E1 6TY</b></p>	<p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 10:00hrs to 00:00hrs (midnight)</li> <li>• Thursday to Saturday from 10:00hrs to 00:30hrs (the following day)</li> </ul> <p>Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.</p> <p><u>The Provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 23.00hrs to 00:00hrs (midnight)</li> <li>• Thursday to Saturday from 23.00hrs to 01:00hrs (the following day)</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday to Wednesday from 10:00 hours to 00:30 hours (the following day)</li> <li>• Thursday to Saturday from 10:00 hours to 01:30 hours (the following day)</li> </ul>
<p><b>(Pixxa Limited)</b>  <b>11 Whitechapel Road</b>  <b>London</b>  <b>E1 1DU</b></p>	<p><u>The Supply of Alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday from 11:00hrs to 22:30hrs</li> <li>• Sunday from 11:00hrs to 21:30hrs</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Saturday from 10:30hrs to 23:00hrs</li> <li>• Sunday from 10:30hrs to 22:00hrs</li> </ul>
<p><b>(Carnivale)</b>  <b>2 Whitechurch Lane</b>  <b>London</b>  <b>E1 7QR</b></p>	<p><b>Sale by retail of alcohol: (On and off sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 12:00 hours to 01:00 hours the following day</li> </ul> <p><b>Provision of regulated entertainment:</b>  <u>Live Music - Indoors</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 12:00 hours to midnight</li> </ul> <p><u>Provision of facilities for making music – Indoors and outdoors:</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 12:00 hours to midnight</li> </ul> <p><u>Recorded Music</u>  <u>Indoor</u> - Monday to Sunday, from 12:00 hours to 01:00 hours the following day  <u>Outdoor</u> - Monday to Sunday, from 12:00 hours to midnight</p> <p><b>The provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 23:30 hours to</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 10:00 hours to 01:30 hours the following day</li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>• Bank Holidays Sunday May to October, indoor music from 12:00 hours to 02:30 hours the following days</li> </ul>

**Nearest licences: Jack the Chipper, 74 Whitechapel High street**

	<p>01:00 hours the following day</p> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>Bank Holidays Sunday May to October, indoor music from 12:00 hours to 02:00 hours the following days</li> </ul>	
<p><b>(The Grill &amp; Spice)</b>  <b>5-7 Osborn Street</b>  <b>London</b>  <b>E1 6TD</b></p>	<p>The provision of late night refreshment  Monday to Sunday 23:00 – 05:00 hours</p>	<p>Monday to Sunday 10:00 – 05:00 hours</p>
<p><b>(City Hotel and Conference)</b>  <b>12-20 Osborne Street</b>  <b>London</b>  <b>E1 6TE</b></p>	<p><b>The on and off sale of alcohol</b> to residents (including a maximum of ten bona fide guests of each resident), Monday to Sunday, 00.00am to midnight.  The on and off sale of alcohol to non- residents, Monday to Saturday, 10.00am to 01.00am the following day, and on Sunday from 10.00am to midnight.  If the non-residents are attending a pre-booked event the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.  Half an hour drinking up time is permitted after the terminal time for the sale of alcohol.  <b>Late night refreshment</b>, Monday to Saturday, 23.00pm to 01.00am the following day, Sunday, 23.00pm to 00.30am the following day. For pre-booked events the hours on Monday to Wednesday are extended to 23.00pm to 01.30am the following day, and Thursday to Saturday, 23.00pm to 02.30am the following day.  <b>Films</b>, Monday to Saturday, 10.00am to 01.00am the following day, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.  <b>Live music, recorded music, performances of dance, and anything similar to these three activities</b>, Monday to Saturday, 10.00am to 01.00am the following morning, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.</p>	<p>Monday to Sunday, 00.00am to midnight.</p>

# Appendix 5



Place Directorate  
Public Realm  
**Environmental Health & Trading Standards**

Head Of Service David Tolley

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

Tel [REDACTED]  
Fax 020 7364 0863  
Enquiries to Kath Driver  
Email [REDACTED]

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

9<sup>th</sup> December 2020

My reference: TSS/LIC/133771

Dear Sir/Madam,

### **Licensing Act 2003**

**Re: Jack the Chipper, 74 Whitechapel High Street, London E1 7QX**

I am writing in my capacity of Licensing Authority in relation to the premises licence application for the above address.

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in and around the Brick Lane/Spitalfields Area and was updated on 1<sup>st</sup> November 2018. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual



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John Onslow House  
1 Ewart Place  
London  
E3 5EQ

application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane/Spitalfields Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ).

The effect of this CIZ is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

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 CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

This application seeks the sale of alcohol Sunday to Wednesday 10:00 hours to 23:30 hours; Thursday to Saturday 10:00 hours to 00:30 hours. With Christmas Eve and New Years Eve until 00:30 hours. Late night Refreshment Sunday to Wednesday until midnight and Thurs to Saturday until 01:00 hours with addition of Christmas Eve and New Years Eve until 01:00 hours.

The premises previously applied for a licence on 23<sup>rd</sup> September 2019 of which the applicant, Mr. Sahin Birol was the Director of Kin Catering Ltd, the company now applying for the licence. Mr. Birol has since resigned from the company. Representations were made against the previous application due to

the premises being in a CIZ and evidence of lack of management from receipts of the sale of alcohol without authorisation. This came to light following rubbish being dumped in the locality due to lack of a waste contract. The application was refused at a hearing on 14<sup>th</sup> January 2020. Details of the decision follow this representation.

Despite a number of conditions being offered under their operating schedule, some need clarity such as "Deliveries to be restricted to normal hours" what would a premises deem as normal hours?.

The CIZ impact has not been addressed, the hours sought are greater than the Council's framework hours especially those during the weekday. With residents being more at home in the current environment could lead to residents being disturbed, especially with deliveries. With more customers collecting food and alcohol and then congregating in the vicinity could lead to greater impact on the CIZ area making impact on the crime and disorder and public nuisance objectives.

I therefore ask that the application be refused.

Yours sincerely,

A solid black rectangular box redacting the signature of Kathy Driver.

**Kathy Driver**  
**Principal Licensing Officer**

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 14 JANUARY 2020**

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

**Members Present:**

Councillor Mohammed Pappu (Chair)

Councillor Mohammed Ahabab Hossain (Member)

Councillor Leema Qureshi (Member)

**3. ITEMS FOR CONSIDERATION**

**3.1 Application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX**

**The Licensing Objectives**

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

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

**Consideration**

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

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

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their

application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

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

The Sub-Committee noted the representations from the Licensing Authority, Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns relating to the previous breaches of trading without a licence.

The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting rebutted the above presumption.

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

Accordingly, the Sub Committee unanimously;

**RESOLVED**

That the application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX be **REFUSED**.



# Appendix 6

## Mohshin Ali

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 03 December 2020 15:29  
**To:** Mohshin Ali  
**Subject:** FW: 133771 MAU REPRESENTATION - Jack the Clipper 74 Whitechapel High Street London

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Nicola Cadzow [REDACTED] >  
**Sent:** 03 December 2020 11:31  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** [REDACTED]@met.police.uk; [REDACTED]@efesgroup.co.uk  
**Subject:** 133771 MAU REPRESENTATION - Jack the Clipper 74 Whitechapel High Street London

Dear Licensing,

I have reviewed the variation of premises license application for Jack the Clipper 74 Whitechapel High Street London and having considered the new premise licence application and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are beyond the Council's framework hours, and particular consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone.

It must be noted that the Council's framework hours (i.e. when premises are open) are:

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

The applicant is proposing the hours as follows:

**Late Night refreshment:-**

- **Monday to Wednesday until midnight (an extension of half an hour on framework hours)**
- **Thursday until 01:00 hours (an extension of an hour and a half on framework hours)**
- **Friday & Saturday to 01:00 hours (an extension of an hour on framework hours)**
- **Sunday until Midnight (an extension of one hour from 23:00 hours on framework hours)**

**Supply of Alcohol:-**

- **Monday to Wednesday until 23:30 hours (as per framework hours)**
- **Thursday until 00:30 hours (an extension of one hour on framework hours)**
- **Friday & Saturday until 00:30 hours (an extension of half an hour on framework hours)**
- **Sunday until 23:30 hours (an extension of one hour on framework hours)**

Also the applicant has provided insufficient details in their operating schedule to show how they will promote the licensing objective for the prevention of public nuisance. A condition in the operating schedule says "sound proofing to be installed to limit noise and public nuisance, but there is no acoustic report attached to show sound proofing is satisfactory.

**Noise Sensitive premises:** residential premises in close proximity to 74 Whitechapel High Street London.

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

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

### **CONCLUSION**

Environmental Protection **does not** support the application for 74 Whitechapel Road London as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought, and consideration has to be given to the fact that the premises is in the Brick Lane Cumulative Impact Zone.

Kind regards

### **Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
John Onslow House  
London E3 5EQ

  
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# Appendix 7

## **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 8

## 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 9

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

#### Guidance Issued under Section 182 of the Licensing Act 2003

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 10

## **Anti-Social Behaviour from Patrons Leaving the Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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



# Appendix 11

## **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 12

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 13

### **Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area**

- 19.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14<sup>th</sup> December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues).

**19.8 This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.**

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

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

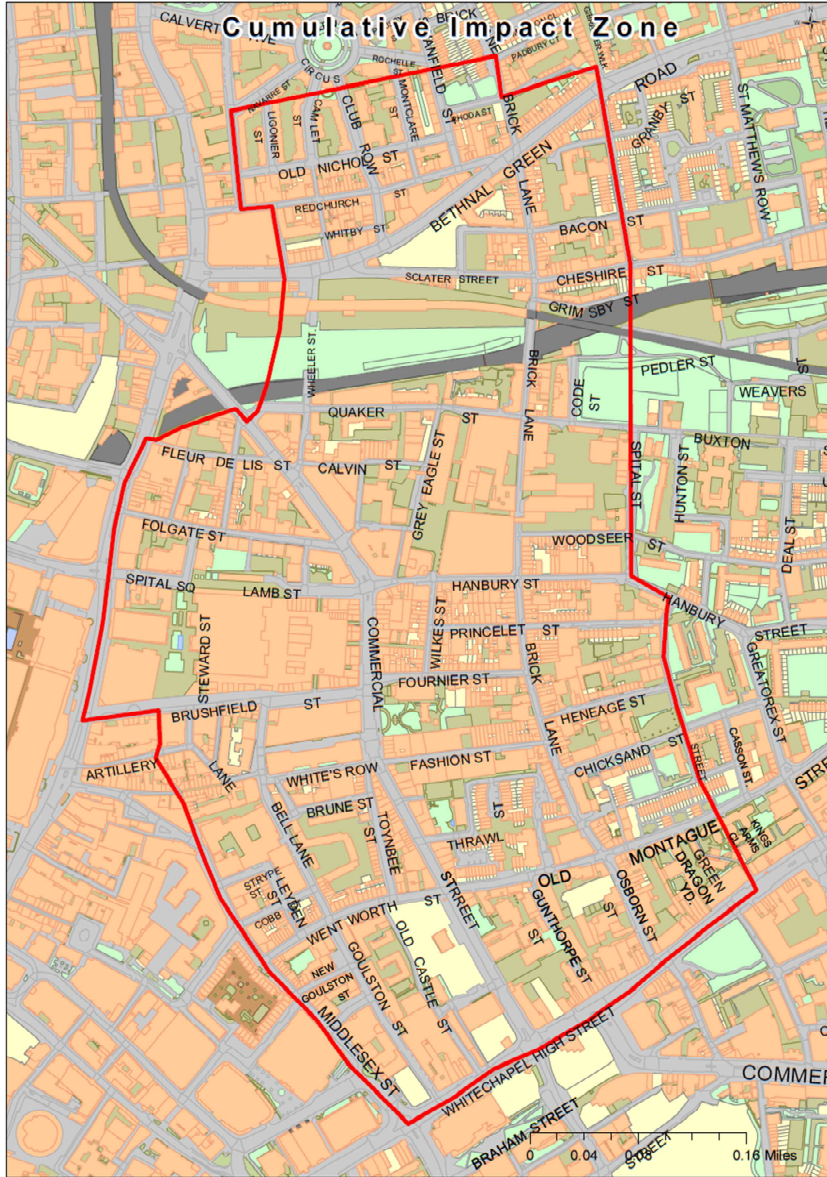
19.9 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.



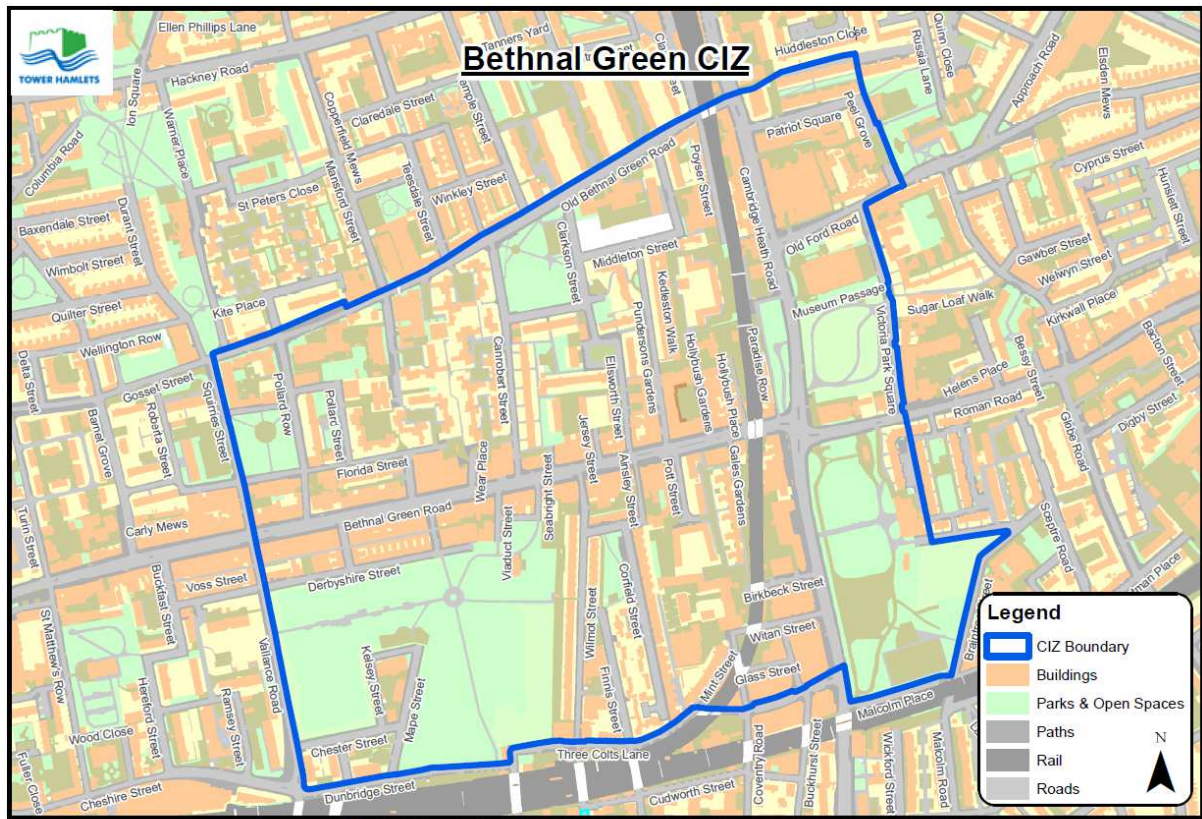
# The Cumulative Impact Zones:

## Figure One

Brick Lane area:



**Figure Two:**  
**Bethnal Green Area**



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