

LICENSING SUB COMMITTEE

Tuesday, 17 November 2020 at 2.00 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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

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agenda



Public Information

Attendance at meetings.

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



QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 9 - 10)

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 11 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 68)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 28th July, 1st, 15th & 29th September and 13th October 2020.

4.	ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1	Application to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD	69 - 130	Blackwall & Cubitt Town

Licensing Objectives:

- Crime & Disorder
- Public Safety

Review Triggered by:

- Local Resident(s)

4 .2 Application for a New Premises Licence for (Mason & Printer) 67 Columbia Road, London E2 7RG 131 - 262 Weavers

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

4 .3 Application for a New Premise Licence for Hulya's Café & Restaurant, 357-359 Cambridge Heath Road, London E2 9RA 263 - 336 St Peter's

Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Environmental Health

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

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

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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

Further Advice contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer,
Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub- Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the **Page 15** Committee Officer - see the Committee

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 28 JULY 2020

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

Members Present:

Councillor Mohammed Pappu (Chair)
 Councillor Leema Qureshi
 Councillor Gabriela Salva Macallan

Officers Present:

Lavine Miller-Johnson	– (Licensing Officer)	
Luke Wilson	– (Legal Services)	
Nicola Cadzow	– (Environmental Health Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Lana Tricker	4.1	(Legal Representative)
Rachel Sutton	4.1	(Applicant)
Thomas O'Maoileion	4.2	(Legal Representative)

Representing objectors	Item Number	Role
Sam Alis	4.1	(Resident)
Perla Ranalli	4.1	(Resident)
Benjamin Cadou	4.1	(Resident)
Tony Roache	4.1	(Resident)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committees held on 5th May, 9th June and 7th July 2020 were agreed.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for (Barber and Parlour) Soho Works Redchurch Street 64-66 Redchurch Street London E2 7DP

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Soho Works Redchurch Street, 64-66 Redchurch Street London E2 7DP. It was noted that objections had been received on behalf of Environmental Health and local residents.

Ms Lana Tricker, Legal Representative on behalf of the Applicant, stated that the application had been amended to reduce the terminal hour for late night refreshments, sale of alcohol and regulated entertainment from 2am to midnight, seven days a week.

Ms Tricker explained that the premises would operate as a workspace for businesses in the creative industry, including a cinema in the basement area; however, the premises would primarily be for office use. Licensable activities would be ancillary to the office use and all facilities would be restricted to Members and not open to the public.

It was noted that the premises was already licenced. Therefore, there would be no increase in deliveries or collections at the premises. Ms Tricker confirmed that if the application for a new premises licence was granted, the existing licence would be surrendered.

Mr Tricker explained the membership process and confirmed that the premises offered hotdesking and meeting rooms for members. Any events held at the premises would be for members and their business partners or associates only and any licensable activities would be ancillary to the use of the premises as office space. Ms Tricker then highlighted the factors why the Applicant believed the granting of the licence would not add to the issues experienced in the cumulative impact zone:

- There was already a licence in place and this would be surrendered if granted.
- Not a bar, club or a late-night venue.
- Not an alcohol led premises.
- Not open to members of the public, not advertised and would be for members only.
- No off sales.
- Smoking limited to 10 people at any one time.
- No drinks allowed outside the premise.
- The terminal hour had been reduced to midnight.

- Limited range of alcohol would be served.
- Adequate toilet facilities would be available within the venue.
- There would be no cooking on the premises and no kitchen waste except for pre-packaged food waste.

Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 110 of the agenda and stated that she welcomed the reduction in licensable hours; however, she did not support the application as there was a substantial risk of public nuisance in the area and a strong likelihood of disturbance to residential premises at the noise sensitive hours sought.

Members then heard from Sam Alis, Perla Ranalli, Tony Roche and Benjamin Cadou, local residents, who shared similar concerns regarding public nuisance issues including noise nuisance at night making it difficult for residents and young children to sleep, litter and waste blocking walkways and building entrances. The objectors were concerned that people leaving late at night in would be in high spirits and cause noise disturbance. The objectors were also concerned at the risk of potential anti-social behaviour if the licence was granted.

In response to questions the following was noted:

- The Applicant was happy to remove live music from the application as it was not a live music event space.
- The Applicant also agreed to amend the sale of alcohol start time to 9am.
- There would be a staggered dispersal policy so that everyone would not be leaving at the same time.
- All staff would be trained on closing down the workspace at night.
- The reason for new application was because the business plans and style of operation had changed.
- The Applicant confirmed that it had a contract with a new waste company and no primary food would be cooked at the premises; waste would be limited to the packaging of prepacked food.
- There would be few deliveries – one delivery slot per week.
- It was agreed that windows and doors would be kept shut after 9pm.
- Direct contact details of the manager would be given to residents in a case there was a disturbance.
- A designated smoking area would be allocated.
- The venue was not a bar or club, and alcohol would be ancillary to office or cinema use.
- The hours applied for had been reduced to help alleviate concerns of residents.

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 the oral representations from the Applicant, the Applicant's Legal Representative and the Objectors present at the meeting.

The Sub-Committee noted that the premises is in a cumulative impact zone (CIZ). The 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 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 it can demonstrate exceptional circumstances and that the granting of the application would not negatively add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations from Environmental Health regarding the risk of noise nuisance from the premises. It also noted residents' concerns about the existing levels of noise nuisance and anti-social behaviour, and the risk of increased noise nuisance and disturbance if the premises licence was granted.

The Sub Committee welcomed the efforts made by the Applicant in offering some robust conditions and also accepting and agreeing to conditions proposed by the Responsible Authorities and the Sub-Committee. The Sub-Committee was satisfied that a reduction in hours and the imposition of robust conditions would adequately address concerns regarding public nuisance and anti-social behaviour.

The Sub-Committee was therefore satisfied that the CIZ presumption had been rebutted as the Appellant had demonstrated that the granting of the licence would not negatively add to the cumulative issues already experienced in the area. The Sub-Committee was satisfied that there were exceptional circumstances to justify a grant of the licence as the premises was not alcohol led and would operate within the framework hours. The Sub-Committee also noted that the licence would be subject to the surrender of the existing premises licence which authorised the provision of similar licensable activities.

The Sub-Committee was satisfied that the licensing objectives would be promoted and the conditions imposed would adequately mitigate the risk of public nuisance and anti-social behaviour.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Soho Works, 64-66 Redchurch Street, London E2 7DP be **GRANTED in part.**

The Premise License is granted subject to the surrender of Premise Licence Number: 18407

Sale of Alcohol (On Sales Only)

Monday to Thursday from 09:00 hours to 23:30 hours
Friday and Saturday from 09:00 hours to 00:00 hours (midnight)
Sunday from 09:00 hours 22:30 hours

Provision of Regulated Entertainment – Indoors (Films)

Monday to Thursday from 07:00 hours to 23:30 hours
Friday and Saturday from 07:00 hours to 00:00 hours (midnight)
Sunday from 08:00 hours 22:30 hours

Provision of Late Night Refreshments

Monday to Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

Conditions

1. The premises shall ensure that no drinks are taken outside the premises.
2. A designated smoking area shall be assigned with appropriate cigarette bins. Premises staff shall direct patrons to the designated smoking area.
3. The premises shall ensure that no more than 10 patron smokers are permitted outside the premise to smoke at any one time.
4. The premises shall ensure that no premises rubbish is left outside the premises between 23.00 hours and 08:00 hours.

5. On ground and first floors, licensable activities shall not be provided otherwise to directors, partners, employees of Soho Works Limited, and tenants and members of the premises and their bona fide guests.
6. On ground and first floors, the retail sale of alcohol shall be ancillary to the operation of the premises as an office space
7. On the basement floor, the retail sale of alcohol shall be ancillary to an event associated with the office space or the purchase of a cinema ticket on the same day as the screening.
8. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
 - A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - The system will comply with other essential legislation and all signs as required will be clearly displayed.
 - The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - There shall be a disgrace member of staff who can download the images and present them on request by a Police officer or other responsible authority with minimum delay.
9. Notices shall be prominently displayed at ground floor exits requesting people to respect the local residents and leave the premises and area quietly.
10. No noise shall emanate from the premises which gives rise to a nuisance to neighbouring residents and businesses
11. The reception desk on the ground floor shall be staffed at all times the premises are in operation
12. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from patrons in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
13. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system, searching equipment or scanning equipment
 - g) Any refusal of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service
15. 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.
16. The venue is to conduct risk assessments for its licensable activities and events. The risk assessment will describe the nature of the licensable activity and, or event, the expected number of people attending, the time the event starts and finishes, if it is a promoted event, crime and disorder risks, and any other risk that would undermine the licensing objectives.
17. If the venue is using any musical artist or promoter the venue must conduct relevant checks on the artist and promoter. These checks should include looking at the social media of artists and promoters. They will also contact venues that they have performed at previously to see if there were any issues where practicable, which will form part of the risk assessment.
18. The assessment will also include all steps taken to mitigate any identified risks, such as SIA security numbers, searching policy, access and egress plans etc.
19. All risk assessments will be written down, stored at the venue for 31 days and made available to Police or Local Authority on request.
20. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

21. A record shall be kept detailing all refused sales of alcohol at each bar. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
22. A Soho Works Manager responsible for the premises shall ensure that the areas of the premises where alcohol is supplied under this licence shall be regularly patrolled by community management and housekeeping teams during the hours that the supply of alcohol is permitted to ensure compliance with the Licensing Act 2003
23. There will be no advertisement of events to the public
24. There will be no advertising of the availability of alcohol or event spaces on the exterior of the premises
25. There shall be no dance floor at the premises

4.2 Application for a Variation of a Premises Licence for (Dirty Bones) 1 Club Row, London E1 6JX

Mr Thomas O'Maoileion, Legal Representative on behalf of the Applicant, stated that the variation application related to another premises licence which was not included in the agenda pack. It transpired that there may have been an error during the application process which needed to be rectified before this application could be considered.

Therefore, a request was made on behalf of the Applicant for an adjournment to consider whether the application could be progressed or if a fresh application was required. The Sub-Committee granted the adjournment as it was in the interests of justice for the application to be clarified and appropriately considered.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises
Future Leisure, 10 Brick Lane, London E1 6RF
Sake Sushi, Arch 268 Poyser Street, London E2 9RF
Brawn, 49 Columbia Road, London E2 7RG
Cookies and Cream Unit 5, 9-25 Mile End Road, London E1 4TP
Brand Events Ltd, Victoria Park, Grove Road, London E3 5TB
Enso Restaurant, 94 Brick Lane, London E1 6RL

Premises
Glenhurst Restaurant Ltd, Unit 2a, 39 Autumn Street, London E3 2TT
Backyard Cinema, Blackwall Yard, London E14 2DY

The meeting ended at 8.15 p.m.

Chair, Councillor Mohammed Pappu
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.40 P.M. ON TUESDAY, 1 SEPTEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Shah Ameen

Councillor Victoria Obaze

Officers Present:

David Wong	–	(Legal Services)	
Nicola Cadzow	–	(Environmental Health Officer)	
Corinne Holland	–	(Licensing Officer)	
Natalie Thompson	–	(Environmental Health Officer)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants**Item Number****Role**

Angelique Ferra	3.1	(Licensing Agent)
Ravi Karai	3.1	(Applicant)
PC Mark Perry	3.2	(Metropolitan Police)
Anuj Kansal	3.2	(Resident)
Louise McGrath-Lowe	3.2	(Resident)
Ralph Hardwick	3.2	(Resident)
Jon Furman	3.2	(Resident)
Berik Davies	3.2	(Resident)

Representing objectors**Item Number****Role**

Kate Toumazi	3.1	(Resident)
Carsten Raun	3.2	(Premise Licence Holder)

Apologies

None.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (La Verde), Unit 3, the Mosaic, 45 Narrow Street, London E14 8DN

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for La Verde, Unit 3, the Mosaic, 45 Narrow Street, London E14 8DN. It was noted that objections had been received on behalf of two local residents. It was noted that there had been seven Temporary Event Notices and there had been five complaints received.

At the request of the Chair, Ms Angelique Ferra, Licensing Agent on behalf of the Applicant contested that there had only been one complaint which Environmental Health Officer had confirmed. She then explained that there had been no representation from any of the Responsible Authorities; that the premises had been opened since 2002 in a purpose built building forming part of a piazza; and there was an open space designed for this building.

She explained that a premises licence was granted in 2010 to Riverside Ltd, which was then sold to Mr Ravi Karai in 2012, then the company was dissolved by a Mr Mohammed Moumin, the director of the company without Mr Karai's knowledge. This meant that the license lapsed as the company was dissolved. However Mr Karai was unaware of this, and as confirmed by Licensing Services, he had continued to pay the Council its annual licence fee .

It was noted that once Mr Karai was made aware that the licence had lapsed (end of May 2020) an application was submitted, and this happened to be during COVID 19. She explained that there were still gatherings in a public open space in the building complex, and questioned why the objections suggest that noise nuisance and public nuisance were associated with this particular premises, when there were two other premises in the piazza.

Members heard from Councillor James King, ward councillor in support of the application. He explained that the objections raised describe the premises as a bar, but this was a café; there were two other licensed premises in the same complex; it was worth noting that the police did not object to the application; and had there been justifiable concerns, responsible authorities would have objected.

Members then heard from Ms Kate Toumazi, local resident. She explained that her objection to the application was not to stop the business from operating. However, there should be measures and conditions in place to manage the excessive noise that was experienced every weekend. The

premises had been open, and when the premises had no temporary event notices there was no noise disturbance. She further explained that she had no objection to the premises selling food and drinks inside the premises, but the main concern was when drinks were taken outside by customers who then caused noise nuisance and disturbance. Mr Toumazi also highlighted the types of public nuisance experienced such as unpleasant behaviour, urination, litter, noise and no attempt to control the crowd by staff.

In response to questions from Members the following was noted;

1. Social distancing would be observed inside the premises, and tables and seating arrangements would be changed to adhere to social distancing rules.
2. That off sales was an important part of the business especially for takeaway deliveries.
3. That it was evident that the customers causing public nuisance were from La Verde as it only happened when the premises was open and also witnessed by the objector.
4. That the objector did not contact La Verde directly with complaints, but had contacted the building manager and then contacted the Council, when it was found out that the premises had no licence.
5. That the applicant did trade without a premises licence, but was unaware that the licence had lapsed as the company, who had held the previous premises licence had been dissolved without the applicant's knowledge.
6. The annual fee continued to be paid in May 2020, and the company had dissolved in December 2019.
7. There was an extensive CCTV system in place at the premises and could record more than the standard 31 days.
8. There were concerns raised by the Licensing Officer that the Director of the company was Mr Karai, and therefore there was confusion as to how the company could be dissolved without his knowledge.
9. Ms Ferrera said that it was Mr Mohammed Moumin had dissolved the company and not sure how he did it without Mr Karai's knowledge.
10. That a meeting was arranged for the Applicant to meet with the residents to discuss the application, however no one attended.

Both parties made concluding remarks.

The Licensing Objectives

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

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and

4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's Licensing Representative, the Ward Councillor and had also heard from the objector present at the meeting.

Members welcomed the efforts made by the Applicant, in offering robust conditions and also accepting and agreeing to the conditions suggested by the Environmental Health Team.

Members also noted the concerns raised by the objector in relation to noise and disturbance associated with the premises with patrons taking drinks outside the premises and causing public nuisance, therefore a condition of no off sales and a condition to prohibit drinks being taken outside the premises would be imposed to help minimise the likelihood of such disturbance.

The Sub Committee reached a decision and the decision was unanimous. The Sub-Committee agreed to grant the premises licence subject to the conditions, Members were satisfied that the granting of the premises licence on these conditions will help promote the licensing objectives and minimise the risk of public nuisance. In particular, the condition to ensure that alcohol is ancillary to a meal will mitigate the risk of the premises becoming a drinking only establishment.

Accordingly, the Sub-Committee unanimously

RESOLVED

That application for a new Premises Licence for La Verde, Unit 3, the Mosaic, 45 Narrow Street, London E14 8DN be **GRANTED** with conditions.

The sale by retail of alcohol (on sales only)

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

The opening hours of the premises

- Monday to Saturday, from 08:00 hours to 23:00 hours
- Sunday, from 08:00 hours to 22:30 hours

Conditions

1. There shall be no off sales.

2. Alcohol to be only served ancillary to a meal.
3. No drinks shall be taken outside the premises.
4. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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 customers remain on the premises. All recordings are to 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.
5. The DPS or a personal licence holder shall be on duty from 19.00 hours to close on Friday and Saturday evenings at other times the DPS, a personal licence holder or a trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public;
6. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
All crimes reported,
 1. Lost property,
 2. All ejections of customers,
 3. Any complaints received,
 4. Any faults in the CCTV,
 5. Any refusal in the sale of alcohol.
 6. Any visit by a relevant authority or emergency service
7. The area outside of the premises shall be kept tidy at all times and be swept at close;
8. Staff will monitor the outside area, including customer conduct regularly, both physically and by use of the CCTV and all empty/dirty bottles, glasses and crockery etc shall be regularly removed. Smokers will be similarly monitored after 21.00hrs
9. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
 1. That CCTV and Challenge 25 are in operation;
 2. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally
10. Staff will ensure that no more than [5] customers go outside the front after 21.00hrs to smoke.

11. Notices shall be displayed inside and outside the premises indicating restrictions on smoking after 21.00hrs.
12. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

3.2 Application to Review the Premises Licence for (London Oktoberfest Ltd.) Millwall Park, Isle of Dogs London E14 3BA

At the request of the Chair, Mr Vincent Fajilagmago, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for London Oktoberfest Ltd, Millwall Park, Isle of Dogs, London E14 3BA. It was noted that the review had been triggered by the Metropolitan Police. The Licensing Authority, Environmental Health, Health and Safety Team and local residents also supported the review application.

At the request of the Chair, PC Mark Perry representing the Metropolitan Police explained that the review had been triggered on the grounds of preventing crime and disorder, public nuisance and due to concerns of public safety. He explained that Oktoberfest was a German beer festival, that attracted up to 2400 people over two weekends during the month of October. The event was held in a large tent with bars, benches and tables located inside. While initially the audience may have been made up with a mix of people, with some attending to experience a German Oktoberfest, over time the audience had changed, and now comprises mostly people who just come to get drunk. This is due to the nature of the event, in that, unlike other events or nights out where alcohol forms part of the experience, at this event, drinking alcohol and getting drunk appears to be the main reason most people now attend. This has resulted in high levels of alcohol related crime and disorder, which can be seen in the incident logs of the security company and the crimes reported to Police.

PC Perry explained that over the two weekends in October 2019 (Thursdays, Fridays, Saturdays, and Sundays) the following incidents were recorded by security in their logs:

RECORDED INCIDENTS (Each is a separate incident involving 1 or more people)

Incidents of Beer Thrown – 28

Incidents of Fighting / Aggressive Behaviour – 21

Incidents of Code Red / Amber / White – 17

Incidents of Tables Benches Collapsing or People on Tables – 19

Number of Intoxicated people – 65
Ambulance / Police Called – 6
Incidents of Urination – 7
Injuries – 12
Jumping the Fence – 2

He then referred to the incident logs as evidence in the agenda pack. It was noted that despite repeated requests for refusals logs to be kept and recorded, this had not been done. Therefore, the premises licence holders had failed to demonstrate that they are not serving people who are drunk.

It was also noted that the security companies own records have shown the numerous incidents of people fighting, throwing beer glasses, urination in the tent, and other incidents of disorder.

PC Perry stated that Tower Hamlets Police Licensing have worked with the managers of Oktoberfest to try to improve the situation. For the 2019 Oktoberfest there were two planning meetings with the premises licence holder and all responsible authorities prior to the event .

PC Perry concluded that there were far too many people allowed to get drunk, who then engage in violence and disorder, or who make themselves vulnerable, to allow this event to continue. In the opinion of the Police, this is an event that cannot be allowed to continue to operate in Tower Hamlets due to the risk involved, and therefore asked that the licence is revoked.

Members then heard from the following officers;

Ms Corinne Holland, Licensing Officer representing the Licensing Authority explained that at the last event held in 2019, there were inadequate measures in place, there was no refusals log. Security staff had lack of clarity, and two of the emergency exits were sealed up. Officers witnessed customers urinating on the streets and changing rooms at exit. It was of the view that there was a lack of management of the event and the lack of staff required to control and manage an event of this nature.

Ms Nicola Cadzow, Environmental Health Officer stated there had been five noise complaints arising from Oktoberfest 2019. In relation to those five complaints, there had been 2 proactive visits made by officers. She asked Members to note the summary of the complaints detailed in her representation on page 230-231 of the agenda pack. She asked Members to consider the complaints received and impose further conditions on the licence to address noise nuisance.

Ms Natalie Thompson, Health and Safety Officer explained that the event promoted standing and jumping on benches. The control measures were not sufficient for an event of this nature. She said that during a visit, Health and Safety Officers witnessed two males standing on benches, the bench toppled over and the males fell over and had minor injuries. It was noted two serious incidents occurred during the 2019 event, as well other incidents of crime and disorder. She said that if the licence was not revoked, then Members should

consider imposing conditions for banning standing on benches and tables and to carry out sufficient risk assessments.

Members also heard from local residents, Mr Anuj Kansal, Louise McGrath-Lowe, Ralph Hardwick, Jon Furnham (on behalf of Yelena Furman) and Berik Davies. They all expressed similar concerns in relation to the mismanagement of the event, noise nuisance and public nuisance associated with the premises such as urination, loud music, drunk customers, destruction of the park and the damage to the grass. It was noted that the event did not play traditional German music, it was not safe and there were inadequate numbers of staff managing the event.

At this point the Chair asked Mr Carsten Raun for the Premises Licence Holder to make his representations. He said that the event had attracted between 20,000 to 22,000 visitors since 2012, that it was a popular event and had a good reputation.

He explained that the 2019 event was not particularly great, as the weather was really bad with heavy rain during the event weekends. He said that if he was allowed to continue then he would change the management of the event.

Mr Raun stated that it was hard to check if customers were preloading with alcohol before events, and that they had paid the Tower Hamlets Parks and Events Team £10,000 for grass repair and replacement following the event in October 2019. He said that as result of concerns raised previously, the number of security officers had been increased, but in hindsight he felt that increasing security provoked matters.

Mr Raun offered the following changes: reducing the capacity numbers allowed at the events, on Saturdays have ticketed only events – tickets sold ancillary to a meal at the event and it was his view that these implementations would help. He claimed that there was a history of gang culture in the area, and some of the problems raised were not related to the premises.

Mr Raun, concluded that he would be happy to make changes to;

- Restrict people from standing on benches and tables,
- CCTV to be extended to the outside area and not just inside the tent.
- Have a control room to monitor the event.
- Close parts of the entrance to manage customers entering and exiting.
- Sell online tickets only, no tickets to be sold on the door
- Reinstall metal detectors
- Not to be open on the Sunday of the second weekend
- Happy to accept the conditions proposed by the responsible authorities
- He himself would take back the management of the event to help improve things.

In response to questions from Members the following was noted;

- That there would be no event held this year - 2020
- That there was an increase in security after the 2017 event where there was disorder from audience participation.

- That drinks would only be sold as half a pint or 1 pint after 10pm.
- That other bigger events had less security officers.
- That online tickets would help reduce issues at the venue.
- That traditional German music was played at the start of the event and popular music was played towards the end of the event.
- As a result of concerns raised, new metal detectors would be used upon entering, and hourly searches would be conducted around the tent.
- Tickets would be sold ancillary to a meal at the event.
- That the capacity would be reduced to 1500 with 45 security officers.
- That Mr Raun would take back management of the event if allowed.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the representations made on behalf of the Metropolitan Police as the Applicant and the responsible authorities and local residents supporting the review and the representation made by the Premises Licence Holder.

The Sub-Committee were very concerned to note from the evidence presented the issues arising in relation to incidents of crime and disorder, threats to public safety and occurrences of public nuisance. The Sub-Committee also noted the Premises Licence Holder's willingness to work with the responsible authorities expressed in their representations made both in supplemental agenda pack and at the hearing of the application to review.

Where a Licensing Sub-Committee are asked to review a premises licence, they have the power to revoke that licence. However, that is not the Sub-Committee's only option in their range of powers, and any decision made must be justifiable in terms of supporting the above licensing objectives in a proportionate way. In this instance, the Sub-Committee considered that the above concerns in relation to incidents of crime and disorder, threats to public safety and occurrences of public nuisance could be adequately addressed by imposing a number of additional conditions on the premises licence, in the expectation that the Premises Licence Holder will work with the responsible

authorities to implement those, and avoid the need for anymore applications for review of this premises licence.

The Sub-Committee reached a decision and the decision was unanimous. The Sub-Committee agreed to impose conditions that relate to problems raised in the review application which were considered necessary and proportionate to ensure that the licensing objectives are met.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the Premises Licence for, London Oktoberfest Ltd, Millwall Park, Isle of Dogs London E14 3BA be **GRANTED in part with conditions.**

Additional conditions to be imposed on the premise licence

1. A maximum capacity of 1500 people per event (per day)
2. Only traditional Bavarian music to be played at the events.
3. Adequate sanitation facilities to be available. To consult with responsible authorities on the adequacy of numbers toilets to be provided.
4. Restrict standing on benches completely and to produce a method statement to demonstrate how this will be enforced.
5. Carry out suitable and sufficient risk assessments and put adequate control measures in place to minimise the risk of slipping so far as is reasonably practicable.
6. No standing on tables and benches
7. CCTV in operation during all event opening times.
8. No alcohol shall be taken off the licensed area.
9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following;
 - a) All crimes reported to the venue

- b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCYV system, searching equipment or scanning equipment
 - g) Any refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service.
11. 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.
12. The licensee must ensure that all staff involved in bar operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
13. Every bar must keep a refusals log detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
14. A bar supervisor shall be in place to ensure refusals logs are kept in all bars and maintained for inspection by the Police or an authorised officer at all times whilst the event is open to the Public.
15. The sales of steins to stop at 22:00 hours and thereafter only 1 pint or half pint measures to be sold.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the application below to 30 November 2020; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

Premises
Studio Space Ltd Unit 2, 110 Pennington Street Wapping London E1W 2BB
Discount Suit Company Ltd, 1A Bell Lane, London E1 7TB
Hoshi Fast Fresh Food, 10 Toynbee Street, London, E1 7NE
Club Mexicana Unit 4, Riverbank Business Park, 455 Wick Lane, London E3 2TB

The meeting ended at 8.50 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.38 P.M. ON TUESDAY, 15 SEPTEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Eve McQuillan (Chair)
 Councillor Peter Golds
 Councillor Mohammed Ahabab Hossain

Officers Present:

Nicola Cadzow	– (Environmental Health Officer)
Kathy Driver	– (Principal Licensing Officer)
Corinne Holland	– (Licensing Officer)
Luke Wilson	– (Legal Services)
Farhana Zia	– (Democratic Services Officer, Committees, Governance)

Representing applicants	Item Number	Role
Mr Philip Dayle	4.1	Counsel
Ms Carolin Paarmann	4.1	Applicant
Mr Andrew Woods	4.2	Solicitor
Mr Gavin Tresidder	4.2	Applicant

Representing objectors	Item Number	Role
Ms Nicola Cadzow	4.1	Environmental Health
Mr Daniel Gleeson	4.1	Resident
Ms Megan Raven (also known as Susanna)	4.1	Resident
Ms Kathy Driver	4.2	Licensing Authority
PC Mark Perry	4.2	Metropolitan Police

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 25th February, 23rd June and 14th July 2020 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003 Application for Variation of Premises Licence for Wombats City Hostel, 7 Dock Street, London, E1 8LL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Wombats Hostel, 7 Dock Street, London E1 8LL. It was noted that objections had been received on behalf of Environmental Health as well as from local residents.

At the request of the Chair, Mr Philip Dayle, legal representative on behalf of the Applicant, explained that the variation of the premises licence was being sought to allow the sale of alcohol to non-guests until 01:30 a.m. and to permit the playing of non-amplified music outdoors until not later than 11:00 p.m. Mr Dayle referred to the Applicant's written submissions and the witness statement of Ms Carolin Paarmann. He stated that the concerns raised by the Environmental Health Officer and residents had been addressed in these documents. Mr Dayle referred to paragraphs 3 to 8 of his own submissions and paragraph 22 of Ms Carolin Paarmann's statement. Mr Dayle said he noted that SIA security staff were already in place to ensure the dispersal of patrons leaving the hostel; this measure would assist in the monitoring of non-hostel guests. He said that the hostel would ensure the number of guests did not exceed the hostel's capacity which had been reviewed in light of the pandemic guidelines.

Environmental Health Officer Nicola Cadzow and local residents Mr Daniel Gleeson and Ms Megan Raven expressed concern at the risk of public nuisance as a result of the hostel being open to non-guests and playing music outdoors. Mr Gleeson said that residents facing the courtyard would be particularly affected by the noise nuisance and that an earlier closing time of the courtyard would be appropriate to limit the risk of noise nuisance to local residents.

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

- The Applicant believed there would be less hostel bar patrons than pre-COVID19 when the Premises had a greater number of beds available for use. Ms Paarmann said that the capacity of the bar was being reviewed and the hostel would monitor the number of people entering the Premises. The Premises would not allow members of the public to enter once full capacity had been reached.

- The Applicant said that she was not aware of public nuisance complaints made to the hostel, other than the objections to the application to vary the licence. Upon further questioning, Ms Paarmann acknowledged that further complaints had been received from neighbours regarding noise nuisance from the Premises.
- In respect to the courtyard, Ms Paarmann said that the hostel usually closed this area at 10:00 p.m. Smokers use the front of the building after 10:00 p.m. Large groups are broken up if there is too much noise outside the front of the building.
- The Applicant confirmed that she would accept a condition to limit the use of the courtyard area until 9:00 p.m.

Both parties made closing remarks.

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

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before it and heard oral representations at the meeting from the Applicant's Legal Representative, the Officer representing Environmental Health and local residents objecting to the application, with particular regard to the prevention of public nuisance and crime and disorder.

The Applicant sought to vary the current licence to allow the sale of alcohol to non-guests until 01:30 a.m. and to permit the playing of non-amplified music outdoors until no later than 11:00 p.m. It believed that sufficient measures were in place to ensure that patrons would not cause noise nuisance or anti-social behaviour. Environmental Health and local resident objectors were concerned that the noise from patrons in the courtyard and immediately outside the premises would cause a public nuisance.

The Sub-Committee welcomed the offer by the Applicant to reduce the hours of use of the outdoor areas. The Sub-Committee was satisfied that a condition restricting the use of the outdoor areas to 9pm and a condition not to cause noise nuisance to local residents would alleviate the concerns regarding noise nuisance from the playing of music outdoors.

The Sub-Committee was concerned about the risk of public nuisance and anti-social behaviour if the premises licence was varied to allow it to sell alcohol to any non-guest during licensed hours. The Sub-Committee noted that the premises was located in a heavily populated residential area and concluded that the variation was likely to result in noise nuisance by patrons entering and leaving the premises at noise sensitive hours. The Sub-Committee was not satisfied that the Applicant had sufficiently addressed the licensing objectives.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for a variation of the premises licence for Wombats Hostel, 7 Dock Street, London E1 8LL be **GRANTED IN PART with conditions.**

The supply of Alcohol (on premises only)

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

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

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

Outdoors – Monday to Sunday from 12:00 hours (midday) to 21:00 hours.

Opening hours of the premises

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

Conditions consistent with the Operating Schedule

5. CCTV is to be installed.
 - a) A CCTV camera system covering both internal and external to the premise is to be installed;
 - b) The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority;
 - c) A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity;

- d) At all times the premises is open, a person who can operate the CCTV system must be present on the premises. Who can download the images and present them immediately on request by a police officer or other responsible authority;
6. That an incident report book be kept and record all incidents of crime and disorder associated with the premises;
7. Signs be prominently displayed both inside and outside asking customers to respect local residents and to be quiet when leaving the premises;
8. A minimum of 2 SIA staff be on duty in the bar area from 20:00hrs until close of the bar on Thursday, Friday, Saturday and Sunday nights;
9. No non guests allowed into the bar area after 23:00hrs each night;
10. Non guests have to be signed into the premises by a guest;
11. Tower Hamlets Police Licensing are to be notified 2 weeks in advance of all private bookings of the bar area;
12. A Crime Prevention Plan will be agreed with Tower Hamlets Police;
13. Fire and Safety equipment will be installed to reasonable satisfaction of local Fire and Safety Officer;
14. The applicant will run a Challenge 25 Policy;
15. No unaccompanied persons under the age of 16 will be allowed to go into the Bar area.
16. All staff directly involved with the in the sale of alcohol is receiving appropriate training on their responsibility under the Licensing Act.

Additional Conditions

17. The Premises shall ensure that outdoor seating areas are not used after 9pm.
18. The Premises shall ensure that no drinks are taken to any outdoor area after 9pm.
19. The Premises shall ensure that no noise nuisance is caused to neighbouring residents.

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

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for an Adult Gaming Centre for Future Leisure, 10 Brick Lane, London E1 6RF. It was noted objections had been received from Officers representing the Licensing Authority and the Metropolitan Police.

The Applicant's Legal Representative confirmed that the Applicant had taken over the premises of a former betting shop which it wished to convert into an Adult Gaming Centre. The Adult Gaming Centre would have slot machines, with stakes ranging from 10p to £200, which would be supervised by staff on the premises floor. The Applicant's representative referred to the conditions put forward in appendix 2 of the supplement agenda and stated that the measures proposed were in consistent with industry standards and the Gambling Commission guidance. The Applicant's representative stated that

the documentation in the second supplement demonstrated how the Applicant would uphold the licensing objectives of ensuring crime and disorder was prevented and protecting vulnerable people from the harm of gambling. The Applicant's representative stated that Mr Tresidder was an experienced operator with seven to eight other gambling premises in north and east London. He noted that the decision to grant a licence should be based on the Applicant satisfying the criteria and not be based on subjective opinions on the mores of gambling. He referred members to page 67 of the bundle and submitted that the objections raised by the Responsible Authorities were based on concerns that were not specific to the premises in question. He believed the documentation provided to the Sub-Committee would satisfy the concerns raised by the objectors.

The Sub-Committee noted the concerns expressed by the Responsible Authorities that the area had a high level of anti-social behaviour and the premises was located in a highly populated area close to several homeless centres and shelters, with many vulnerable people living in the locality. The police expressed concern about the premises operating for 24 hours and being a magnet for vulnerable people. The close proximity of the homeless shelters, whose residents would be drawn to gambling, was a particular concern. The Responsible Authorities noted the high number of incidences of violence and disorder in the area and the likelihood of further violence and disorder by vulnerable people who have lost money in gambling establishments. PC Perry accepted that the Applicant was an appropriate person to hold a licence but the application was unsuitable given the location of the premises. He said that despite the policies and procedures in place, such as the Challenge 25 policy, there was insufficient measures to protect vulnerable people. The Sub-Committee explored if a condition on having a security presence at the premises for 24 hours would be acquiesced, however, the Applicant noted that this was unlikely to be viable; security requirements would be subject to risk assessments.

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

- The Applicant reassured the Sub-Committee that people under 18 would not be permitted on the premises as staff on the shop floor would challenge anyone coming into the premises. Mr Woods stated that staff had been trained to spot vulnerable adults and challenge those who were seen entering the premise with alcohol.
- In response to how staff would be able to spot vulnerable people given the area's unique composition of being highly populated with many homeless shelters, begging, mental health, drug and alcohol and anti-social behaviour and crime problems, Mr Woods referred the Sub-Committee to the second supplement and the information therein. He referred to the scenarios in the Intervention Guide and the Safeguarding Vulnerable Adults and Children guide and said the training packages had been developed over many years. Whilst there were challenges, staff would work to intervene at an early stage by speaking to customers and monitoring their behaviour.

- In response to how intensive the training given to staff was, Mr Woods said although they were not professional social workers, staff had basic training, as indicated in the guides, to look for signs of vulnerability of customers entering the premises. Mr Woods said under the Gambling Act, measures needed to be in place to protect the vulnerable and this had been done.
- The Applicant confirmed he had similar premises in Roman Road, Bethnal Green and in Kilburn High Street, Brent. However, he acknowledged that Brick Lane was different to other locations, given its character and socio-economic issues. He said that the challenges presented were not unique but similar in nature. He said that staff were trained to identify issues quickly and would be patrolling the shop floor to ensure vulnerable people were quickly identified and intervention took place.
- Mr Tresidder said that the need for security staff would be risk assessed and implemented if staff were in harm's way or if the measure was otherwise required. Mr Tresidder said that placing a condition on the licence for 24/7 security was unlikely to be viable. He said he was not aware of any other Adult Gaming Centre having this type of condition placed on its licence. Mr Woods stated that the Applicant would agree to condition imposing a security requirement between 10:00 p.m. and 7:00 a.m.

Both parties made closing remarks.

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

The Licensing Objectives

In considering the application, the Members were required to consider the same in accordance with the Gambling Act 2005, the Licensing Objectives, the Gambling Commission's Guidance to Local Authorities and Codes of Practice, and the Council's Gambling Policy with particular regard to the promotion of the three licensing objectives:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is conducted in a fair and open way; and
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Consideration

Section 153 of the Gambling Act 2005 provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it in accordance with the relevant code of practice, in accordance with the guidance issued by the Commission, reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of policy.

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting from the Applicant's Legal Representative and Officers representing the Responsible Authorities objecting to the application, with particular regard to crime and disorder and protecting vulnerable people being harmed from gambling.

The Sub-Committee noted that the Applicant had taken over the premises of a former betting shop which it wished to convert into an Adult Gaming Centre. The Sub-Committee noted all the measures carried out and planned by the Applicant to address the licensing objectives. It also noted that the Applicant was an experienced operator with other gaming centres in London.

The Sub-Committee noted the concerns expressed by the Responsible Authorities that the area had a high level of anti-social behaviour and the premises was located in a highly populated area close to several homeless centres and shelters, with many vulnerable people living in the locality.

The issue of security was raised with the Applicant who indicated that having security personnel present at all hours of operation was unlikely to be viable for the business. The Applicant offered to have security present between the hours of 10pm and 7am and to carry out risk assessments for the hours 7am to 10pm.

The Sub-Committee was particularly concerned about the risk of crime and disorder and risk of vulnerable people, particularly those with addiction or mental health issues, being harmed or exploited from gambling. It was noted that the area has unique characteristics including high levels of crime, anti-social behaviour, drug activity, homelessness and deprivation. The Sub-Committee believed that exceptional measures would be required in order to grant a premises licence for an adult gaming centre at the location given the number of vulnerable people and the severity of the issues experienced in the area. The Sub-Committee was not satisfied that the conditions proposed by the Applicant would adequately mitigate the risk of harm to vulnerable persons and the risk of crime and disorder. It concluded that the granting of the premises licence would not be reasonably consistent with the licensing objectives and that the objectives would be undermined if the proposed licence was granted.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for the premises licence under the Gambling Act 2005, for Future Leisure, 10 Brick Lane, London E1 6RF be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the following applications:

Premises	Extended to:
Hopewell Pop Up, Hopewell Square, London E14 0SY	28 th September 2020
Queens Head, 8 Flamborough Street London E2 7LS	12 th October 2020
Six Pack Beer Club, Unit 14, 1 Emma Street, London E2 9PF	2 nd October 2020

The meeting ended at 8.05 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON TUESDAY, 29 SEPTEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Shad Chowdhury

Officers Present:

Venky Ramakrishnan	–	(Principal Enforcement Lawyer)	
Mohshin Ali	–	(Senior Licensing Officer)	
Corinne Holland	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Neil Levene	3.1	(Applicant)
Thomas O'Maoileion	3.2	(Legal Representative)

Representing objectors	Item Number	Role
Paul Murphy	3.2	(Environmental Health Officer)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

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

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Brand Events/Veg in the Park, Victoria Park, Grove Road, London E3 5TB. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Neil Levene, Applicant, explained that the event was a three day food and music festival celebrating high-end vegan and vegetarian food from nation's leading chefs. He explained that on a Sunday, the event would finish by 7pm and the additional time applied for was to allow flexibility if any acts overran etc.

He briefly explained that he had 20 years of experience of facilitating indoor and outdoor events. They had been running the pub in the park event for the past four years around the country and this would be a similar concept but offering vegetarian food. It was noted that tickets would be sold online and in advance of the event and they would be expecting two-three thousand people to attend the event. Mr Levene explained that there would be food stalls set up by well known chefs and restaurants from around the country, people would be trying and sampling food and drinks from different stalls and listening to live music at the end of the evening. He explained that Brand Events was a well known company and have been running events successfully for years with no complaints or review applications. Mr Levene concluded that he had tried to get in touch with the objector to address her concerns however has not had a response. It was noted that the conditions agreed with responsible authorities would help alleviate the concerns that had been raised by the objector.

In response to questions it was noted that, the event would only be held once government guidance allowed for such events to take place and any event would be in accordance with the social distancing rules that would be required at the time.

In the absence of the objector the written objection contained in the agenda pack was noted and considered by the Sub Committee.

Decision

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 made by the Applicant's present at the meeting, it was noted that the objector was not present at the meeting and therefore the written objection contained in the agenda pack was noted and considered in the absence of the objector with particular regard to the licensing objectives.

The Sub-Committee noted that application was, in respect of a three day planned event promoting Vegetarianism and Veganism in Victoria Park. Having considered the relevant provisions of the Licensing Act 2003, the Sub-Committee unanimously granted the application and deemed that the event would be beneficial to the local community, when the public health conditions permit the event to take place.

Members welcomed the efforts made by the Applicant and the robust operating schedule contained in the application as well as accepting and agreeing to the conditions proposed by the Responsible Authorities. These conditions gave Members assurance that the licensing objectives would be promoted.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Brand Events/Veg in the Park, Victoria Park, Grove Road, London E3 5TB be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Friday, from 17:00 hours – 22:45 hours
Saturday from 11:00 hours – 22:45 hours
Sunday from 11:00 hours – 20:00 hours

The Provision of Regulated Entertainment – indoors and outdoors (Films, Live Music, Recorded Music, Performance of Dance and anything of a similar description)

Friday, from 17:00 hours – 22:45 hours
Saturday from 11:00 hours – 22:45 hours
Sunday from 11:00 hours – 20:00 hours

Hours premise is open to the public:

Friday, from 17:00 hours – 23:00 hours

Saturday from 11:00 hours – 23:00 hours

Sunday from 11:00 hours – 19:30 hours

Conditions

- 1.1 The licence shall only be used on three consecutive days per year.
- 1.2 An Event Safety Management Plan (ESMP) containing detail appropriate to each year's Event will be produced and implemented in consultation with and with the agreement of the Responsible Authorities through multi-agency or Event Planning Group meetings;
- 1.3 The first draft of the ESMP, including a detailed plan of the site, will be submitted to the Licensing Authority, the Responsible Authorities and other members of the Event Planning Group for consideration at least three months prior to the event;
- 1.4 For each event the Premises Licence holder will produce a final ESMP (including the plan of the site) which must be agreed by the Licensing Authority prior to the event taking place;
- 1.5 The licence holder must produce an alcohol management plan of which must be agreed with the Licensing Authority prior to the event taking place.
- 1.6 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 1.7 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer.
- 1.8 No open containers of alcohol shall be taken off the licensed area.
- 1.9 Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers;

- 1.10 The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
- 1.11 MDS operators must carry a clear indication that a Challenge 25 protocol is in operation.
- 1.12 For Events, the “Music Noise Level” (MNL) measured as an LAeq over any 15- minute period from an agreed permanent noise monitoring position shall not exceed 70 dBLAeq 15-minutes for the last two acts on each day.
- 1.13 For music throughout the early part of the day prior to the two main acts, the “Music Noise Level” (MNL) measured as a LAeq over any 15- minute period from an agreed permanent noise monitoring position shall not exceed 65dBLAeq

3.2 Application for a Variation of a Premises Licence for (Dirty Bones) 1 Club Row, London E1 6JX

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Dirty Bones, 1 Club Row, London E1 6JX. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Thomas O’Maoileion, Legal Representative on behalf of the Applicant, stated that the variation application related to the premise licence no. 19991 on page 109 of the agenda and should the variation be granted, the applicant would surrender premises licence no. 21557 detailed on page 121.

Mr O’Maoileion explained that the application was in three parts;

- Firstly to amend the wording of the non-standard timings for new years eve which there were no objections to by the Responsible Authorities.
- Secondly to remove the conditions regarding no off sales, this was to allow off sales for delivery and takeaway services which would be sold in sealed containers. This would be subject to all appropriate age verification checks before and on delivery.
- Thirdly to extend the licensing hours to 1am, it was noted that if granted the hours would not be used until next year once government restrictions were lifted.

Mr O’Maoileion said that taking into policy considerations balanced by early closing times, staggered approach, dispersal policy and no use of outside area this would not negatively impact on the cumulative impact zone (CIZ).

Mr O'Maoileion stated that there would be no regulated entertainment, there was a refuse collection in place to deal with issues of litter and waste. There was no representation from the police or local residents and there was no history of complaints related to the premises.

Members then heard from Corrine Holland, Licensing Officer who stated that she had no objection to the changing of the wording for non-standard timings. She did suggest that there be a condition not to allow drinks to be consumed outside the premises.

Ms Holland explained that the premises is advertised as a restaurant and cocktail bar offering DJ music on Friday and Saturday evenings. If the later hours are granted it is likely that customers will consume more alcohol than they currently would prior to leaving for the evening or customers would stop here after leaving other premises on their way home which can lead to alcohol fuelled Anti-Social Behaviour (ASB). She explained that the premises was in the Cumulative Impact Zone where the licensing authority policy is to refuse an application unless the applicant can demonstrate there was exceptional circumstances to granting it. Ms Holland stated that the applicant had not made any reference to the premises being in the CIZ within the operating schedule and not offered any additional conditions to address this whilst requesting increased hours and outside drinking.

Members also heard from Paul Murphy, Environmental Health Officer speaking on behalf of Nicola Cadzow, Environmental Health Officer and briefly explained that the application failed to comply with the objective of the Licensing Act 2003 relating to public nuisance, as the noise breakout from the venue would affect neighbouring residents, with the likelihood of patrons leaving the premises in high spirits and causing disturbance to residential premises at the noise sensitive hours being sought.

In response to questions the following was noted;

- The applicant was happy to agree to conditions; To not allow no new entry after 12 midnight; No alcohol to be consumed immediately outside the venue.
- To reduce Sunday hours to midnight.
- That there had been no complaints or objections from residents.
- That issues of crime and disorder would be addressed by the conditions agreed with the police.
- That there were noise conditions in order to ensure there was no noise escape from the premises.
- The business had been operating for the past 4 years without any noise complaints.
- There would be no regulated entertainment.
- That there were good policies and procedures in place and staff would be deployed to walk the floor, monitor the outside area etc. to ensure there was no public nuisance.
- That the premises was as much a food led premises as well as an alcohol led premises.
- That the dispersal of customers were more gradual and not like a pub.

- The reason for the increase in hours is to allow customers the flexibility to stay later and finish their evenings in one venue rather than leaving and going to another premises.
- Not expecting clientele to change just allow the flexibility to arrive later, eat and leave later.
- That the hours if granted would not be in effect until next year if government guidance permits businesses to do so.
- It was confirmed that the first floor was a seated dining area and the ground floor had a seating area and bar area. The 3rd and 4th floor of the premises was for residential accommodation.
- That there would not be an increase in delivery vehicles, as the vehicles used would be those that were already in the area.
- Mr O'Maoileion confirmed that the issues relating to the CIZ on pages 171-172 had been addressed in the supporting documents produced in the supplemental agenda.

Decision

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative and Officers representing the Licensing Authority and Environmental Health with particular regard to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee also considered the written variation application and all relevant information supplied in the published addendum agenda.

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

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

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and the concerns relating to the likely disturbance to residents nearby if the hours were extended to late night.

Upon deliberation and having considered the licensing objectives as pertained in the Licensing Act 2003, the Sub-Committee unanimously rejected the variation application.

It was deemed that the variations applied for would not be beneficial to the local community and that any extension of opening hours would have a negative impact on the locality.

Of concern was an:

- (i) increased risk of crime and disorder,
- (ii) a rise in public nuisance
- (iii) a risk to public safety,
- (iv) a potential rise in noise pollution and;
- (v) an increase in traffic volume

All of which would deleteriously affect the local residents and community.

Further, the Sub-Committee noted that the premises is situated in the Council's Cumulative Impact Zone ("CIZ") and found no exceptional circumstances to deviate from the Council's policy in this regard.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Variation of a Premises Licence for Dirty Bones, 1 Club Row, London E1 6JX be **REFUSED**.

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

This item was adjourned at the request of the Applicant.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.30 P.M. ON TUESDAY, 13 OCTOBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Zenith Rahman

Councillor Sufia Alam

Officers Present:

Lavine Miller-Johnson	– (Licensing Officer)	
David Wong	– (Legal Services)	
Mohshin Ali	– (Senior Licensing Officer)	
Nicola Cadzow	– (Environmental Health Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Saiful Islam	4.2	(Applicant)
Shakila Rahman	4.2	(Applicant)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings were deferred to the next meeting of the Licensing Sub Committee.

4. ITEMS FOR CONSIDERATION

4.1 Application for Variation of a Premises Licence for Brawn, 49 Columbia Road, London E2 7RG

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

4.2 Application for a New Premises Licence for (Sake Sushi) Railway Arch, 268 Poyser Street, London E2 9RF

At the request of the Chair, Mr Mohshin Ali, Licensing Officer introduced the report which detailed the application for a late night refreshment licence for Sake Sushi, Railway Arch, 268 Poyser Street, London E2 9RF. It was noted that objections had been received on behalf of Officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Members heard from the Applicants, Mr Saiful Islam and Ms Shakila Rahman, they explained that the premises was a commercial delivery based unit, offering a delivery only service. It was noted that there were no alcohol sales, no regulated entertainment and there would be no members of the public (customers) entering the premises.

Ms Rahman explained that they would display the contact number for the manager around and outside the premises for residents to contact if there were any problems. They would have suitable notices restricting idling of delivery vehicles and notices reminding delivery drivers to leave the area quietly and respect the needs of local residents. The Applicants represented that doors would be kept closed to prevent any noise escape, and the kitchen was at the back of the premises.

Mr Islam said that they used to receive a lot of their orders from offices nearby but due to the pandemic, they have had a loss in business and therefore were seeking to be allowed to sell hot food during later hours in order to sustain the business. Mr Islam further explained that the premises had been kept open for the hours applied for, serving cold food only and that there had been so no issues nor complaints. They now wanted to introduce hot food on the menu and therefore required a late night refreshment licence.

It was noted that the premises had been open for some time, has had no complaints, and this has been reflected by the absence of representations from residents. Ms Rahman stated that they would train staff and were happy to accept any measures or conditions that the Sub-Committee felt necessary and proportionate. They urged Members to support them in this current climate and help them sustain their business to survive.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She stated that the Applicants had no understanding of the Cumulative Impact Zone (CIZ) and the hours applied for were beyond Council's framework hours. She said the hours applied for were excessive, and 2am in residential area

would be likely to cause disturbance to residential properties at the noise sensitive hours sought.

Members also heard from Ms Lavine Miller-Johnson, Licensing Officer. She referred to her representation in the report and explained that the hours applied for were far too excessive. It was noted that on a balance of probability, she was concerned by the addition of another premises providing "Late Night Refreshments", potentially adding to the existing anti-social issues in the area. It was noted that customers would not be coming to the premises but there would still be staff on the premises and delivery drivers would be accessing and leaving the premises frequently. She acknowledged the fact that the applicants had accepted the conditions she had proposed however was concerned that there was no consideration regarding the cumulative impact zone.

In response to questions the following was noted;

- That there had been no noise complaints associated with the premises.
- That legible notices would be displayed around the premises asking delivery drivers to leave quietly and respect the needs of residents.
- That the premises served Japanese food.
- It was noted that when the application was made the applicants were unaware that the premises was in the CIZ if they had been aware then they would have reflected this in their operating schedule.
- That there would be strictly no idling of vehicles.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicants and Officers representing the Licensing Authority and Environmental Health with particular regard to the prevention of public nuisance.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being

in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

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

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

The Sub Committee heard from the Applicant that the premises was food-led and was a delivery only based premises, with no provision for sale of alcohol or regulated entertainment. When questioned Members were satisfied that granting a late night refreshments licence for the nature of business the applicant intends use for and with conditions offered and accepted, this would not negatively add to the cumulative impact zone.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and the concerns relating to the likely disturbance to residents nearby. However the conditions proposed by the Applicant gave The Sub Committee the assurance that this will help alleviate concerns raised by the Responsible Authorities and not negatively impact on the cumulative impact zone and the conditions imposed would also help promote the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Late Night Refreshment Licence for Sake Sushi, Railway Arch, 268 Poyser Street, London E2 9RF be **GRANTED**.

The Provision of Late Night Refreshments

Monday to Sunday from 23:00 hours to 02:00 hours (the following day)

Hours premises are open to the Public

Monday to Sunday from 12:00 hours to 02:00 hours (the following day)

Conditions

1. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
2. Notices to be displayed reminding staff and delivery drivers to be respectful of residents.
3. No idling of delivery vehicles.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. CCTV warning notice shall be displayed inside and outside the premises.
7. A crime prevention policy shall be kept in place at the premises
8. The premises is for delivery services only.
9. No customers shall be allowed inside the premises and the restrictions shall be displayed outside the premises by way of signage.
10. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer.
11. Staff shall receive appropriate training about emergency and general safety precautions and procedures.
12. Business or premises is only for online internet sales delivery food business
13. No collection or food takeaway service is available at the premises

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to 31 January 2021; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

Premises
Mason & Painter, 67 Columbia Road, London E2 7RG
Hulya's Cafe & Restaurant, 357 Cambridge Heath Road, London, E2 9RA
Enola's Kitchen, 'Sundial Centre' 11 Shipton Street, London, E2 7RU
Stop N Shop, 59 Commercial Street, London E1 6BD
Al Safa Grill- 24 Vallance Road E1 5HR (LMJ)
Budgens Express 287-289 Whitechapel Road E1 1BY (LMJ)
Virginia Off Licence & Supermarket, 59 Virginia Road, London E2 7NF
<i>Shop, 36 Toynbee Street, London E1 7NE</i>
<i>Marco Food Centre, 38 – 40 Commercial Road, London E1 1LN</i>

The meeting ended at 6.30 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 17 November 2020	Classification: UNRESTRICTED	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Manjal, 3 Turnberry Quay, London E14 9RD Ward affected: Blackwall and Cubitt Town
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1.0 Summary

2.0

Name and	Manjal
Address of premises:	3 Turnberry Quay London E14 9RD
Licence under review:	Licensing Act 2003 – Premises Licence <ul style="list-style-type: none"> • Sale by retail of alcohol • Provision of late night refreshment
Review triggered by:	Member of the public

3.0 Recommendations

3.1 That the Licensing Committee considers the application for review and then adjudicates 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
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Corinne Holland 020 7364 3986

4.0 **Review Application**

4.1 This is an application for a review of Manjal restaurant, 3 Turnberry Quay, London E14 9RD. The review was triggered by a member of the public.

4.2 A copy of the review application is attached in **Appendix 1**.

4.3 The applicant has supplied supporting evidence for the review in **Appendix 2**

5.0 **The Premises**

5.1 The existing premises licence was granted on 13th December 2012. A copy of the current licence is contained in **Appendix 3**. The premise licence holder is a company called Anglo Indian Beverage Ltd and has been since the licence was issued. The Designated Premises Supervisor, since May 2013, is Vasanth Karuppusamy.

5.2 Maps showing the premises and surrounding area are included in **Appendix 4**.

6.0 An initial complaint regarding the incident on the 17th July 2019 was received by the Licensing Authority from the legal advisor for the RNIB on 12th September 2019 who sent a letter requesting that a review of the licence take place due to a breach in the Equality Act 2010. Correspondence between the Licensing Authority, Manjal and solicitors acting for Manjal took place regarding the supply of the CCTV for the date in question. The CCTV was received in a CD format on 13th January 2020 but it was in an unreadable format for the local authorities IT systems. On the 16th January 2020 the solicitors were written to again requesting the CCTV in a different format. On 22nd January 2020 a warning letter regarding the breach of Condition 6 of Annex 2 of the licence was sent to the restaurant, the PLH, the DPS and copied to the Equalities and Human Rights Commission.

7.0 On 24th January 2020 CCTV footage was sent into the Licensing Authority via email. Despite initial problems viewing this it has now been viewed. The recording is from camera 1 only which is the entrance and foyer area. It showed Mr Ortega and two friends enter the restaurant at 19:10:46 and leave the restaurant at 19:16:36. In between these times they are out of view.

8.0 **Representations**

8.1 This hearing is required by the Licensing Act 2003, because a review was triggered by a prospective customer, Mr Jose Artur Antao Ortega.

- 8.2 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
- 8.3 In the view of the interested party it is necessary to achieve the licensing objectives of the prevention of crime and disorder and public safety.
- 8.4 The applicant is requesting the following conditions to be attached to the Premises Licence in order to prevent guide dogs refusals occurring in the future.
- The premises are required to admit guide dogs and other registered assistance dogs / The premises is forbidden from refusing admittance to a guide dog and other registered assistance dogs.
 - All front of house staff undergo training in disability awareness and the Equality Act and that proof of training is kept on site and produced on demand to an authorised officer or constable.
 - A person suitably trained, in the requirements of the Equality Act 2010, be present on the premises at all times when open to the public.
 - Suitable signage be displayed that makes clear guide dogs and assistance dogs are welcome.
 - A written equalities policy be produced and kept at the premises for inspection on demand by an authorised officer or constable.

9.0 Review Explained

- 9.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 9.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 5**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised April 2018.
- 9.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the

licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

- 9.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has issued guidance about Crime and Disorder. **See Appendix 6.**
- 9.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 7.**
- 9.6 The home office issued guidance about public safety which might be considered in relation to any identified problems is contained in **Appendix 8.**
- 9.7 The Council’s Licensing Policy in relation to public safety is contained in **Appendix 9.**
- 9.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 9.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Health & Safety & Licensing Manager is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.
- 9.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:
 - The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

10.0 Review Advertisement

- 10.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 10.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 10.3 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

11.0 Licensing Officer Comments

- 11.1 The Governments advice in relation to reviews is contained in **Appendix 5**. Members must consider all the evidence and then decide from the following alternatives:
- Take no further action as they do not consider it proportionate to do so
 - Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 11.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 11.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 11.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

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

12.0 Legal Comments

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

13.0 Finance Comments

13.1 There are no financial implications in this report.

14.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Supporting evidence to the review
Appendix 3	Copy of existing licence
Appendix 4	Maps of the premises and surrounding area
Appendix 5	Guidance issued under Section 182 by the Home Office for reviews
Appendix 6	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 7	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 8	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning public safety
Appendix 9	London Borough of Tower Hamlets Policy in relation to the prevention of Public safety

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Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

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

Application for the review of a premises licence or club premises certificate 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 JOSE ARTUR ANTAO ORTEGA (Insert name of applicant) apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	MANJAL RESTAURANT 3 TURNBERRY QUAY LONDON
Post town	LONDON
Post code (if known)	E14 9RD

Name of premises licence holder or club holding club premises certificate (if known)	ANGLO INDIAN BEVERAGE Co. LTD
Number of premises licence or club premises certificate (if known)	16344

Part 2 - Applicant details

- I am **A PROSPECTIVE CUSTOMER OF THE PREMISES** Please tick yes
- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
 - 2) a responsible authority (please complete (C) below)
 - 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

ANTAO ORTEGA

First names

JOSE ARTUR

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted]

Post Town

[Redacted]

Postcode

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note1)

SEE ATTACHED

Please provide as much information as possible to support the application (please read guidance note 2)

SEE ATTACHED

Have you made an application for review relating to this premises before

Please tick ? yes

NO.

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]

Date 28 February 2020

Capacity SOLICITOR FOR APPLICANT

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5) SAMANTHA FOTHERGILL RN16 105 JUDD STREET	
Post town <u>LONDON</u>	Post code <u>WC1H 9NE</u>
Telephone number (if any) [REDACTED]	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [REDACTED]	

Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Name of Applicant: Jose Artur Antao Ortega

Name of premises licenses holder: Anglo Indian Beverage Company Ltd

Number of premises license: 16344

Please state the ground(s) for review:

The Applicant was refused admittance with his guide dog to the licensed premises on 17 July 2019 . Further details of the incident are provided below.

The Applicant believe that this refusal was in breach of the following licensing objectives:-

The prevention of crime and disorder

The Applicant considers that the refusal to admit a visually impaired person with his guide dog is likely to affect social cohesion and is likely to hinder the promotion of the law and order licensing objective.

We would draw the Authority's attention to the following paragraphs of their Statement of Licensing Policy:-

28.1 When its discretion is engaged and a relevant representation is made relating to the exclusion or discouragement of any minority adult group the Licensing Authority will add a condition which forbids such as practice.

28.2 The Licensing Authority is especially concerned that such practices adversely affect social cohesion and are likely to hinder the promotion of the licensing objective relating to law and order. The Licensing Authority will also refer such practices to other authorities, where appropriate.

We believe the refusal of a disabled person on grounds relating to their disability (ie their guide dog) is an analogous situation. As detailed below Mr Ortega would like the Authority to attach a condition which forbids this practice.

Public safety

As the Government's 'Revised guidance issued under section 182 of the Licensing Act 2003' makes clear, license holders have a responsibility to ensure the safety of those using their premises as part of their duties under the 2003 Act. Blind people using guide dogs should be considered vulnerable customers and the Authority should take steps to protect them from harm.

Guide dog refusals have a severe impact on the wellbeing of those refused. Mr Ortega has described the refusal as being upsetting and humiliating and that these feelings were worsened by the fact that the refusal took place in front of his colleagues and members of the general public.

The feelings Mr Ortega describes are not limited to Mr Ortega and guide dog users frequently tell RNIB that the refusals that they experience leave them humiliated and chips away at their confidence in going out in future for fear that they will be refused again.

What the Applicant is seeking

The Applicant would like the following conditions to be attached to the Premises License in order to prevent guide dog refusals occurring in the future:-

- That the premises are required to admit guide dogs and other registered assistance dogs/The premises is forbidden from refusing admittance to a guide dog and other registered assistance dogs
- That all front of house staff undergo training in disability awareness and the Equality Act and that proof of training is kept on site and produced on demand to an authorised officer or constable.
- That a person suitably trained in the requirements of the Equality Act 2010 be present on the premises at all times when open to the public.
- That suitable signage be displayed that makes clear guide dogs and assistance dogs are welcome.
- That a written equalities policy be produced and kept at the premises for inspection on demand by an authorised officer or constable.

We believe that the above conditions would prevent a future breach of the licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 2)

Mr Ortega is registered blind and uses a guide dog – Mercer - as a mobility aid to assist him with his independent mobility.

On 17 July 2019, Mr Ortega visited the Manjal restaurant with a colleague and a former colleague. His colleague had booked a table online for 7pm and in the booking had indicated that one of the guests would be bringing a guide dog.

When Mr Ortega and his colleagues arrived at the restaurant he was immediately told by a staff member that he could not bring Mercer into the restaurant. When Mr Ortega complained, the manager was called but he also confirmed that Mercer was not welcome in the restaurant. In justifying his decision, the manager told Mr Ortega that not everyone liked dogs and that he should show some understanding of Asian culture. Mercer was wearing his harness that confirmed that he was a trained guide dog and Mr Ortega explained that Mercer had been specially trained and was allowed into restaurants.

Mr Ortega also explained that under the Equality Act the restaurant was required to make a reasonable adjustment to any “no dogs” policy to permit guide dogs into the restaurant. However, the manager was adamant that Mercer was not permitted to enter. Mr Ortega explained that he had previously visited the restaurant with Mercer without any issue but the manager continued to refuse.

Mr Ortega and his colleagues therefore left the restaurant and dined elsewhere. Shortly after they were seated Mr Ortega’s colleague received a telephone call from the Manjal asking where they were.

Mr Ortega wrote a letter of complaint to the restaurant on 29 July 2019. The letter sets out details of what happened, the law and asked for a copy of the CCTV footage of the incident. He requested an apology and an assurance that guide dogs would be permitted in the restaurant in future including a notice on social media and in the window explaining that guide dogs were welcome. He also asked for staff training regarding

their duties under the Equality Act and compensation for breach of the Act.

The letter was sent recorded delivery and requested a response within 14 days. No response was received within this timescale but a letter purporting to respond on behalf of the restaurant arrived by registered post on 31 August.

This letter was from a Naveen Bhandari who describes himself as a Health and Safety Office Manager for the owners of the Manjal. The letter apologises for the events of 17th stating that it occurred as a result of staff error and that the staff had missed the note about guide dogs. Mr Bhandari's letter went on that whilst staff had initially refused to accept the guide dog, they then checked the restaurant policy and Mr Ortega's party were asked to sit in the waiting area whilst a suitable table was made available. According to Mr Bhandari this took 15 minutes but when staff returned to the waiting area Mr Ortega's party had already departed. Mr Bhandari confirms that they called Mr Ortega's colleague but as the party "had already left the area they decided against return".

Mr Bhandari said that the restaurant did not have a no-dogs policy as evidenced by Mr Ortega's previous visit. By way of recompense Mr Bhandari offered a complementary meal and asked Mr Ortega to contact him direct to arrange a time for them to dine.

Clearly Mr Bhandari's version of events is at odds with that of Mr Ortega. A viewing of the CCTV would clearly have resolved the facts of the matter, however, Mr Bhandari stated that he was unable to provide the CCTV footage as a result of privacy concerns.

Mr Bhandari's letter was not on headed paper. It was sent in a Lyca Mobile envelope and initial research revealed that Mr Bhandari is in fact the Health and Safety Office Manager for Lyca. It is not clear what formal relationship, if any, he has with the restaurant.

RNIB complained to the Authority on Mr Ortega's behalf on 12 September 2019 asking that conditions be attached to the restaurant's license requiring the admittance of guide dogs, amongst other things. The Authority contacted the premises and requested a copy of the CCTV covering the date of the alleged incident. We understand that the license holder has so far failed to supply a copy of the CCTV. On 22 January 2020, we were informed that the Authority would be writing to the license holder to warn them that a failure to supply a copy of the

CCTV constitutes a breach of their license conditions and further remind them of their duties under the Equality Act. It is not clear what steps the Authority intend to take in respect of breach of the license conditions relating to CCTV. The Authority also provided details of the license review process

Samantha Fothergill
Senior Legal Advisor
RNIB
28 February 2019

Appendix 2

J. Artur A. Ortega

Manjal Restaurant
3 Turnberry Quay,
London E14 9RD

29th July 2019

Dear Sir or Madam,

I am writing to complain about the service that I received at your Manjal Restaurant in Canary Wharf on Wednesday, 17th July 2019 shortly after 7PM. Your member of staff at the door and the manager on duty denied me entry because of my guide dog. They told me I could not bring my guide dog into the restaurant.

I am registered blind, and this means that I meet the Equality Act's definition of a disabled person. I use a guide dog to get around because of my blindness. As I am a disabled person, you and your staff must comply with the Equality Act.

When you reply to me in writing, please use a font that is easy to scan. This is the format that I could apply optical character recognition (OCR) to be able to read your response.

My complaint

My colleague Indy has booked online a table for the evening of Wednesday 17th July 2019 at your restaurant in Canary Warf. He has put a note into the booking that we are coming with a guide dog.

When I went with my guide dog, my former colleague Shobhna and my colleague Indy who booked the table, into your restaurant shortly after 7PM, we were told immediately by one of your staff and later by your manager in duty that I could not bring my dog in. My guide dog, Mercer, was wearing his fluorescent harness which clearly states that he is a guide dog. I explained that Mercer is a trained guide dog and that I needed Mercer to be with me as he helps to guide me.

Your employee who claimed to be the manager on duty said that dogs weren't allowed in the restaurant because not everyone likes dogs and that we should understand Asian culture. I explained that guide dogs are specially trained and are allowed into restaurants.

I also said that under the Equality Act, your restaurant should make a reasonable adjustment to your 'no dogs' policy and allow guide dogs into your restaurant. Your employee told me that dogs weren't allowed and I had to leave. When I asked to speak to the manager, he said he is the manager, and again said that I couldn't bring a dog into the restaurant.

I said again that Mercer isn't a pet dog, but a trained guide dog and that he has been in this restaurant once before and obviously in a lot of other restaurants without any problems. I also said that if he didn't allow Mercer, me and my colleagues into your restaurant, they would discriminate against me. He repeated that not everyone likes dogs and that we should show some understanding for Asian culture and they would not need to let guide dogs in.

I was very upset. I felt completely humiliated to be discriminated against in such a rude way despite of a prior booking informing about my guide dog. This was made worse because it took place in public and my colleagues witnessed it and were affected by my refusal as well. I felt additionally very embarrassed in front of my colleagues who are of Indian descent about the remarks about Asian culture, too.

I felt so unfairly treated and I was so distressed that I felt the need to make the restaurant guests aware of the discrimination at that moment happening in the restaurant they have chosen for their dinner. I addressed the guests that I am being discriminated against because you refused me on grounds of my guide dog. I left the restaurant afterwards.

Discrimination

The Equality Act 2010 says that service providers are not allowed to discriminate against disabled people. As you run several restaurants, you are a service provider. The Equality Act says that you are not allowed to refuse to serve disabled people like me or to treat disabled people in a worse manner by being so humiliating.

You also have to make reasonable adjustments to your service. This means that you should allow guide dogs into your restaurants, because I have to rely on the guide dog to navigate around in public. As you are the employer, you are responsible for how your staff behaved. This means that even if you weren't in the restaurant, you are responsible for your employee's actions.

How to put this right

I am making a complaint as I feel this is the only way to deal with the rude and discriminatory way I was treated. I would like you to provide me with the CCTV footage of the incident for further evidence in this case which should be roughly in the time mark between 7:05PM and 7:20pm of Wednesday, 17th July 2019.

I would like you to apologise in writing and to assure me that you will make sure that you allow guide dogs into all of your restaurants and to put a notice in your web page, social profiles and into your restaurant window that says that guide dogs are welcome.

I would also like you to ensure that your staff are trained in their responsibilities under the Equality Act and understand they cannot treat disabled people in the way your regular staff and your restaurant manager treated me as this is discriminatory. I feel you should also compensate me financially and it would be helpful if you could suggest a figure.

I would prefer to sort this situation out in this way amicably. However, should you fail to respond positively, I am, if necessary, prepared to take legal action against you in court.

I have also included a copy of a standard advocacy letter from RNIB and Guide Dogs. This gives a short explanation of the Equality Act and what you have to do to make sure you comply with the Act.

I look forward to hearing from you within 14 days.

Yours sincerely,

Mr J. Artur A. Ortega

J. Artur A. Ortega
[REDACTED]

2nd August 2019

Dear Mr Ortega

Manjal Restaurant – 17th July 2019

I am the Health & Safety Office Manager for the owners of the Manjal Restaurant ("Manjal") at Canary Wharf and I am writing in response to your letter of 29th July 2019 detailing the incident you were involved in at the Manjal in the evening of 17th July 2019.

Firstly, I would like to apologise for the events which unfolded that evening and can confirm that this occurred due to an error by the staff on duty that day. Following my investigation of the incident, I can confirm that the following occurred:

- A table was booked online through the Quandoo website, and whilst notes were there stating that a member of the booking party would be accompanied by a guide dog this note was not noticed by the Manjal staff;
- Staff at the Manjal initially refused to accept your guide dog, however after checking restaurant policy your party were asked to sit in the waiting area whilst a suitable table was prepared for you;
- It took approximately 15 minutes to make the necessary arrangements for you, however upon returning to the waiting area you and your party had already left the restaurant;
- Using the number provided in the booking, your party were called to inform that the table was ready however as your party had already left the area they decided against return.

Secondly, as confirmed by your letter you have dined at the Manjal previously with no incident, which clearly demonstrates that there is no policy of discrimination and that this was just an isolated error. Nevertheless, management did realise an error had been made and as required by law reasonable adjustments were made for you. The delay in making the reasonable adjustments in advance were due to missing the notes on the booking.

As a gesture of goodwill, I would like to offer you and your colleagues Indy and Shobhna a complimentary dinner at the Manjal. Please confirm with me the date and time which you wish to dine, and I will make the necessary arrangements. The best way to communicate would be by telephone on [REDACTED]

Unfortunately, with a view of respecting the privacy of our clients and staff, as well as general compliance with data protection regulation, I am unable to provide you with CCTV footage as requested.

I hope the above address your concerns and look forward your confirmation of the date and time for the complimentary meal.

Yours sincerely

[REDACTED]

Naveen Bhandari
Health & Safety Office Manager

REF:
17835 - SP

DATE BOOKED: 30/08/2019
SURNAME: Ortega
POSTCODE: [REDACTED]
QUANTITY: 1



Handwritten in a circle:
AR 2937 7772 2GB
SD 1pm

[REDACTED]

J. ANGEL A. ORTEGA

Royal Mail
Specialdelivery
guaranteed by 1pm
next day

AR 2937 7772 2GB
SD 1pm

AR 2937 7772 2GB
SD 1pm

Lyca mobile
Return address:
3rd Floor, Waterloo, East 1st Flg,
195 Marshwall London, E14 9SG

Royal Mail
Redeliver on
SAT day / 31/8
Walk no: [Handwritten]
www.royalmail.com/redelivery

Delivered by
Royal Mail
28-08-19
1PM
100g

Appendix 3

**3 Turnberry Quay
London
E14 9RD**

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 13th December 2012



Part A - Format of premises licence

Premises licence number

16344

Part 1 - Premises details

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

3 Turnberry Quay

Post town

London

Post code

E14 9RD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Monday to Sunday from 12:00hrs (midday) to 23:30hrs

The provision of late night refreshment

- Monday to Sunday from 23:00hrs to 23:30hrs

The opening hours of the premises

- Monday to Sunday from 07:30hrs to 23:30hrs

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

Anglo Indian Beverage Ltd.
3rd Floor Walbrook Building
195 Marsh Wall
South Quay
London
E14 9SG

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

07965451

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

Vasanth Karuppusamy
[REDACTED]
[REDACTED]
[REDACTED]

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

Issuing Authority: [REDACTED]
Personal Licence Number: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

1.

- (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
 5. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted;
2. Alcohol only to be sold ancillary to a meal;
3. Prominent notices to be displayed on the premises requesting that customers respect the neighbourhood and vacate the premises quietly;
4. A service for customers to request taxis be ordered by members of staff at the restaurant to facilitate their swift and quiet departure;
5. A record of all refusals will be maintained and made available to Responsible Authorities upon request;
6. The premises will have a CCTV system with 22 cameras located throughout the premises, 17 indoor and 5 outdoor. The system will allow for up to 90 days recording and will be available to Responsible Authorities upon reasonable request.
7. All windows and doors to be closed from 23:00.
8. A Challenge 25 Scheme to be in operation, with a 'no ID, no sale' policy. Notices to be displayed regarding the Scheme. Only a PASS hologram, photographic driving licence or passport will be accepted as appropriate ID.

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

Not applicable

Annex 4 - Plans

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

3rd October 2012



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

16344

Premises details

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

3 Turnberry Quay

Post town

London

Post code

E14 9RD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Monday to Sunday from 12:00hrs (midday) to 23:30hrs

The provision of late night refreshment

- Monday to Sunday from 23:00hrs to 23:30hrs

The opening hours of the premises

Monday to Sunday from 07:30hrs to 23:30hrs

Name, (registered) address of holder of premises licence

Anglo Indian Beverage Ltd.
3rd Floor Walbrook Building
195 Marsh Wall
South Quay
London
E14 9SG

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

On sales only

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

07965451

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

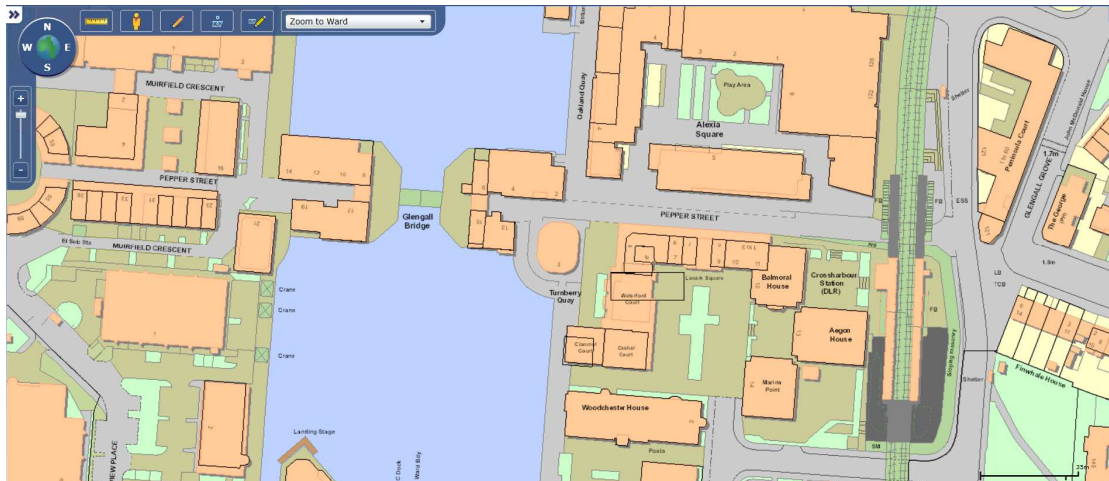
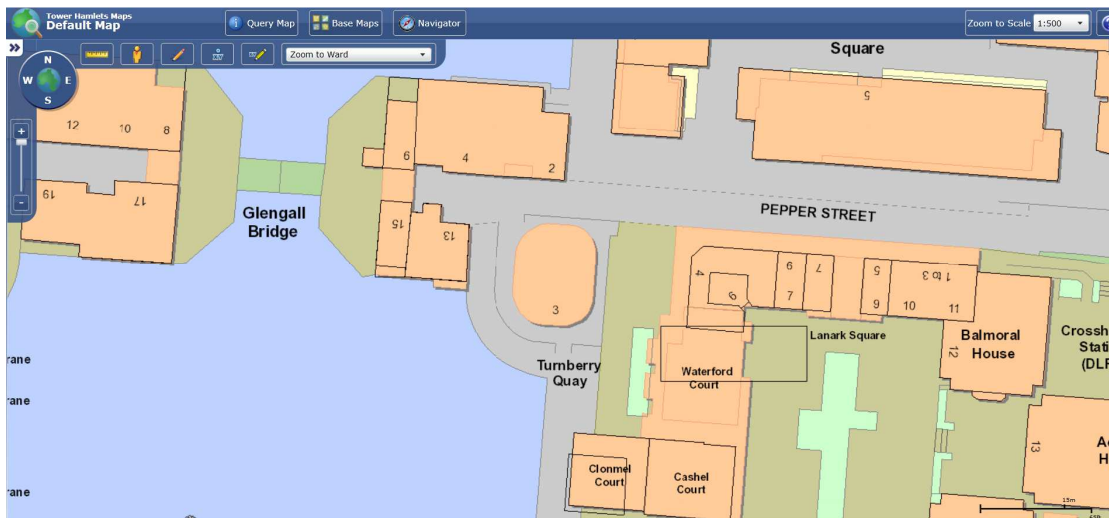
Vasanth Karuppusamy

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

No restrictions

Appendix 4

Manjal Restaurant - 3 Turnberry Quay



Appendix 5

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated 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.

11.28 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 the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 6

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

Updated April 2018

Crime and disorder

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

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

Appendix 7

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 8

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist 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.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 9

Public Safety

- 8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
- Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
 - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.

The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above.

- 8.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 8.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

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Agenda Item 4.2

Committee: Licensing Sub-Committee	Date 17 November 2020	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Mason & Printer) 67 Columbia Road, London E2 7RG Ward affected: Weavers
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1.0 Summary

Applicant: **Mason & Painter Ltd**

Name and Address of Premises: **Mason & Painter**
67 Columbia Road
London
E2 7RG

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

- **The sale by retail of alcohol (On and off sales)**

Representations: **Other Persons (both against and in support)**

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 (Mason & Printer) 67 Columbia Road, London E2 7RG.

3.2 The applicant has described the premises as follows:

“Mason & Painter is a vintage store, established in 2013 and located on Columbia Road, east London, home to the famous Sunday Flower Market. The shop forms part of an old upholstery workshop – once part of the booming furniture trade in Shoreditch, dating back to around 1880. Our carefully curated selection of stock mixes French vintage café furniture, homewares, mirrors, paintings and prints with industrial salvage, ceramics and plants.

In 2019 Mason & Painter was voted one of The Shopkeepers Best 10 Vintage & Antique Shops worldwide.

We intend to complement our offering with a selection of quality wines on tap, most of which are organic and vegan. The method is extremely sustainable reducing waste and allowing local customers the option of great quality wines at a reasonable price. We will also supplement the range with a small selection of quality wines by the bottle and craft beers. During the market we will supply an option of alcoholic and non-alcoholic spritz drinks by the glass in a veggie-ware (non plastic) cup and lid. The main trade will be for off trade with the occasional on trade events where the sale of alcohol for consumption on the premises shall only apply for private events including wine tasting purposes. There has been a strong following and positive feedback from the local community”

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

3.4 The applicant has reduced the times of licensable activities in consultation with the Licensing Authority (RA) as follows:-

The sale by retail of alcohol - On and off sales

- Monday to Thursday, from 15:00 hrs to 20:00 hrs
- Friday, from 15:00 hrs to 21:00 hrs
- Saturday, from 11:00 hrs to 21:00 hrs
- Sunday, from 10:00 hrs to 19:00 hrs

The opening hours of the premises

- Monday to Thursday, from 15:00 hrs to 20:00 hrs
- Friday, from 15:00 hrs to 21:00 hrs
- Saturday, from 11:00 hrs to 21:00 hrs
- Sunday, from 10:00 hrs to 19:00 hrs

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 1st November 2018.

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

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 **Representations**

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.

- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because a relevant representation against the premises have been made by the following:

Other persons (objectors)	Appendix
Adrian Heathfield	6
Alastair McPhee	7
Carol Budd	8
Christopher Want	9
Catherine Yass	10
Duncan Campbell	11
Julia Kuttner	12
Kate Evans	13
Kristin Perers	14
Linda Wilkinson	15
Nikki Collins	16
Nick Fiveash	17
Tanja van Oudtshoorn	18
Tony Tedore	19
William Taylor	20

- 6.9 In addition, relevant representation in support of the premises have been made by the following:

Other persons (supporters)	Appendix
John Moore	21
Jennifer Sheridan	22
Nick Bryan-Kinns	23
Ross Hutchison	24

- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)

- 6.11 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
- 6.12 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 public nuisance and the prevention of crime and disorder.
- 6.13 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.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule (as offered)

- 7.1 *Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.*
- 7.2 *The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.*
- 7.3 *All staff will be trained for UNDERAGE SALES PREVENTION regularly.*
- 7.4 *A register of refused sales shall be kept and maintained on the premises.*

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 Conditions agreed with the Licensing Authority (acting as a responsible authority). Please see **Appendix 25**:
- 8.1..1. *All sales of alcohol for consumption off the premises shall be in properly sealed containers only (not in any vessel for immediate consumption)*
- 8.1..2. *Wine on tap can only be sold by 75cl bottles as a minimum.*

8.1..3. *The bottles used for the refills are the licence holder's own Costolatas 75cl*

8.1..4. *Opening hours will be reduced to the following
Monday to Thursday 3pm to 8pm (Friday to 9pm)
Saturday 11am to 9pm
Sunday 10am to 7pm*

8.1..5. *Licence holder shall reduce the time of sale by the glass only at weekends and until 5pm*

8.1..6. *On-sale of alcohol is only for private events not for walk in customers.*

8.2 Conditions agreed with Met Police (Please see **Appendix 26**):

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

2. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*

3. *An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:*

- a) all crimes reported to the venue;*
- b) all ejections of patrons;*
- c) any complaints received concerning crime and disorder*
- d) any incidents of disorder;*
- e) all seizures of drugs or offensive weapons;*
- f) any faults in the CCTV system, searching equipment or scanning equipment;*
- g) any refusal of the sale of alcohol;*
- h) any visit by a relevant authority or emergency service.*

4. *In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:*

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;*
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;*
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and*
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.*

8.3 The Environmental Health Noise Team have commented as follows (Please see **Appendix 27**):

I have no objections to the new premises license application for Mason & Painter 67 Columbia Road, London, ref 130673, following confirmation from the applicant (see email trail) as follows:

1. They don't play music and don't have loudspeakers, record players or radios on the premises and you have assured that no loud noises or music will be played in or outside the shop.

2. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

8.4 Following the representations received, the applicant has responded to the concerns. The applicant's response is included in **Appendix 28**.

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 29 - 35** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the current application
Appendix 2	Site Plan
Appendix 3	Maps and photos of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendices 6-20	Representations of against the premises
Appendices 21-24	Representations in support of the premises
Appendix 25	Conditions agreed with Licensing Authority (RA)
Appendix 26	Conditions agreed with Police
Appendix 27	Conditions agreed with EH Noise Team
Appendix 28	Applicant's supporting documents
Appendix 29	Licensing Officer comments on noise while the premise is in use
Appendix 30	Licensing Officer comments on access/egress Problems
Appendix 31	Licensing Officer comments on crime and disorder on the premises
Appendix 32	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 33	Planning
Appendix 34	Licensing Policy relating to hours of trading

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Appendix 1

Section 1 of 21

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

System reference 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 private individual acting as an agent

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

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 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="67"/>
Street	<input type="text" value="Columbia Road"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E2 7RG"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value=""/>
Non-domestic rateable value of premises (£)	<input type="text" value="20,750"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

Telephone number

Other telephone number

* Date of birth

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

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

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

Provide a general description of the premises

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

Mason & Painter is a vintage store, established in 2013 and located on Columbia Road, east London, home to the famous Sunday Flower Market. The shop forms part of an old upholstery workshop – once part of the booming furniture trade in Shoreditch, dating back to around 1880. Our carefully curated selection of stock mixes French vintage café furniture, homewares, mirrors, paintings and prints with industrial salvage, ceramics and plants. In 2019 Mason & Painter was voted one of The Shopper's 100 10 Vintage & Antique Shops worldwide.

Continued from previous page...

We intend to complement our offering with a selection of quality wines on tap, most of which are organic and vegan. The method is extremely sustainable reducing waste and allowing local customers the option of great quality wines at a reasonable price. We will also supplement the range with a small selection of quality wines by the bottle and craft beers. During the market we will supply an option of alcoholic and non alcoholic spritz drinks by the glass in a veggie-ware (non plastic) cup and lid.

The main trade will be for off trade with the occasional on trade events where the sale of alcohol for consumption on the premises shall only apply for private events including wine tasting purposes. There has been a strong following and positive feedback from the local community.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

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

[See guidance on regulated entertainment](#)

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

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

None

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

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

None

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

Name

First name

Family name

Date of birth
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

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

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

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:30"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

None

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

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

None

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LICENSING OBJECTIVES

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

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

Continued from previous page...

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

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

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises. The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. Digital images will be kept for 31 days.
3. Police will have access to images at any reasonable time.
4. The equipment will have a suitable export method, e.g. CD/DVD/USB-stick, so that the police can make an evidential copy of the data they require. Copies will be made available to Police on request.

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

DECLARATION

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

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

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

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

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

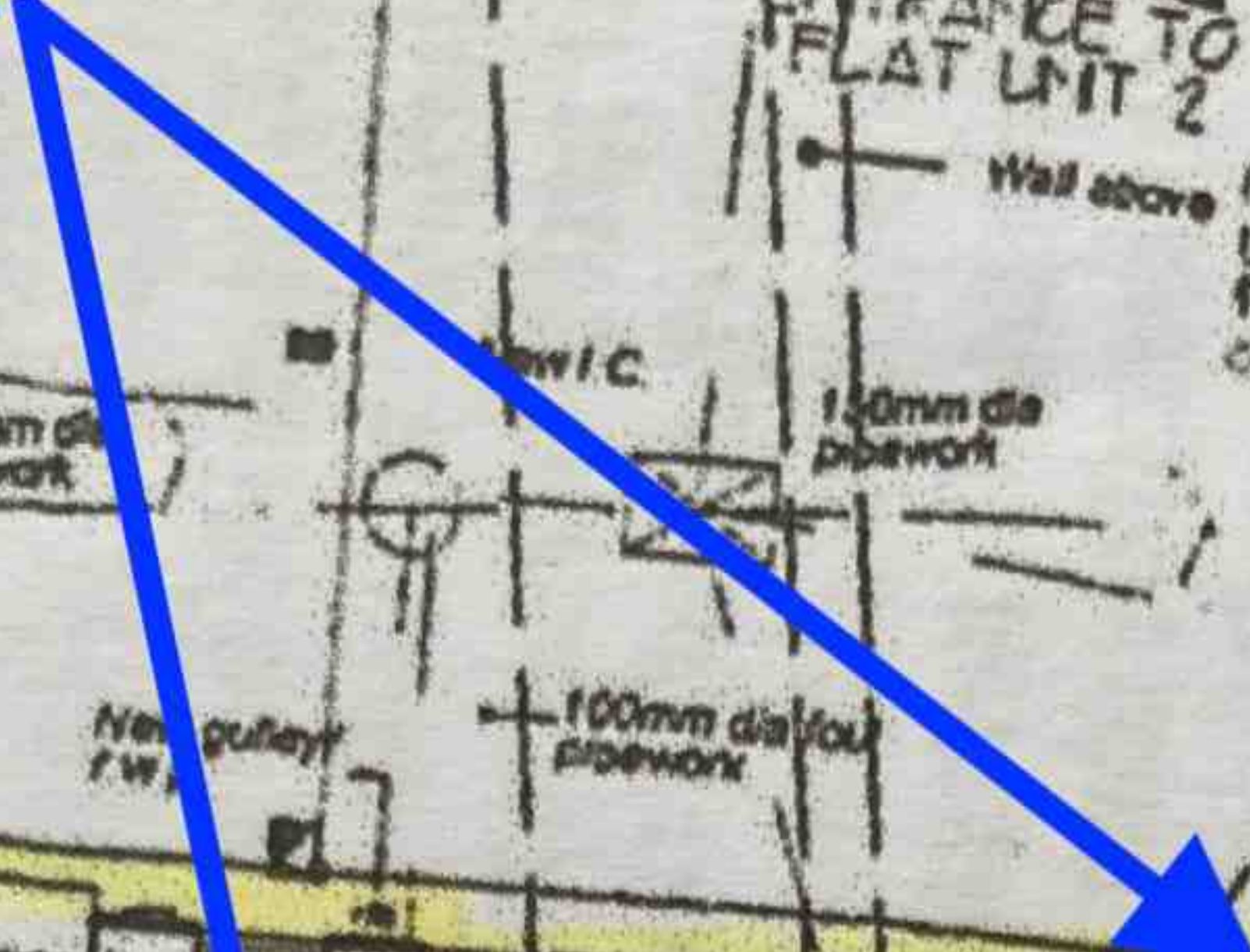
OFFICE USE ONLY

Applicant reference number	<input type="text" value="Mason & Painter"/>
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"/>
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Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

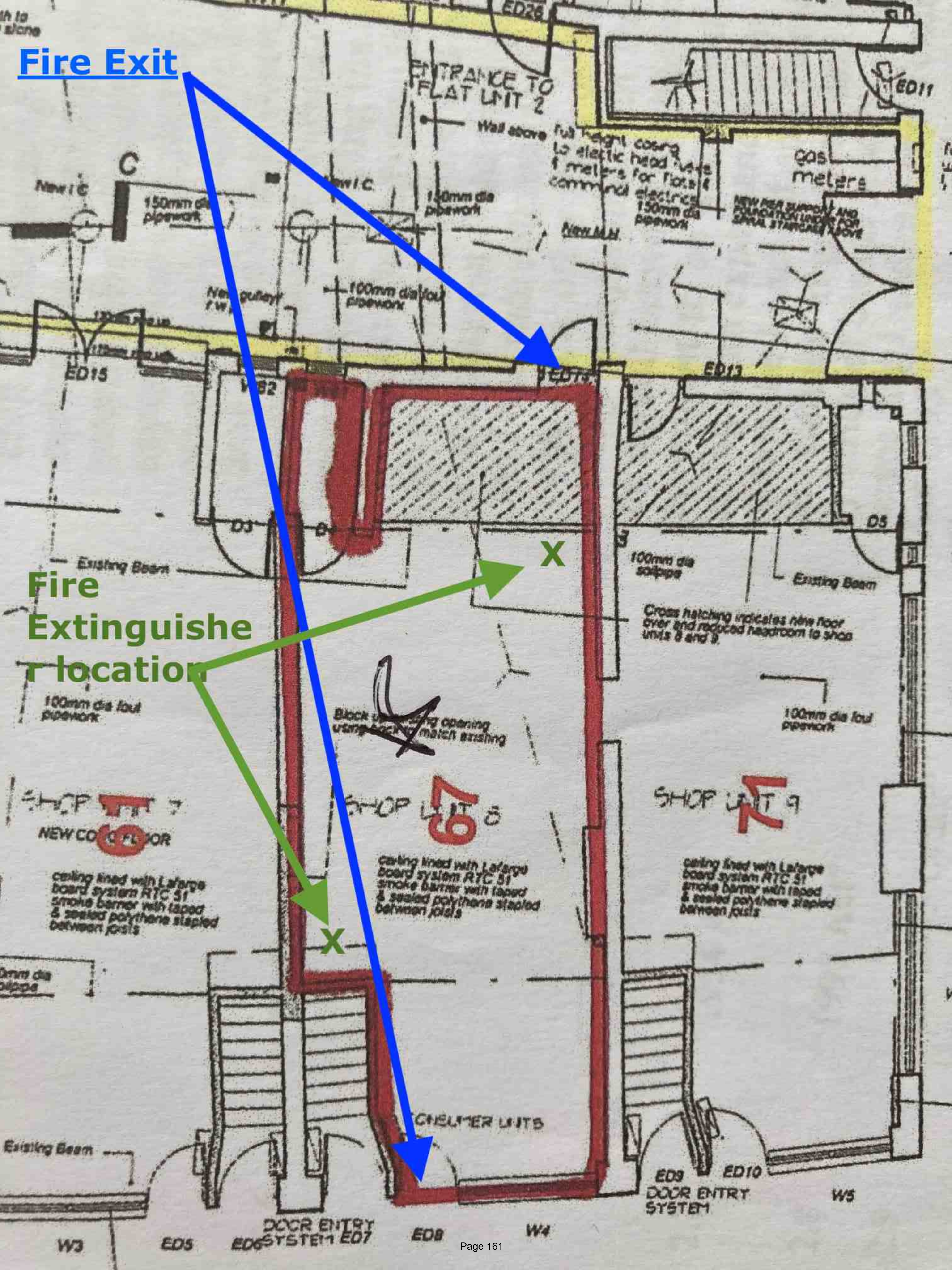
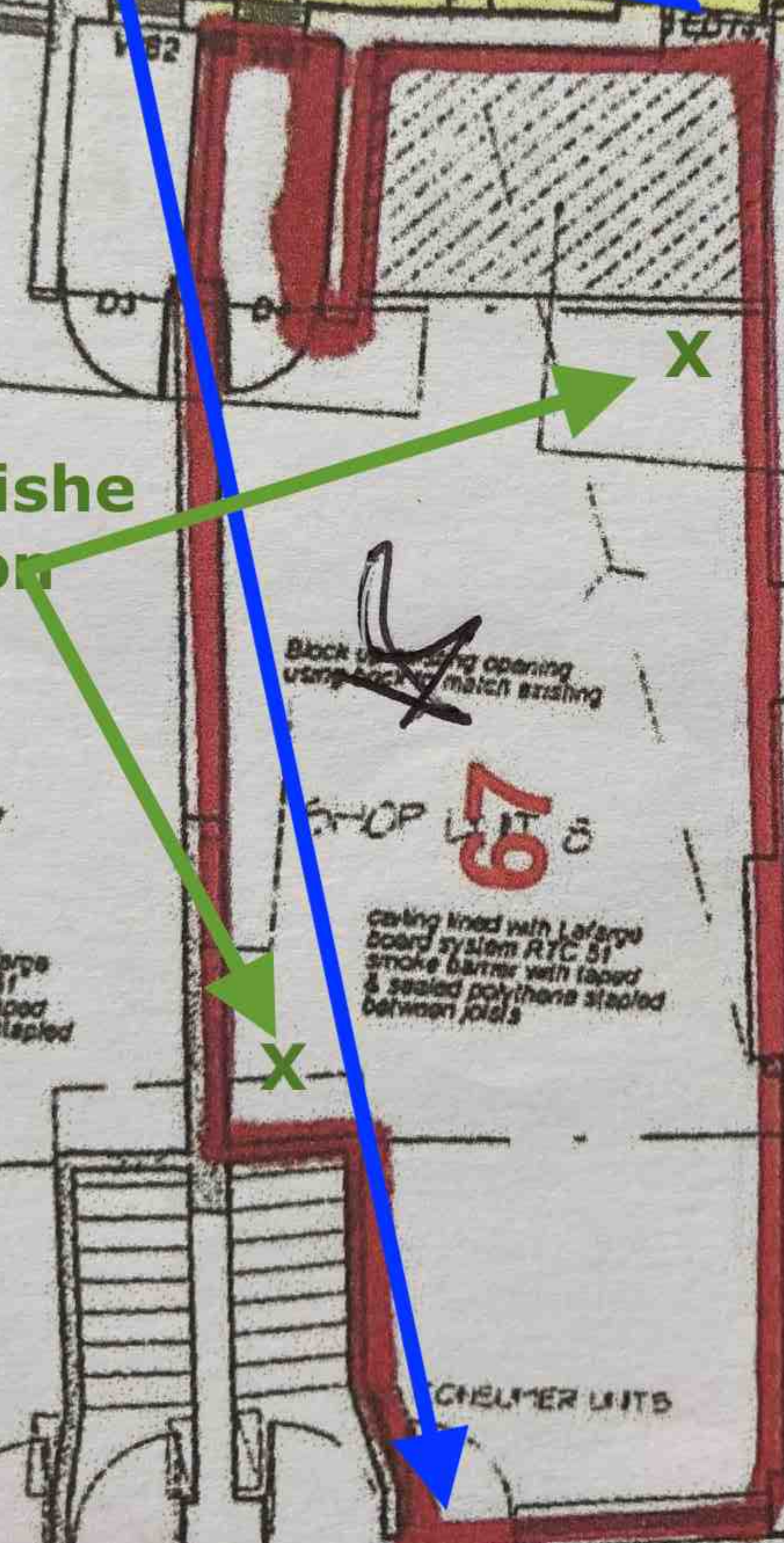
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2

Fire Exit



Fire Extinguisher location



Appendix 3



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67 Columbia Road – Pictures of the premises





Appendix 4

67 Columbia Road - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>(The Royal Oak) 73 Columbia Road London E2 7RG</p>	<p>Supply of Alcohol (On and off sales) Monday to Thursday 10 00 hrs to 23 00 HRS Friday to Saturday 10 00 hrs to midnight Sunday 08 00 hrs to 23 00 hrs</p> <p>Late Night Refreshment Friday and Saturday to midnight</p> <p>Regulated Entertainment consisting of film, (film or video for race nights) indoor sporting events, live music recorded music, dance, (or anything of a similar description) Monday to Saturday 10 00 hrs to 22 30 hrs Sunday 08 00 hrs to 22 30 hrs</p>	<p>Monday to Thursday 10 00 hrs to 0030 hrs Friday and Saturday 10 00 hrs to 01 30 hrs Sunday 08 00 hrs to 00 30 hrs</p> <p>For all regulated activities Also on a maximum of 12 events per year until 01 00 hrs, with seven days notice in writing to the Metropolitan Police and the Licensing Section, with the Police exercising an absolute veto.</p>
<p>(Stringray Globe Cafe) 109 Columbia Road London E2 7RL</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. (On and off supplies) In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day</p>
<p>(Brawn) 49 Columbia Road London E2 7RG</p>	<p>Regulated Entertainment (Plays, Recorded Music, Live Music, Performance of Dance, Entertainment of a similar description) Monday to Saturday – 9am to 0.30am</p> <p>Sunday – 12midday to 10.30pm (Films) Monday to Saturday – 9am to 0.30am Sunday – 12midday to 00.30am</p>	<p>Monday to Saturday – 9am to 0.30am Sunday – 8am to 00.30am On Christmas Eve and New Years Eve, the premises shall be open between 9am (8 am if on Sunday) and 1am.</p>

67 Columbia Road - Nearest licences

	<p>Supply by retail of alcohol On and off supplies (off sales subject to conditions 1-3 of the licence) Monday to Saturday – 11am to 0.30am Sunday – 12midday to 10.30pm</p> <p>Late night refreshment Monday to Saturday – 11pm to 0.30am</p>	
<p>(Londis) 88-90 Columbia Road London E2 7QB</p>	<p><u>Sale of Alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 0800hrs to 23:30hrs • Friday and Saturday from 08:00hrs to 00:00hrs (midnight) • Sunday from 08:00hrs to 22:30hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 08:00hrs to 01:00hrs (the following day)
<p>(The Birdcage) 80 Columbia Road London E2 7QB</p>	<p><u>Sale of Alcohol (On and Off Sales)</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 10:00hrs to 01:00hrs (the following day) • Sunday from 08:00hrs to 01:00hrs (the following day) <p><u>The Provision of Late Night Refreshment (indoors):</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 23:00hrs to 01:00hrs (the following day) <p><u>The Provision of Regulated Entertainment in the form of Films (indoors):</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 07:00hrs to 01:00hrs (the following day) <p><u>The Provision of Regulated Entertainment in the form of Live Music and Recorded Music (indoors):</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 10:00hrs to 01:00hrs (the following day) • Sunday from 08:00hrs to 01:00hrs (the following day) <p><u>Non-standard times:</u></p> <ul style="list-style-type: none"> • From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day • An additional hour to the standard and non-standard times on the day when British Summertime commences 	<ul style="list-style-type: none"> • Monday to Sunday from 07:00hrs to 01:30hrs (the following day) <p><u>Non-standard times:</u></p> <ul style="list-style-type: none"> • From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day • An additional hour to the standard and non-standard times on the day when British Summertime commences

67 Columbia Road - Nearest licences

<p>(A Portuguese Love Affair) 142 Columbia Road London E2 7RG</p>	<p>The sale by retail of alcohol (Off sales only)</p> <ul style="list-style-type: none"> • Tuesday to Friday, from 11:00 hours to 19:00 hours • Saturday and Sunday, from 11:00 hours to 17:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • From November to December 20:00 hours on Wednesdays and Sundays 	<ul style="list-style-type: none"> • Tuesday to Friday, from 11:00 hours to 19:00 hours • Saturday, from 11:00 hours to 17:00 hours • Sunday, from 09:00 hours to 17:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • From November to December 20:00 hours on Wednesdays and Sundays.
<p>110 – 112 Columbia Road London E2 7RG</p>	<p>Sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 10:00 hours to 23:00 hours • Sunday, from 09:00 hrs to 22:00 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 10:00 hours to 23:00 hours • Sunday, from 09:00 hrs to 22:00 hours
<p>(Laxeiro Tapas Bar) 93 Columbia Road London E2 7RG</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. (On and off sales (off sales subject to conditions 1-4)) In this condition, permitted hours means:</p> <p>On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12 midnight</p> <p>For conditions relating to times for restaurants see Mandatory Conditions</p>	<p>On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12.30 midnight</p>
<p>(Jones Dairy) 23 Ezra Street London E2 7RH</p>	<p><u>The sale by retail of alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 09:00hrs to 23:00hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 09:00hrs to 23:00hrs
<p>(Degustation) 21a Ezra Street London E2 7RH</p>	<p><u>Sale of alcohol (On and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Friday 09:00 hours – 21:00 hours • Saturday & Sunday 09:00 hours – 20:00 hours 	<ul style="list-style-type: none"> • Monday to Friday 09:00 hours – 21:00 hours • Saturday & Sunday 09:00 hours – 20:00 hours
<p>(Iberian Connections) 2-10 Ezra Street London E2 7RH</p>	<p><u>Sale of Alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> • Sunday 08:00 hours to 15:00 hours 	<ul style="list-style-type: none"> • Sunday 08:00 hours to 15:00 hours

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

Appendix 6

Mohshin Ali

From: Licensing
Sent: 04 September 2020 13:14
To: Mohshin Ali
Subject: FW: Objection to 67 Columbia Road, E2 (formerly Mason and Painter) License Sunday to Thursday 10:00 – 22:00 and Friday and Saturday 10:00 to 23:00

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

From: Adrian Heathfield [REDACTED]
Sent: 04 September 2020 12:55
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection to 67 Columbia Road, E2 (formerly Mason and Painter) License Sunday to Thursday 10:00 – 22:00 and Friday and Saturday 10:00 to 23:00

Dear Licensing Committee Members

I live on [REDACTED] just along Ravenscroft Street and close to Columbia Road.

I'd like to strongly object to yet another application to sell alcohol throughout the day and late into the night in my area.

Committee members will be aware that this is one of a series of recent licence requests in a very small area around Columbia Road market already saturated with alcohol licenses.

Local businesses seem intent on using the appeal of the market to turn this residential area into a street drinking and partying location. We already have a very high concentration of alcohol serving businesses within the space of a few hundred yards: Birdcage, Royal Oak, Nelson's Head, Stingray, Brawn, Campania, Printers & Stationers.

My neighbours and I are deeply concerned about the increased noise and anti-social behaviour around our streets and in Ravenscroft Park as a consequence of existing licenses.

This has long been an issue for residents. But a recent upsurge in street drinking is causing numerous social disputes between residents and party-makers. It is also closely associated with an expanded scene of drug dealing and associated anti-social behaviour (an ongoing problem that residents have been working with the police on for years).

I urge you to reject this application which will only intensify tensions between residents and these business owners, escalating anti-social behaviour in the area and police complaints and call outs.

But I would also strongly ask that this committee seeks to take whatever further measures it can within its powers to stop the transformation of this area into an intensive drinking hub.

This is a residential area and business owners seem to have little understanding, care or control over the consequences of their licences.

There needs to be a concerted shift in attitude to prevent a further decay of civil social conditions in our neighbourhood and the licensing committee and local councillors need to play an active role in this regard.

Yours faithfully,
Adrian

Adrian Heathfield
[REDACTED]

Appendix 7

Mohshin Ali

From: Licensing
Sent: 03 September 2020 13:00
To: Mohshin Ali
Subject: FW: 67 Columbia Road E2 - Licence Application - Maison & Painter

Follow Up Flag: Follow up
Flag Status: Flagged

fyi

From: Alastair McPhee [REDACTED]
Sent: 02 September 2020 11:20
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: 67 Columbia Road E2 - Licence Application - Maison & Painter

Subject: 67 Columbia Road E2 - Licence Application - Maison & Painter

I am writing to **object** to the granting of an off licence to the above premises on Columbia Road.

As a resident of [REDACTED] I have seen increasing anti-social behaviour on our street, loud, drunken shouting late at night and the street littered with rubbish the following morning. This has come from the existing bars, restaurants and off licences in the area. Please see list of premises selling alcohol below:

The Royal Oak

Painters & Stationers

Campania

Stingray Globe

The Birdcage

The Flower Supermarket

Brawn

There is also a pending and under review application from Brawn to extend their hours even further, which I have also objected to for the same reasons.

Although Columbia Road is lined with shops, there are residential premises above each one.

I can think of no other residential street that has this many premises selling alcohol on it.

Every morning we have to navigate the street littered with discarded bottles, cans, vomit and rubbish. It's very unfair to the residents.

The rubbish and mess are also left in the nearby park where people who buy the alcohol often go to consume it. The park is also left in a terrible mess with drunken groups of people, often causing disturbances at night. This makes it extremely unpleasant for any local resident using the park or trying to walk their dogs.

I am not in favour of this licence application.

I understand that the consultation ends on 20/9/20.

Thank you for your consideration.

Alastair McPhee

[REDACTED]

[REDACTED]

Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 27 August 2020 18:16
To: Kathy Driver; Corinne Holland; Lavine Miller-Johnson; Ibrahim Hussain
Subject: FW: Licensing Application 67 Columbia Rd

To case officer

From: C Budd [REDACTED]
Sent: 27 August 2020 11:46
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing Application 67 Columbia Rd

Dear Licensing Dept,

I violently object to the licensing application for 67 Columbia Rd.
We already have a number of licensed premises on Columbia Rd and Ezra Street
I live on Barnet Grove near Columbia Rd.

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

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

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

We have repeatedly raised the issue of street drinking on Ezra Street which will be exacerbated by yet another licensed premise on the corner of Columbia Rd and Ezra St.
We do not need or want our entire street turned into a party destination. It is a residential area and should be respected as such.
The Council needs to work with residents to have a coherent plan for licensing premises in the area, preferably no new licenses should be granted.
A meeting last year was attended by 67 residents who are concerned about the issues of noise and street drinking but there has been no apparent action by either the Council or police.
Liveable Streets pocket parks especially outside the Birdcage pub will only exacerbate street drinking, noise and drug usage in this area.

Carol Budd

Mohshin Ali

From: Carol Budd [REDACTED] >
Sent: 11 September 2020 11:26
To: Licensing
Subject: Has this license been granted as they are trading?

Follow Up Flag: Follow up
Flag Status: Completed

Michael started a new topic [NOW OPEN! Borough Wines on Columbia Road \(inside Mason & Painter\)](#) on the JHERA [Message board](#):

The lovely Emily is now running her nice little Borough Wines pop-up inside Mason & Painter on Columbia Road next to Milagros.

4-9 Thursday and Friday
12-8 Saturday and Sunday

Recommended! M

Appendix 9

Kathy Driver

From: Christopher Kul Want [REDACTED]
Sent: 28 August 2020 12:36
To: Licensing
Subject: Objection, license application 67 Columbia Rd

Dear Licensing Dept,

I strongly object to the licensing application for 67 Columbia Rd (formerly Maison and Painter).

As you are aware Columbia road and the surrounding area is a residential area (obviously businesses are situated in the area, but it is *primarily* a residential area with local facilities; it is *not* central Shoreditch). And yet, the number of licenses for the sale of alcohol in or near this area - eleven in all at the last count - presently far outstrips this residential status; presently, there are 8 licenses for on and off sales in the immediate area and 3 Off licenses:

1. The Royal Oak (corner Columbia road and Ezra street): On and Off Sales
2. Braun (corner Columbia road and Ravenscroft Street): Currently applying for an Off License on top of On License
3. Birdcage (Columbia road): On sales
4. Printers and Stationers (Ezra Street): On and Off sales
5. Campania (Ezra Street): On and Off sales
6. Stringray Globe (Ezra Street): On and Off sales
7. Nelsons Head (Shipton Street): On and Off Sales
8. Flowers Supermarket (Columbia Road): Off-license
9. Co-op (Hackney Road): Off license
10. Sainburys (Hackney Road) Off License.
11. Clutch Restaurant (Ravenscroft Street): On sales

As a consequence of these licensed premises (which to reiterate are already far too numerous for such a local area), there are many problems with excessive noise from people drinking in the streets and parks in the area that has increased alarmingly in recent months. This has been exacerbated by the Covid restrictions on indoor drinking. It has been particularly disturbing for local residents surrounding Ravenscroft park (which note is very near to 67 Columbia road) with many drinkers gathering in this park in the evenings (please note that this park is largely designed as a playground for children with their families!). Unfortunately, drinkers do not disperse at closing time but continue to make excessive noise and disturbance into the early hours of the morning, especially at week-ends.

It is for the reasons above that I object to the issue of a further alcohol license in this area.

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

Christo her Want
[REDACTED]

Appendix 10

Kathy Driver

From: catherine yass [REDACTED] >
Sent: 29 August 2020 00:26
To: Licensing
Subject: Maison and Painter

Dear Licensing

I am writing to object to the application for a licence to sell alcohol for Maison and Painter.

I live in [REDACTED], but can hear the noise from local pubs and cafes such as the Royal Oak. This is a residential area and it should not be overrun by noise or too many people. The licence won't only attract people to this one venue, it will add to the increasing growth of cafes and pubs, bringing in more and more people to a once quiet few streets.

This destroys the local character of the neighbourhood turning it into yet another anonymous entertainment area and alienating local residents. It also makes it easier to deal drugs which are a real and continuing problem.

Now with social distancing being a requirement it is more urgent than ever to keep the area from getting overcrowded. It is not fair to expose residents to more than necessary risk of Covid-19. I have a daughter with a disability and if she gets Covid-19 it could be really serious. She is not alone in this, we have several elderly neighbours, some with disabilities.

I ask you not to extend licences for selling alcohol in this area. No doubt it is financially good for the council but please do not sacrifice the residents who you represent; please don't let us down.

Best wishes

Catherine

Catherine Yass
[REDACTED]

Appendix 11

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 27 August 2020 18:14
To: Kathy Driver; Corinne Holland; Lavine Miller-Johnson; Ibrahim Hussain
Subject: FW: Licensing application for 67 Columbia Road E2

To case officer

From: Duncan Campbell [REDACTED]
Sent: 27 August 2020 16:27
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing application for 67 Columbia Road E2

Dear Sir/Madam,

An application has been made on behalf of 67 Columbia Road, E2 (formerly Mason and Painter) for the sale of alcohol on and off the premises from Sunday to Thursday 10:00 – 22:00 and Friday and Saturday 10:00 to 23:00.

We very strongly object to the granting of this license. We live on the corner of Ravenscroft Street and Ezra Street (E2 7RP) and we already suffer from an excess of drinking establishments and sales of alcohol in what is a residential area. The granting of another license to an establishment just around the corner from Ezra Street would seriously exacerbate the existing problems.

There is no shortage of places to drink and eat in this very small area. The Royal Oak, the Birdcage, Campania, Stingray, Printers and Stationers and Brawn all serve drinks on and off the premises within a distance of less than 100 metres of each other and all of these establishments now serve drinks outside sometimes until 10 or 11 at night. This means that in the evenings there is already a lot of street drinking with the added problems of noise, leaving litter, urinating in the street and the noise of Uber cars arriving to pick up drinkers. This has been made worse, understandably, by Covid-19 which has led to large gatherings both on Ezra Street and in Ravenscroft Park.

Many local residents will not have seen this application and would dread the thought of yet another drinking establishment on the street and we would urge you to contact local neighbourhood groups about it and get their views. We have already seen how some areas of Hackney/Shoreditch have been turned into uninhabitable places because so many drinkers arrive and hang around on the streets making a noise, leaving disruption in their wake and making extra work for hard-pressed anti-social behaviour teams. The various establishments currently selling alcohol in our area tend to blame the street drinking on each other but the residents have to live with the disruption in what used to be, until a very few years ago, a tolerant, relaxed and reasonably quiet neighbourhood. We already have a resurgence of the drug-dealing problem on Ravenscroft Street and more street drinking at night would just add to this.

I do appreciate that the council needs revenue from different sources in very difficult times but granting this license would be at the expense of many local residents' wishes and seriously damage the neighbourhood. We urge you very strongly to reject this application.

Duncan Campbell

Appendix 12

Kathy Driver

From: julia Kuttner [REDACTED] >
Sent: 28 August 2020 15:10
To: Licensing
Cc: julia Kuttner
Subject: Re: New drink license application

On Fri, 28 Aug 2020 at 14:57, julia Kuttner [REDACTED] > wrote:

FAO the Licensing Dept,

I am writing to the licensing application for [67 Columbia Rd.](#)

We already have a number of licensed

premises on Columbia Rd and Ezra Street
I live on [REDACTED].

Columbia Rd is already is a lively destination area with several pubs, restaurants and off-licenses in the area There are several licenses for on and off sales in the immediate area and 3

Off licenses.

-

There are many problems with excessive noise and fouling from people drinking in the streets and parks, excessive litter, hazardous glass bottles etc .

This has been exacerbated by the Covid restrictions on indoor drinking.

The council have been made aware of the problems of street drinking on Ezra Street and fouling in the parks and a further licensed premise on the corner of Columbia Rd / Ezra Street could just add to anti social problems .

We do not need or want our neighbourhood turned into a party destination. It is a residential area and should be

respected as such. The waste collections and mess already made is an environmental hazard And encouraging the existing business to be vigilant about mess and broken glass hazards etc would be really helpful And perhaps a condition of license.

What would be nice would be to have a business idea not aimed at pedalling more alcohol - one the countries biggest killers and have something that benefits both the business owner and the neighbourhood.

The Council needs to work with residents to have a coherent plan for licensing premises. A meeting last year was attended by 60 plus residents

who are concerned about the issues of noise and street drinking but there has been no apparent action by either the Council nor police.
The impending threat of the appalling and democratic designs Liveable Streets pocket parks especially outside the Birdcage pub would only exacerbate street drinking, noise and drug usage in this area.

The Met Police are stretched enough, aren't available for keeping us safe at high risk times and to allow another place to pedalling alcohol is unlikely to make the area safer .

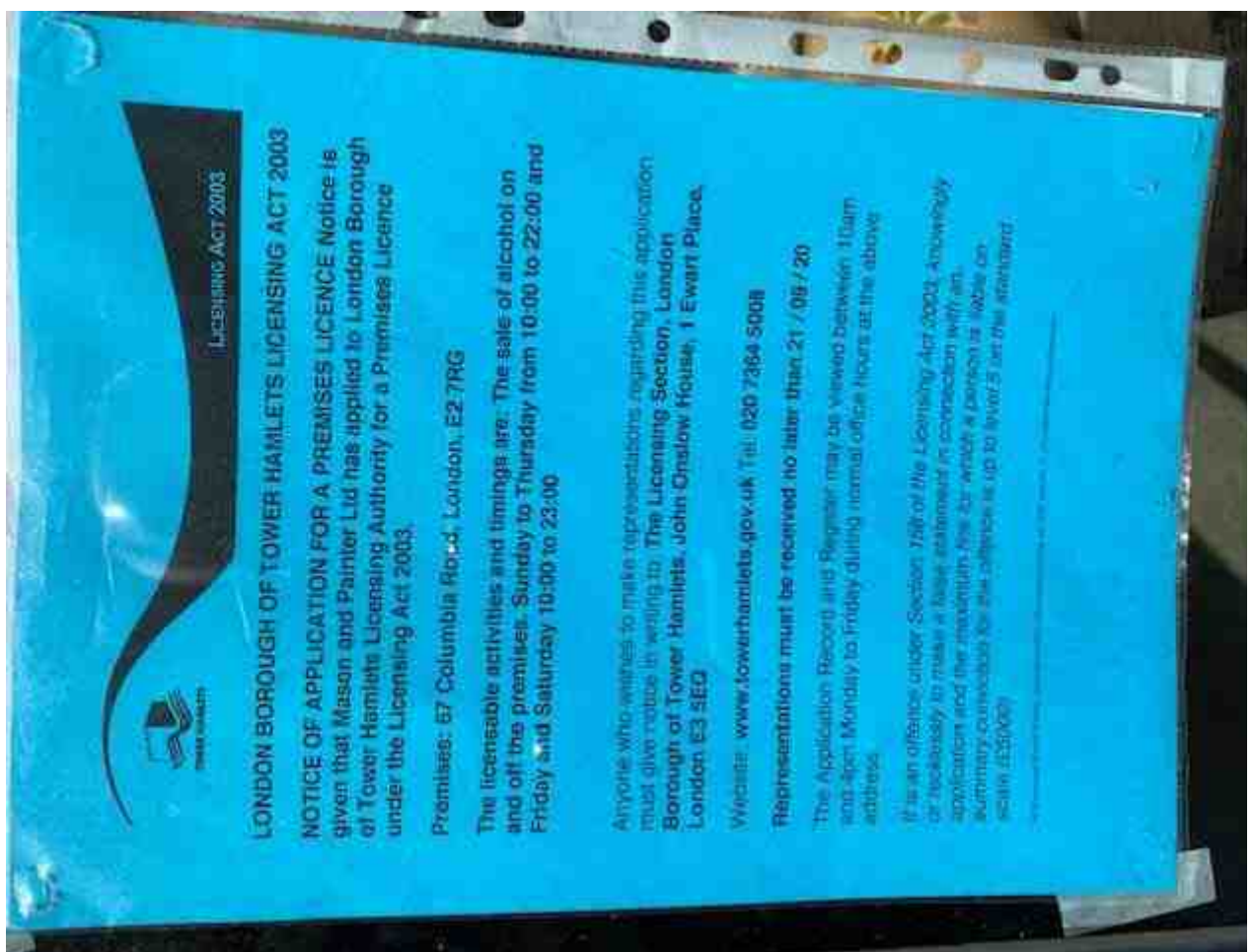
If Liveable Streets progresses against the majority of residents' wishes in the neighbourhood we will become a gated booze zone where emergency services will struggle to reach people in moments of life and death - the area will become a theme park attracting a bigger wave of drinkers wobbling onto the bikes, cycling on the pavement and the wrong way along narrow one way streets , not wearing safety hi vis clothing and so often without lights - throwing rubbish onto our streets.

We need police first .

People actually live here , it isn't a Victorian model village or a toy town .
If you don't believe me please come for a site visit .

Thank you .

Julia



Appendix 13

Mohshin Ali

From: Kate Evans [REDACTED] >
Sent: 01 September 2020 17:45
To: Licensing
Subject: 67 Columbia Road E2 - Licence Application - Maison & Painter

Follow Up Flag: Follow up
Flag Status: Completed

I am writing to **object** to the granting of an off licence to the above premises on Columbia Road.

As a resident at [REDACTED] we have seen increasing disturbance, debris & detritus left in the area over the past few months from the existing premises that already have off licences and which include The Royal Oak, Painters & Stationers, Campania, Stingray Globe, The Birdcage & The Flower Supermarket as well as the pending and under review application from Brawn (which I also do not support for the same reasons)

For a small largely residential street I feel there are enough existing off licences. Everyone seems to forget that people live in the flats above the shops on this road and assume it is largely commercial but it is not. If this was a road of houses only would you not consider 6 off licences in one street to be excessive ?

The debris left in the parks from discarded bottles & beer cans is unpleasant, overflowing and dangerous to our pets.

The noise from those drinking on the street outside the premises or taking the drinks into the parks often causes a disturbance at night, and is another reason I would not be in favour of this licence application.

I understand that the consultation ends on 20/9/20.

Thank you

Kate Evans
[REDACTED]
[REDACTED]

Appendix 14

Mohshin Ali

From: kristin perers <[REDACTED]>
Sent: 19 September 2020 19:26
To: Licensing
Subject: Objection 67 Columbia Road

Follow Up Flag: Follow up
Flag Status: Completed

Tower Hamlets Licensing

John Onslow House
1 Ewart Place
London E3 5EQ

To Whom it May Concern,

I am writing regarding the application from Mason & Painter at 67 Columbia Road E2 7RG for a license to sell on and off sales of alcohol. I own the residential property directly next door at 69 Columbia Road and am writing to object to this application for the following reasons:

1) Currently the shop is a vintage furniture shop where the opening hours are three days a week, Friday & Saturday 11am- 5pm, Sunday 8:30am – 5 pm. The application changes the use from a shop to that of a bar with extended hours for on and off sales of alcohol 7 days a week and into the late evening. From 10am - 10pm Sun – Thurs, 10 am – 11pm Friday and Saturday. This is not only a change of opening times it is a significant change of use.

2) The area already suffers badly from the damaging effects of noise pollution and ASB from street drinking. The addition of another drinking venue, especially at this particular corner so close to the Royal Oak Pub would further exacerbate this ongoing problem and cause further public nuisance. Please see map below illustrating the problem to the best of my knowledge.

3) The instillation of a 'comprehensive CCTV coverage' in order to prevent crime and disorder on both entrance and exits shows clearly the significant change of use from a shop selling vintage home goods to a drinking venue. This is out of place on a residential street.

4) The shop has two entrances open on Sunday, The main entrance on Columbia Road and one into the interior residential Ezra Street courtyard. It is unclear if the Ezra Street courtyard will then become open to the public all week as it is listed as a fire exit? It would seem to me to render the residential block more vulnerable and raise a crime and disorder concern.

5) This is close-knit residential housing and residents are generally on good terms with the shops below – they have to be as the intimate architecture requires it. Noise travels through the floorboards (which are uninsulated) and walls easily. I urge the licensing committee to consider the significant change this would make to the quality of life in the residential properties, particularly those living above and adjacent.

6) There are ten licensed premises in the immediate area, with two further applications pending. The area has historically been a balance of residential and commercial, with the commercial based around

the Columbia Road Flower Market. The escalation of more drinking venues open all week would further erode this area as a residential community and residents right to a quiet home life.

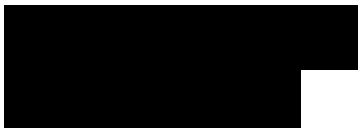
7) I have been in contact with the applicant and although she has expressed she may not use the full powers of this license (for instance only having late night events as scheduled) there is nothing in the application that reflects this and protects residents from the shop turning into a full time drinking venue to the full extent of the licensed hours being sought. I have no objection to her seeking the occasional temporary events notice (ten).

I understand the pressure small shops are under during this time of Covid. I also consider the applicant to be friend and want to see her business thrive. However, given the nature of this licence application, I urge the committee to reject it for the reasons stated.



Kind Regards,

Kristin Perers



Appendix 15

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 27 August 2020 18:14
To: Kathy Driver; Corinne Holland; Lavine Miller-Johnson; Ibrahim Hussain
Subject: FW: 67 Columbia Rd

To case officer

From: Linda Wilkinson [REDACTED]
Sent: 27 August 2020 17:16
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject:

Dear Licensing Dept,

I am the Chair of the JHERA residents association which represents 418 households and shops in and around Columbia Road. You may be aware that we had a meeting before lockdown to discuss many issues around ASB arising from Alcohol consumption on our streets.

I am copying the email from Carol Budd, with whom I concur wholeheartedly.

Linda Wilkinson

I violently object to the licensing application for 67 Columbia Rd.

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

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

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

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

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

We do not need or want our entire street turned into a party destination. It is a residential area and should be respected as such. The Council needs to work with residents to have a coherent plan for licensing premises. A meeting last year was attended by 67 residents who are concerned about the issues of noise and street drinking but there has been no apparent action by either the Council or police.

Liveable Streets pocket parks especially outside the Birdcage pub will only exacerbate street drinking, noise and drug usage in this area.

Linda Wilkinson

Appendix 16

Mohshin Ali

From: Licensing
Sent: 21 September 2020 16:59
To: Mohshin Ali
Subject: FW: Application for License by Mason & Painter, 67 Columbia Road, E2

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: Mac [REDACTED] >
Sent: 21 September 2020 16:08
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Application for License by Mason & Painter, 67 Columbia Road, E2

Dear Sir/Madam,

I am objecting to the application by the above premises on the following grounds of public safety and public nuisance. The pavement outside the premises is very narrow and people queueing and drinking outside the premises would force other pavement users out into the street. The area is already congested on a Sunday due to the market being in force, and this would add to the congestion.

On other week days, many residents would argue that there is an increasing problem in the area of anti social behaviour, rubbish and noise disturbance, due to more off sales and drinking in the street and small parks in the Columbia Road vicinity. The level of noise is a frequent problem due to the narrow streets here, so the sound reverberates for quite a distance. In addition, the amount of debris from take away food containers, bottles, disposable cups etc in Ravenscroft Park, Ion Square and Jesus Green is huge and a potential danger to children and other park users, as well as being unsightly.

We have many excellent bars, pubs and restaurants in our area which are extremely well run, but we have reached saturation point. The granting of additional licenses would undermine those established businesses which are struggling to survive in the current situation - they need our support and not more competition.

I would ask you to refuse the application.

Yours faithfully,
Nikki Collins

[REDACTED]

Appendix 17



Thursday 27th August 2020

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

Dear Licensing Dept,

I absolutely object to the licensing application for 67 Columbia Rd.

We already have a number of licensed premises on Columbia Rd and Ezra Street
I live on [REDACTED] at the end of Columbia Rd and already experience ASB due to these premises.

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

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



There are many problems with excessive noise in the area from people drinking in the streets and parks. And now in the area 'Car Bars' are popping up on the streets with late night drinking and music carrying on until early morning. We have repeatedly raised the issue of street drinking on Ezra Street which will be exacerbated by yet another licensed premise on the corner of Columbia Rd and Ezra St.

We do not need or want our entire street turned into a party destination. It is a residential area and should be respected as such. The Council needs to work with residents to have a coherent plan for licensing premises. A meeting last year was attended by 67 residents who are concerned about the issues of noise and street drinking, but there has been no apparent action by either the Council or police.

The planned Liveable Streets 'pocket parks' especially outside the Birdcage pub and on Durant Street will only exacerbate street drinking, noise and drug usage in this area. So, yet another licensed premises will only increase this - making this residential area an anti-social hotspot and ultimate unsafe.

[REDACTED]
Yours sincerely



Nick Fiveash

Appendix 18

Mohshin Ali

From: Tanja van Oudtshoorn [REDACTED] >
Sent: 20 September 2020 20:37
To: Licensing
Subject: Objection to application to sell alcohol at 67 Columbia Road, E2 7RG

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

[REDACTED]
20 September 2020

Dear Licensing Department,

RE: License application, 67 Columbia Road E2 7RG "Mason & Painter"

We are writing to express our objection to the licensing application to sell alcohol at the above premises. The shop is located in a short parade of 5 shops below 5 flats as part of the small development around a courtyard in which I have lived for almost 20 years, and now reside with my partner and young daughter (3 years old). Our flat is 4 doors along from the premises in question and we would be very impacted by the granting of this license.

Those of us who live in this development are highly affected by the commercial activity in the shops below, as the floors between the flats and the shops are not insulated and sound, light and even smoke/smells etc travel up directly up into our living spaces. While this is acceptable while the commercial units are used as shops, open for reasonable hours in the daytime and used for quiet activities only, the introduction of late hours and on site consumption of alcohol (effectively a change of use) would have a devastating effect upon residents. We are also concerned that drinking could spill over into the courtyard in the centre of our small development, where sound is amplified by the brick interior and that would impact us severely. Beyond these impacts our own building, as residents of the street in general, we are already suffering a *drastic* recent increase in the night-time economy in the street and in particular the noise and anti-social behaviour caused by street drinking.

This is a close-knit community and we are friendly not only with the shop owner but also the manager of the "pop-up". We understand and are sympathetic with the pressures on their businesses at this very difficult time. I am sure they would do their best to mitigate the risks however with the best will in the world they cannot possibly manage the behaviour of clients once they leave the premises and drink on the street and in the surrounding parks, nor can they keep the venue quiet if it has people drinking inside.

Most especially, we are very fearful that the granting of this licence would set a precedent for further licenses being granted to the commercial properties in our development particularly as well as shops and cafes on the street. Our right to the peaceful enjoyment of our family home has already been severely eroded and our lives are significantly affected by the increased sale and consumption of alcohol in our street and our local area. We therefore urge you to reject this application.

Yours faithfully,
Tanja van Oudtshoorn and Paul Crozier.

Appendix 19

Mohshin Ali

From: Licensing
Sent: 21 September 2020 17:08
To: Mohshin Ali
Subject: FW: OBJECTING TO A LICENCE FOR 67 COLUMBIA ROAD / MASON AND PAINTER.

Follow Up Flag: Follow up
Flag Status: Flagged

From: Tony Tedore [REDACTED] >
Sent: 21 September 2020 16:10
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: OBJECTING TO A LICENCE FOR 67 COLUMBIA ROAD / MASON AND PAINTER.

To Licensing,

I would like to object to the above named shop applying for a Alcohol licence.

In the last 20 years in Columbia Road this despicable council have granted many licenses which have had a massive noise effect on the quality of life
Of the local people in this residential area.

Pubs have been given licenses until midnight, leading to people screaming and shouting until the early hours.

So called wine shops have turned into bars with people sitting in the street drinking, leading to excess noise and broken glasses.

Restaurants have been allowed to have tables outside leading to more on street noise.

The residents cannot believe this is happening and may are of the impression that this council is corrupt in granting these licenses.

People often describe this area as a "war zone" due to the noise, litter and broken bottles left on the street.

This is a residential area with a flower market on a Sunday, not an extension of Shoreditch where people drink and make noise all night.

This continued granted of licenses will only make things worse and cannot continue.

Why this council is doing this to local residential people I will never know.

It seems that only money matters and the quality of life of locals does not matter.

Please send me a confirmation of this objection. I am sending a copy to the East London Advertiser.

A. Tedore.

[REDACTED]

Appendix 20

Mohshin Ali

From: William Taylor [REDACTED] >
Sent: 19 September 2020 15:56
To: Licensing
Subject: Licence Application - 67 Columbia Road Objection

To Whom It May Concern:

I'm writing to object to the application for an alcohol licence between 10 am and 10 pm (Sunday -Thurs) and 10 am - 11pm (Friday/Sat) for Mason and Painter at 67 Columbia Road.

My wife owns [REDACTED] and it is our family home.

Columbia Road has seen the cumulative impact of licensed premises damaging residential amenity in recent years. The licensing committee is starting now to address this.

Mason and Painter at 67 Columbia Rd is an excellent vintage shop and part of the established densely packed residential/ shop profile of Columbia Road.

Currently it is open Fri and Sat 11 am to 5pm and Sunday 8.30 am to 5 pm. It is difficult to see how this vintage shop proposes to adapt into also operating as a bar for on and off sales with vastly extended opening hours.

There is nothing in the application that addresses issues of capacity, seating, vertical drinking, smoking or the use of toilets and how the vintage shop proposes to address these in meeting the council's licensing objectives.

This licence would further create the conditions for greater noise disturbance and risk further turning the road into a corridor for destination drinkers, spilling over from Shoreditch creating public nuisance - peeing in the road and such like.

This licence would further create the conditions for the sale of alcohol within a few minutes of the entrance into a primary school during school hours and in granting this licence the council would be failing to meet its responsibility in protecting children from harm.

The council is taking measures to address the disorder that the growth in drinking in Columbia Road has generated in recent years - short of establishing a "cumulative impact zone". In granting this application the licensing committee would be taking a retrogressive step.

I urge the committee to reject this application.

Kind Regards

William Taylor

Fr William Taylor



Appendix 21

Mohshin Ali

From: John Moore [REDACTED] >
Sent: 22 September 2020 16:53
To: Mohshin Ali
Subject: Re: Strong Support for the 'Application for a Premises Licence' for 67 Columbia Road

Thank you Mohshin, below is my revised letter. I added a new third paragraph where I mentioned that incorrect information was shared on the JHERA Community Bulletin Board. I then inserted some of the posts as bulleted statements.

Regards,
John

Dear Mohshin,

This is John Moore writing from Columbia Road. I live 2 doors down from 67 Columbia Road, the location that is applying for the License. My address is:

John Moore
[REDACTED]

The shop at that address, Mason & Painter, has been a positive addition and anchor in the neighbourhood for many years. I could elaborate with a large number of examples as to why it is a positive anchor, but its duration on Columbia Road and its personal connections with many in the area is evidence of its welcoming and accommodating attributes.

I would also like to mention that the application is for Mason & Painter to sell alcohol to be sold off-premises as an additional line-of business to the vintage and antique goods that would continue to be sold (I expand on this in later paragraphs). However on a Community Bulletin Board, this was misrepresented and suggested that Mason & Painter had closed (it was referred to as "previously Mason and Painter"). This misrepresentation of the application caused unnecessary confusion and negative comments to be made in a public forum. The comments were:

- The initial title of the message chain was: "Licensing Application 67 Columbia Rd (previously Mason and Painter)" ← this was incorrect and a misrepresentation of the application. It is not just false representation, it is defamation that caused unnecessary alarm and false rumors to be spread. Mason and Painter was and is still in business, and applied for an off-premises license only. Later comments/posts demonstrate what this caused.
- The initial post stated: "The sale of alcohol on and off the premises Sunday to Thursday 10:00 – 22:00 and Friday and Saturday 10:00 to 23:00." ← this also was incorrect and was a false representation of facts; the application is for off premises only.
- A positive post was then added stating: "Nice to see a new business wanting to prosper at these times."
- The next post stated: "Not if you live nearby."
- A subsequent post asked: "Do we know more about what they are proposing? E.g. if its a bar / pub versus restaurant serving alcohol?"

- This was followed with: "I have no more information. They are applying for an ON and OFF license." ← there was no recognition that perhaps there was a misunderstanding, or an attempt to confirm the facts.
- A little later there was a post by someone else (not the original author that started the chain) clarifying what was being proposed. That was followed by a reasonable post stating: "Please do not provoke hysteria where none is necessary or valid. Borough Wines are excellent and should be supported and encouraged, as should Mason and Painter!"
- That was followed with another helpful suggestion: "Is there no way to modify the title of this post? It's not good for a shop to be marked as closed, especially in these times."

However, the spreading of misinformation had already started. It seemed to be a purposeful lie to get other residents into thinking a bar was moving in. It was unfortunate there was not more responsibility accepted initially by confirming and verifying the facts in advance of the initial post being made.

Contrary to what was posted, Mason & Painter - a 'boutique' shop, selling a nicely curated collection of vintage and antique items - will continue to operate from the shop. The application is to add a new product line to the mix of what is currently sold. There would be no drinking on the premises, and no music. It would be to sell take-away bottles only.

Mason & Painter has a beautiful reputation that has allowed it to develop a strong following of reputable customers that buy the products. Mason & Painter will continue to maintain its image and relationship with its customers. Thus unruly behaviour would not be tolerated nor allowed. It is for this reason that my support for the license is for these reasons under the Licensing Act of 2003:

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

In keeping with its boutique style, Mason & Painter would sell wine at a higher price point than those available elsewhere in the neighbourhood. With this new product line, Mason & Painter would continue to maintain its positive relationships with the neighbours. While I tend to not write in the negative, I would like to highlight that this is not going to be a corner deli selling lower priced wines late into the evening to anyone who enters. These would be nicer wines aligned with its boutique image that are sold when Mason & Painter is open for regular hours of business. Given the high focus on its image and maintaining the relationships with the neighbours, this would prevent crime and disorder and would prevent a public nuisance.

Mason & Painter will partner with Borough Wines in this initiative, and Borough Wines had an independent shop on Columbia Road for several years that had a sterling reputation. Borough Wines is a well established company with several shops throughout London, including its original location at Borough Market. It also has a 'boutique' image which is positive, and it will work to keep that positive image. Thus the 2 working together - Mason & Painter and Borough Wines - will take steps to keep their positive images that would prevent any crime and disorder, and prevent a public nuisance. That is very out of character for either of the 2 companies and if such negative consequences were allowed to occur, it would seriously damage their ability to continue as on-going entities.

As for Mason & Painter, it would continue to source, curate, and sell its collection of vintage and antique goods in most of the shop. That core element of the business would continue. Any disorderly conduct, such as a public nuisance, or crime and disorder, could result in the merchandise being damaged. Thus ensuring that the products remain intact, and that customers can shop freely, comfortably, and safely, would meet the objective of preventing crime and disorder and any public nuisance. Customers or potential customers that would cause issues - crime & disorder or a public nuisance - would not be permitted as they would tarnish the solid reputations of both companies. Mason & Painter does not have that type of customer today, nor does Borough Wines. I have spent a good amount of time in both places. I feel extremely safe and fortunate with Mason & Painter as a neighbour, and I would continue to feel safe if Borough Wines' products were available in the shop.

I would be happy to discuss my opinion or provide further details for my support. Please feel free to call at [REDACTED].

Thank you for your consideration.

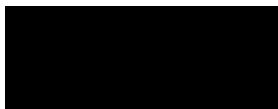
Warm regards,

John Moore

On Sep 22, 2020, at 11:40 PM, Mohshin Ali [REDACTED] wrote:

Dear Mohshin,

This is John Moore writing from Columbia Road. I live 2 doors down from 67 Columbia Road, the location that is applying for the License. My address is:



The shop at that address, Mason & Painter, has been a positive addition and anchor in the neighbourhood for many years. I could elaborate with a large number of examples as to why it is a positive anchor, but its duration on Columbia Road and its personal connections with many in the area is evidence of its welcoming and accommodating attributes.

Mason & Painter is a 'boutique' shop, selling a nicely curated collection of vintage and antique items. They have a beautiful reputation that has allowed them to develop a strong following of reputable customers that buy the products. Mason & Painter will continue to maintain its image and relationship with its customers. Thus unruly behaviour would not be tolerated nor allowed. It is for this reason that my support for the license is for these reasons under the Licensing Act of 2003:

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

In keeping with its boutique style, Mason & Painter will sell wine at a higher price point than those available elsewhere in the neighbourhood. With this new product line, Mason & Painter would continue to maintain its positive relationships with the neighbours. While I tend to not write in the negative, I would like to highlight that this is not going to be a corner deli selling lower priced wines late into the evening to anyone who enters. These would be nicer wines aligned with its boutique image that are sold when Mason & Painter is open for regular hours of business. Given the high focus on its image and maintaining the relationships with the neighbours, this would prevent crime and disorder and would prevent a public nuisance.

Mason & Painter will partner with Borough Wines in this initiative, and Borough Wines had an independent shop on Columbia Road for several years that had a sterling reputation. Borough Wines is a well established company with several shops throughout London, including its original location at Borough Market. It also has a 'boutique' image which is positive, and it will work to keep that positive image. Thus the 2 working together - Mason & Painter and Borough Wines - will take steps to keep their positive images that would prevent any crime and disorder, and prevent a public nuisance. That is very out of character for either of the 2 companies and if such negative consequences were allowed to occur, it would seriously damage their ability to continue as on-going entities.

As for Mason & Painter, it would continue to source, curate, and sell its collection of vintage and antique goods in most of the shop. That core element of the business would continue. Any disorderly conduct, such as a public nuisance, or crime and disorder, could result in the merchandise being damaged. Thus ensuring that the products remain intact, and that customers can shop freely, comfortably, and safely, would meet the objective of preventing crime and disorder and any public nuisance. Customers or potential customers that would cause issues - crime & disorder or a public nuisance - would not be permitted as they would tarnish the solid reputations of both companies. Mason & Painter does not have that type of customer today, nor does Borough Wines. I have spent a good amount of time in both places (the Borough Market is very close to my office so I often go there for lunch). I feel extremely safe and fortunate with Mason & Painter as a neighbour, and I would continue to feel safe if Borough Wines' products were available in the shop.

I would be happy to discuss my opinion or provide further details for my support. Please feel free to call at [REDACTED].

Thank you for your consideration.

Warm regards,

John Moore

Appendix 22

Mohshin Ali

From: Jennifer Sheridan [REDACTED]
Sent: 21 September 2020 19:55
To: Mohshin Ali; Licensing
Subject: Re: Mason & Painter - Licence Application 67 Columbia Road E2 7RG

Hello Mohshin,

This is Jennifer Sheridan writing from the Columbia Road neighbourhood. My full address is:

[REDACTED]

Mason & Painter, the shop applying for the Premises Licence at 67 Columbia Road, has been a strong and positive asset for the neighborhood. In a neighbourhood such as ours, with mixed commercial and residential units, Mason & Painter has been a perfect neighbour. They have been in business for many years and work to build a solid reputation within the community.

I solidly support the license for these reasons under the Licensing Act of 2003:

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

Mason & Painter is applying for an off license, so it would not be a bar with loud music and other noise associated with bars or restaurant/bars. Thus, this prevents it from being a public nuisance.

In addition, Mason & Painter would continue to offer its carefully curated vintage and antique goods. To protect this component of its brand, in addition to allowing its customers to view and purchase these products, Mason & Painter will prevent crime and disorder. If such an atmosphere existed, their business would quickly evaporate.

Borough Wines would provide the wines to Mason & Painter. Borough Wines is a substantial company with a solid reputation. They ran a shop on Columbia Road for several years with a high quality reputation and an up-scale customer base. They prevented crime and order, and any public nuisance. The neighbours thought highly of their Columbia Road outpost. Their reputation and image would drive them to prevent crime and disorder, and prevent any public nuisance. Their wines are at a higher price-point than others in the neighbourhood, thus attracting more professional, quiet, and considerate clients. Their original location in Borough Market operates with the same principles.

I feel safe with Mason & Painter as a commercial neighbour, and I would continue to feel safe with Borough Wines being sold there.

Please feel free to contact me with any questions.

Regards,

Jennifer Sheridan

Sent from my iPhone

> On 21 Sep 2020, at 11:30 am, Mohshin Ali [REDACTED] wrote:
>

Appendix 23

Mohshin Ali

From: Nick Bryan-Kinns [REDACTED]
Sent: 21 September 2020 20:04
To: Licensing; Mohshin Ali
Subject: Support for Mason & Painter license application

Dear Tower Hamlets

This is Prof. Nick Bryan-Kinns writing from the Columbia Road neighbourhood. My full address is:

[REDACTED]

Mason & Painter, the shop applying for the Premises Licence at 67 Columbia Road, has been a strong and positive asset for the neighborhood. In a neighbourhood such as ours, with mixed commercial and residential units, Mason & Painter has been a perfect member of our neighbourhood. They have been in business for many years and work to build a solid reputation within the community.

I solidly support the license for these reasons under the Licensing Act of 2003:

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

Mason & Painter is applying for an off license, so it would not be a bar with loud music and other noise associated with bars or restaurant/bars. Thus, this prevents it from being a public nuisance.

In addition, Mason & Painter would continue to offer its carefully curated vintage and antique goods. To protect this component of its brand, in addition to allowing its customers to view and purchase these products, Mason & Painter will prevent crime and disorder. If such an atmosphere existed, their business would quickly evaporate.

Borough Wines would provide the wines to Mason & Painter. Borough Wines is a substantial company with a solid reputation. They ran a shop on Columbia Road for several years with a high quality reputation and an up-scale customer base. They prevented crime and order, and any public nuisance. The neighbours thought highly of their Columbia Road outpost. Their reputation and image would drive them to prevent crime and disorder, and prevent any public nuisance. Their wines are at a higher price-point than others in the neighbourhood, thus attracting more professional, quiet, and considerate clients. Their original location in Borough Market operates with the same principles.

I feel safe with Mason & Painter as a commercial neighbour, and I would continue to feel safe with Borough Wines being sold there.

Please feel free to contact me with any questions.

Regards,

Professor Nick Bryan-Kinns

Appendix 24

Mohshin Ali

From: Ross Hutchison <[REDACTED]>
Sent: 21 September 2020 22:30
To: Mohshin Ali
Subject: Re: Mason & Painter, 67 Columbia Road, London E2 7RG

Thanks for your reply.
My full address is:

[REDACTED]

Mason & Painter, the shop applying for the Premises Licence at 67 Columbia Road, is right next door to my flat. It has been a strong and positive business in the neighborhood and one I am proud – and safe – to call my next-door neighbour. In a neighbourhood and on a street with mixed commercial and residential units, Mason & Painter has been an impeccable neighbour. They have been in business for many years and work to build a solid reputation within the community.

I support the license for these reasons under the 2003 Licensing Act:

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

Mason & Painter's application is for off license, so it would not be a restaurant or bar with loud music. This prevents it from being a public nuisance. Mason & Painter discussed their plans with me and I am comfortable with the approach to prevent it from being a public nuisance.

Another comment to add is that Mason & Painter would continue selling its vintage products and for that to succeed, it would prevent crime and disorder. The environment has to be crime-free and safe in order for it to attract customers.

Borough Wines would provide the wines to Mason & Painter. They had a shop on Columbia Road 3~4 years ago and it was highly regarded. There were no public nuisances associated with their shop, and they prevented crime and disorder. Back on Columbia Road, they would prevent any public nuisance or crime and disorder. In their favor, their prices were priced at a higher level than others in the neighbourhood, and it attracted a more considerate clientele.

I have always felt safe with Mason & Painter as a neighbour. With Borough Wines providing the wine for them to sell, I would still feel safe. They would prevent crime and disorder, and prevent public nuisance. They have to in order for their business to succeed.

Please feel free to contact me with any questions.

Regards,

Ross Hutchison

On Mon, 21 Sep 2020 at 13:42, Mohshin Ali <[REDACTED]> wrote:

Appendix 25

Mohshin Ali

From: Corinne Holland
Sent: 22 September 2020 17:14
To: Anson Read; [REDACTED]
Cc: Mohshin Ali
Subject: RE: Fwd: Premises Licence application - Mason & Painter REF M130673

Dear Anson

I note your reduction in hours and will inform the processing officer for the Licensing Authority. I also note your 'on sales' is for private events only.

Please treat this email as a representation by the Licensing Authority to your application.

As previously stated the Licensing Authority cannot endorse customers purchasing wine by the glass to walk/sit around the streets drinking it, which by nature selling alcohol by the glass will encourage.

I have no objection to the selling of wine on tap being filled into your 75cl reusable bottles.

The Licensing Authority request as previous emailed the following conditions (reworded):

1. All sales of alcohol for consumption off the premises shall be in properly sealed containers only (not in any vessel for immediate consumption)
2. Wine on tap can only be sold by 75cl bottles as a minimum.

Kind regards

Corinne Holland
Licensing Officer
Licensing and Safety Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House
London E3 5EQ

[REDACTED]
www.towerhamlets.gov.uk

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From: Anson Read [REDACTED]
Sent: 21 September 2020 17:11
To: Corinne Holland [REDACTED] >
Cc: masonpainter Store [REDACTED] >
Subject: Re: Fwd: Premises Licence application - Mason & Painter REF M130673

Hi Corinne,

Thanks again for your time today:

To clarify the conditions on the licence that I hope we can agree on.

- The bottles that we use for the refills are our own Costolatas 75cl
- Opening hours will be reduced to the following
 - Monday to Thursday 3pm to 8pm (Friday to 9pm)
 - Saturday 11am to 9pm
 - Sunday 10am to 7pm
- We agree to reduce the time of the sell by the glass only on the weekend and until 5pm
- To confirm the On sale is only for private events not for walking customers

Please let me know if you are happy to agree these conditions.

Many thanks again

Anson Read | Director of Operations



On 21 Sep 2020, 23:27 +0100, Corinne Holland [redacted], wrote:

Dear Ms Mason

I am acting as the responsible authority for the Licensing Authority to your premises licence application for Mason & Painters, 67 Columbia Road.

On reading your application I note that you wish to sell wines on tap in order to reduce waste and offer quality wines at reasonable prices. What size bottles are you going to decant the wine into?

I also note this sentence in your application ‘during the market we will supply an option of alcoholic and non-alcoholic spritz drinks by the glass in a veggie-wear (non plastic) cup and lid’. This is of a concern to the licensing authority due to the number of complaints we have received in the past of people sitting and drinking in and around Columbia and Ezra Street. The very nature of your sentence actively encourages people to purchase drinks by the glass to walk around or sit outside drinking in the street.

I do not object entirely to your application but cannot consent to this particular part.

I understand that you are applying for off sales but would request that the containers are sealed correctly for a bone fide off sale for consumption away from the premises/vicinity.

I request that this part (wines by the glass) of your application is removed and the following condition is accepted.

1. All sales of alcohol for consumption off the premises shall be in properly sealed containers only (not in cups for consumption in the street)
2. Wine on tap can only be sold by 75cl bottles as a minimum.

Please let me know if you are happy to agree these conditions.

Kind regards

Corinne Holland

Licensing Officer

Licensing and Safety Team

Place Directorate

London Borough of Tower Hamlets

John Onslow House

London E3 5EQ


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Appendix 26

Mohshin Ali

From: Licensing
Sent: 04 September 2020 18:25
To: Mohshin Ali
Subject: FW: Premises License Application Mason and Painter

Follow Up Flag: Follow up
Flag Status: Flagged

From: MARK.J.Perry [REDACTED]
Sent: 04 September 2020 16:27
To: anson [REDACTED]
Cc: Licensing <Licensing@towerhamlets.gov.uk>
Subject: RE: Premises License Application Mason and Painter

Hi Anson,

That is fine with me, Tower Hamlets Council please see conditions agree below with the CCTV condition becoming active from the 31/10/2020.

Kind Regards



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[REDACTED]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.

4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

From: Anson Read [REDACTED]
Sent: 04 September 2020 16:15
To: Perry Mark J - CE-CU [REDACTED]
Subject: Re: Premises License Application Mason and Painter

Hi Mark,

As discussed I agree to all conditions that you have input but with the change of condition to have the CCTV installation by 31.10.20

Many thanks

Anson Read
Director of Operations

[Redacted]

[Redacted]

On 4 Sep 2020, at 15:33, [Redacted] wrote:

Hi Anson,

Are you free for a call now as I am on leave next week, if so what number can IO reach you on?

Kind Regards

Mark

<image001.jpg>

PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[Redacted]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

From: Anson Read [Redacted]
Sent: 02 September 2020 13:51
To: Perry Mark J - CE-CU [Redacted]
Cc: masonpainter Store [Redacted]
Subject: Re: Fwd: Premises License Application Mason and Painter

Hi Mark,

Thank you for your email. I am looking after the application for the Premises License Application at Mason and Printer on Columbia Road.

I hope that you are able to be flexible regarding the CCTV installation. Can I suggest that you give us 12 months to see how successful the project is please.

- As you may be aware the Mason & Painter is currently a Vintage Shop. We intend to complement the offering with a selection of quality wines on tap, most of which are organic and vegan from Borough Wines. The method is extremely sustainable reducing waste and allowing local customers the option of great quality wines at a reasonable price. We will also supplement the range with a small selection of quality wines by the bottle and craft beers. During the market we will supply an option of alcoholic and non-alcoholic spritz drinks by the glass in a veggie-ware (non plastic) cup and lid.
- The main trade will be for off trade with the occasional on trade events where the sale of alcohol for consumption on the premises shall only apply for private events including wine tasting purposes.
- There has been a strong following and positive feedback from the local community.
- We do not intend to open late hours

Please let me know a convenient time to call you

Many thanks

Anson Read Director of Operations



From: [Redacted]
Subject: Premises License Application Mason and Printer
Date: 31 August 2020 at 16:47:44 BST
To: [Redacted] >

Hi Michelle,

I am PC Mark Perry from Tower Hamlets Police Licensing and I am dealing with your application, I have no objection to the application but would like the following conditions added to the license:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable

activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Please feel free to contact me if you wish to discuss them. If you are happy with the conditions can you e-mail me to let me know so I can inform the council we have reached agreement.

Kind Regards

Mark

<image001.jpg>

PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[REDACTED]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

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Appendix 27

Mohshin Ali

From: Nicola Cadzow
Sent: 10 September 2020 10:09
To: Licensing
Cc: masonpainter Store
Subject: 130673 New premises license application for Mason & Painter 67 Columbia Road, London

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have no objections to the new premises license application for Mason & Painter 67 Columbia Road, London, ref 130673, following confirmation from the applicant (see email trail) as follows:

1. They don't play music and don't have loudspeakers, record players or radios on the premises and you have assured that no loud noises or music will be played in or outside the shop.
2. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

regards



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


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#BlackLivesMatter



From: masonpainter Store 
Sent: 09 September 2020 16:27
To: Nicola Cadzow 
Subject: Re: 130673 New premises license application for Mason & Painter 67 Columbia Road, London

Hi Nicola
Many thanks for your email.
Please find my responses to the conditions, below.

1. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

We don't play music and don't have loudspeakers, record players or radios on the premises. I can assure you that no loud noises or music will be played in or outside the shop.

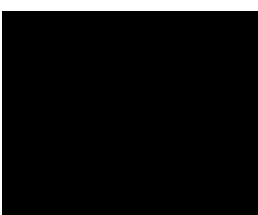
2. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Yes, we will adhere to all regulations.

Many thanks.

Best wishes, Michelle

Michelle Mason



On 9 Sep 2020, at 16:01, Nicola Cadzow [REDACTED] > wrote:

Dear Ms Mason,

I am reviewing your new premises licence application for Mason & Painter 67 Columbia Road, London, ref 130673.

I would ask that the following additional noise conditions apply:-

1. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
2. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Kind regards

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



Appendix 28

Mason &
Painter
Vintage

67 Columbia Road, London E2 7RG

12 October 2020

Attn: Mohshin Ali
Senior Licensing Officer
London Borough of Tower Hamlets

Letter of Support, Licence to Sell Alcohol, Ref: M130673

Dear Mohshin

Since applying for the license to sell alcohol on the 24th August 2020 we have recently been in correspondence with Licensing Officer, Corinne Holland, to amend the conditions as suggested by The Licensing Authority to:

1. All sales of alcohol for consumption off the premises shall be in properly sealed containers only (not in any vessel for immediate consumption)
2. Wine on tap can only be sold by 75cl bottles as a minimum.

And that:

- The bottles that we use for the refills are our own Costolatas 75cl
- Opening hours will be reduced to the following
- Monday to Thursday 3pm to 8pm (Friday to 9pm)
- Saturday 11am to 9pm
- Sunday 10am to 7pm
- We agree to reduce the time of sell by the glass* only at weekends and until 5pm
- To confirm on-sale is only for private events not for walk in customers.

To reiterate the nature of the business, Mason & Painter is an established Vintage Furniture and Homewares shop and has traded at 67 Columbia Road for over six years. We have a dedicated customer base, are popular amongst the local residents and fellow shopkeepers and are known for selling good quality antiques and vintage items to customers pan London and beyond. When Covid 19 forced all shops to close we were then hit with a drastically reduced footfall on re-opening and felt that by offering a dedicated space in the shop, to a reputable independent business, it would help with the overheads and also benefit another local business.

Borough Wines are an exclusive, sustainable wine merchant with over ten years experience and have traded locally in recent years when they occupied no. 122a, Columbia Road. They have also had various pop-ups in neighbouring Ezra Street and Horatio Street and have a committed, local customer base with established outlets in Wilton Way, E8 and at Borough Market, SE1.

Borough Wines and Mason & Painter are, we feel, a great addition to Columbia Road. (Please see autonomous supporting statements in the document attached).

We stress that the premises is by no means a 'sit-in' bar, as many local resident objectors were pertaining to. Two thirds of the shop is stocked with antiques and valuable vintage furniture and fabrics and we stress that drinking cannot be consumed on the premises unless this is for a small, organised private tasting events. The application is for off-license, off the premises sales - with the exception to take away, *biodegradable 'glasses' during Sunday Flower Market hours.

May I also point out that many of the objection letters were not actually relevant to our specific application, see the points above. They were primarily objecting to change of use into a bar, drinking on the premises and longer opening hours.

We would like to underline that the collaboration between Borough Wines and Mason & Painter Vintage is between two well-respected and responsible shopkeepers. Retail has been very hard hit in recent months and in order to continue and support two all independent businesses and their employees we ask you to please consider our

application favourably. Thank you.

Best wishes,

Michelle Mason

Owner

Mason & Painter Vintage Ltd

Anson Read

Operations Director

Borough Wines Ltd

Supporting Statements Ref M130673

Email from Michelle Mason to Corinne Holland, 21st September 2020

Dear Corinne

In support of our application (ref M130673) we wondered if you had a date as yet for the hearing or any further information re the application for Borough Wines at Mason & Painter to sell take away bottles?

Also, I would like to point out the following items with regard to our telephone conversation, on the 20th September, about local resident objection letters.

I have since spoken to Kristin Peres. Kristin owns the property upstairs, next-door to my vintage shop at 67 Columbia Road and uses the premises as her work space. Kristin submitted a letter of objection to our application. I've now supplied Kristin with the correct information which includes amendments to the opening times, as per the email from Anson Read of Borough Wines (21.Sept) and highlighted the fact that it is take-away sales, with on-sale only for private events - not walk-in customers. I have asked her to kindly withdraw her objection and she may well be in touch with you today.

Kristin tells me that there was much confusion from an email put out on a local resident forum, (jhera.org). Whereby Carol Budd stated that my business (quote: "... previously Mason & Painter") had closed indicating change of use... hence the current application for an alcohol license.

This has not only been detrimental to my vintage furniture shop but it has also caused confusion and hysteria amongst local residents, was misleading and gives false information to rally local objections. Please see the attached screen grabs from the forum with my response via Juliette Tuke ([REDACTED]).

I do hope that this false allegation will be taken seriously and into consideration as the application goes forward.

I look forward to hearing from you.

Best wishes, Michelle Mason

Local Neighbour's Supporting Statements in Favour of the Licence Application
From 12th October 2020

"I am in full support of the licensing application. I have lived above the shop (Mason & Painter) for over three years and they are great neighbours. The sale of exclusive take away bottles is a real boon for the neighbourhood."

Orlando

63 Columbia Road

Dear Tower Hamlets Licensing Department,

Borough wines and Mason and Painter have been in the neighbourhood for seven years trading successfully and peacefully on Columbia Road.

I have known Michelle and Emily who works there for a number of years and they are both professional and responsible people.

They employ local people providing precious employment at this difficult time.

They don't make any noise or are in any way disruptive to my wellbeing and I live next door to them.

Please let independent business trade and form collaborations to get through this difficult time.

They are the main stay of the economy and it is small business that will be paying the taxes to get through this.

It is as usually a vocal minority who are making a fuss about this.

Kind regards, Juliette Tuke

██████████

Dear Tower Hamlets

I wanted to write to you as I understand a small local, vocal minority are trying to close Borough Wines operating out of the Mason & Painter shop on Columbia Rd.

I am very disappointed as I find it to be an excellent place to buy tasty, good quality wine. Many people feel the same locally.

For me, my weekends are a precious space to recover from horrendous weeks working as a GP in the NHS. Borough Wines has kindly given me a 10 per cent discount on wine which I feel incredibly grateful for and I find the shop to be a personal and supportive space.

I feel that a small minority of people are blocking the business and the essential employment and job prospects of the staff that run the shop.

I hope these words can be used in support of Borough Wines on Columbia Road.

Thanks

Anu Kumar, local resident

██████████

Dear Tower Hamlets

As a resident of Columbia Road and a customer of both Borough Wines and Mason & Painter, I would very much like to continue to purchase my wine from a small, independent, local, female run neighbourhood business.

It's exactly now that we need to support small business as they find ways to navigate these treacherous times.

Natasha Kelly - Columbia Rd resident.

Dear Tower Hamlets Council

I'm so sorry to learn that certain locals have tried to prevent your wonderful emporium from succeeding during these very very difficult times and fail to understand why certain individuals should prevent a bottle shop selling exclusive wine.

Strange times indeed!

Borough Wines seems to me a great fit for Mason and Painter, and indeed Columbia Rd. So sad.

If there is anything I can do to help further please let me know and only wish those people who, for some reason falsely complained, could be prosecuted! I'm sure they should be!

Yours is a lovely shop and thank you for remaining open during a really really difficult time and giving some of 'locals' a breath of fresh air.

Where else would we find stuff for us oldies!

Fond memories

William Osment, customer and local resident

Dear Tower Hamlets

I support Mason and Painter's license application. I think it's crucial that we get behind local businesses in these difficult times. Small innovative enterprises collaborating together to survive, need flexibility and support to adapt. I don't see how the collaboration between M & P and Borough Wines is a cause for concern. The shop is responsibly and professionally managed.

George Mogg, local resident

Appendix 29

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 30

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 31

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 32

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):

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- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
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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 33

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 34

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.3

Committee: Licensing Sub Committee	Date 17 November 2020	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a new Premise Licence for Hulya's Café & Restaurant, 357-359 Cambridge Heath Road, London E2 9RA
Originating Officer: Corinne Holland Licensing Officer	Ward affected: St. Peters

1.0 Summary

Applicant: **Berk Oz**

Name and Address of Premises: **Hulya's Café & Restaurant**
357-359 Cambridge Heath Road
London
E2 9RA

Licence sought: **Licensing Act 2003**
Sale by retail of Alcohol

Objectors: **Environmental Protection**
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

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Hulya's Café & Restaurant, 357-359 Cambridge Heath Road, London, E2 9RA.
- 3.2 The applicant has described the premises as: *The premises is a cafe located on Cambridge Heath Road with seating for approx. 60 people. Alcohol sales will take place ON premises.*
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales)

Monday to Sunday 10:00 – 22:30 hours

Hours premise is open to the public

Monday to Saturday 06:00 – 22:30 hours

Sunday 07:00 – 22:30 hours

4.0 **Location and Nature of the premises**

- 4.1 The site plan of the venue is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Photographs of the premises are included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

5.0 **Licensing Policy and Government Advice**

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- Environmental Protection – **Appendix 7**
 - Licensing Authority – **Appendix 8**

 - Applicants Response to LA Representation – **Appendix 9**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection

- Public Health
 - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
 - CIZ
 - Access and Egress
 - Noise when premises in use
- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 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.
- 6.14 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**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the

premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any refusal of the sale of alcohol;
3. The DPS will undertake routine monitoring of the refusals records and record that this is being done.
4. All staff will be trained for their role on induction and regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, avoiding conflict and responsible alcohol retailing.
5. Written training records will be kept.
6. 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 Agreed/Requested by Responsible Authority

None

9.0 Licensing Officer Comments

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).

- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 10 - 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Photographs of the premises
Appendix 5	Other licensed venues in the area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representations from EP
Appendix 8	Representations from LA
Appendix 9	Applicants response to LA Rep
Appendix 10	Licensing Officer comments on Public Nuisance
Appendix 11	S182 advice on Public Nuisance
Appendix 12	Licensing Officer comments on Access and Egress
Appendix 13	Licensing Officer comments on noise when the premises in use
Appendix 14	CIZ policy
Appendix 15	Licensing Policy relating to hours of trading
Appendix 16	Planning

Appendix 1



* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

BERK

* Family name

OZ

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

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...

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="357-359"/>
Street	<input type="text" value="Cambridge Heath Road"/>
District	<input type="text"/>
City or town	<input type="text" value="london"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E2 9RA"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="20,000"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

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

Yes No

Building number or name

District

City or town

County or administrative area

Country

Applicant Contact Details

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

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

Yes No

Telephone number

Other telephone number

* Date of birth

dd mm yyyy

* Nationality

Right to work share code

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

Section 5 of 21

OPERATING SCHEDULE

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

dd mm yyyy

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

dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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

The premises is a cafe located on Cambridge heath road with seating for approx 60 people. Alcohol sales will take place ON premises.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NA

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

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Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

The applicant will accept the following conditions.

The alcohol only will sale in operation hours and the alcohol will be consumed ON the premises. Cctv will be installed to the premises, installed the cctv system that meet the standard in 'Uk police requirements for digital cctv system'. The premises operates the "challenge 25" the proof of age scheme. The premises will open and shut at its permitted hours and the sale of alcohol or any other permitted licensing activity will not be carried out at any other time than its permitted opening hours. The premises shall install and maintain a CCTV system as per the minimum requirements of a 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. THE CCTV SHALL BE IN OPERATION AT ALL THE PREMISES ARE OPEN TO THE PUBLIC. A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED COUNCIL OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC.

NOTICES WILL BE DISPLAYED ADVISING CUSTOMERS OF THE PERMITTED HOURS.

ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND AT REGULAR INTERVALS OF SIX MONTHS THEREAFTER. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE, MAKING AND RECORDING A REFUSAL, AVOIDING CONFLICT AND RESPONSIBLE ALCOHOL RETAILING.

WRITTEN TRAINING RECORDS WILL BE KEPT.

THE PREMISES WILL ACTIVELY ENGAGE WITH AND WORK WITH THE POLICE SAFER NEIGHBOURHOOD TEAM.

the premises will keep strong management controls and train all staff so they are aware of the licence and its requirement. In particular:

No service of alcohol to underage people.

Being vigilant to prevent disorderly behavior.

b) The prevention of crime and disorder

Cctv will be installed to the premises for safety and crime prevention. Will not serve alcohol who already drunk in the premises. The DPS will undertake routine monitoring of the refusals records and record that this is being done. All staff that makes sales of alcohol receives regular training (induction and refresher). Installed cctv systems that meet the standard in 'uk police requirements for digital cctv systems' shall operate and record video images at all times that premises are open to the public and any recordings made will be retained for not less than 31 days and made available to a police officer on request. A member of staff on premises at the relevant time will be capable of operating the cctv system.

c) Public safety

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

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 regards crime and disorder
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol

d) The prevention of public nuisance

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or

Continued from previous page...

the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received regards crime and disorder
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol

e) The protection of children from harm

Any alcohol must be sold by DPS or a person authorised by the DPS at all times. All staff who sells alcohol will be trained in the role by the DPS with regular refresher training. Records of training will be kept and made available for examining officers of the relevant authorities. Where a person appears to be under the age 25, identification in the form of passport, photo driving licence or a proof of age card bearing the pass hologram will be sought and if not provided service of alcohol will be refused. Suitable signage will be displayed at the point of entry and at the service area advising customers that the premises operates the "challenge 25" proof of age scheme.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

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

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

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

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

* Full name

KENAN KARA

* Capacity

AGENT

* Date

26 / 08 / 2020
dd mm yyyy

Add another signatory

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

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

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

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

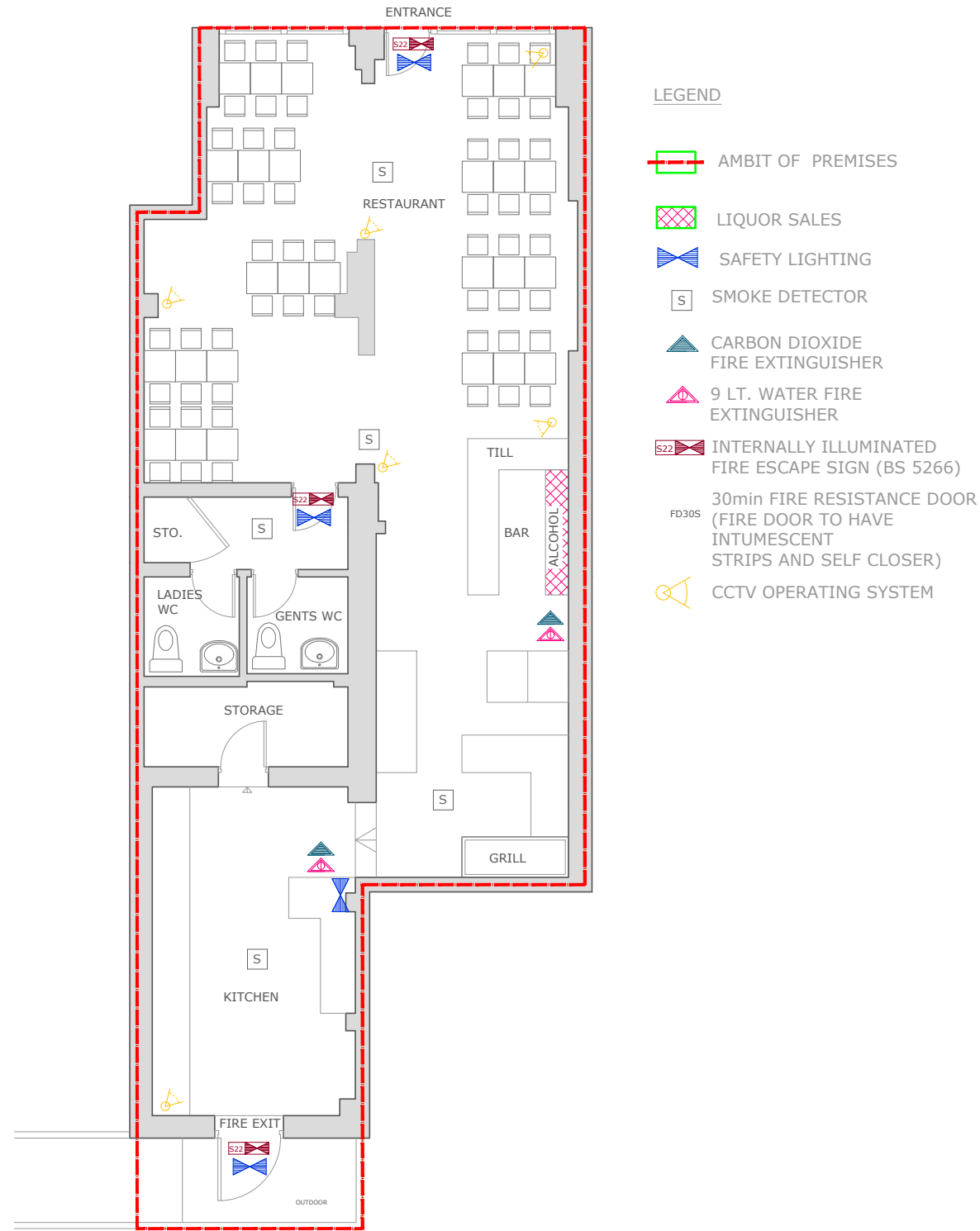
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY

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

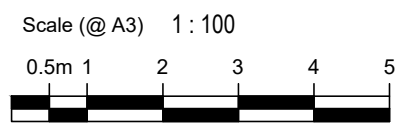
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)


Appendix 2



GROUND FLOOR PLAN

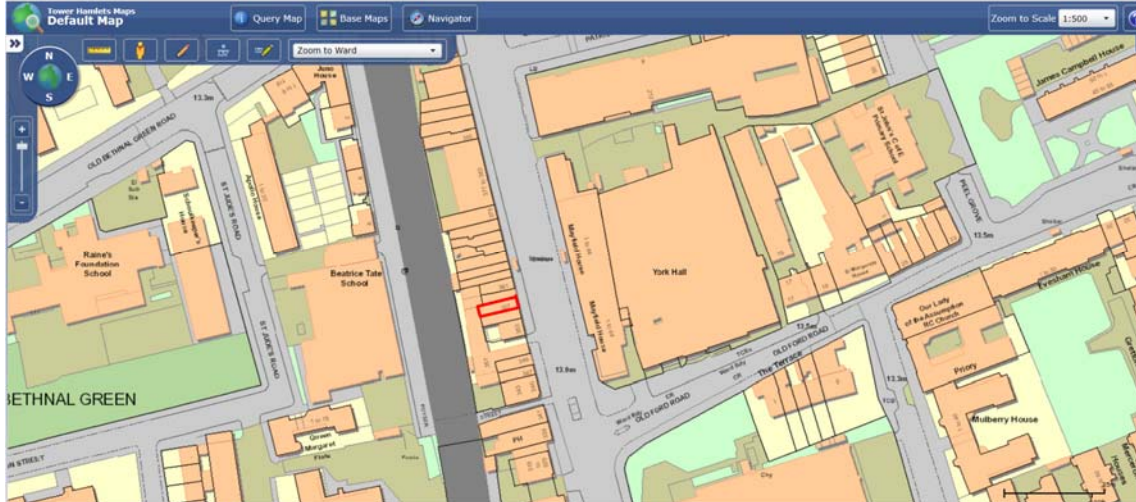
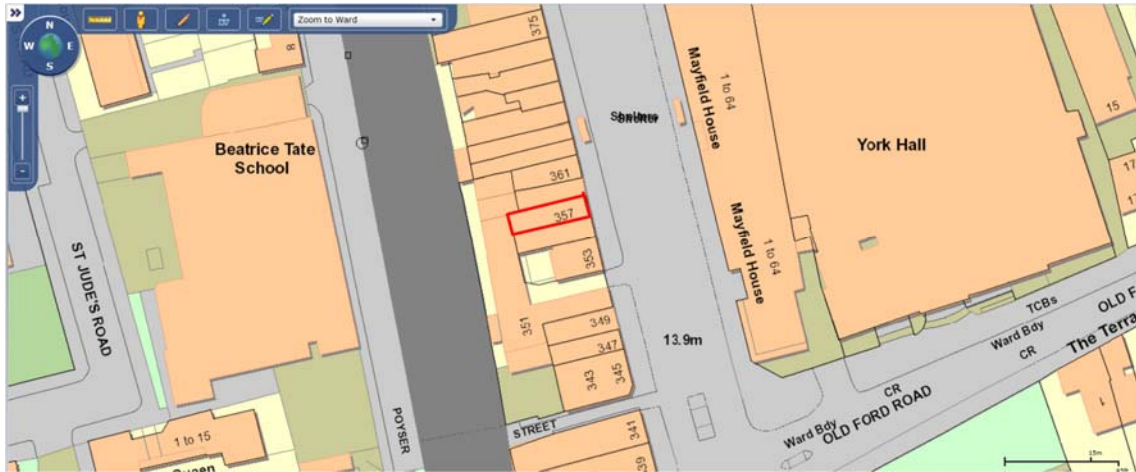
PLEASE NOTE
 1. All dimensions to be verified on site.
 2. All dimensions are in millimeters.
 3. No work shall commence until all approvals and agreements have been obtained.
 These include: Planning, Building Regulations, Water and party Wall.
 4. The Copyright of this drawing belong to Adv Planning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



Drawn By	ES	PROJECT STATUS	LICENSING	PROJECT	357 - 359 Cambridge Heath Road, E2 9RA	SHEET	PLAN	DRAWING NUMBER	L100	REV	 ARCHITECTURE / PLANNING / LICENSING 352 Green Lanes, Palmers Green, London N13 5TJ - 020 8801 6601 www.advancearchitecture.co.uk info@advancearchitecture.co.uk
Checked By			EXISTING			SHEET	JOB No.	DATE	10/08/20		

Appendix 3

Location Map- 357 Cambridge Heath Road

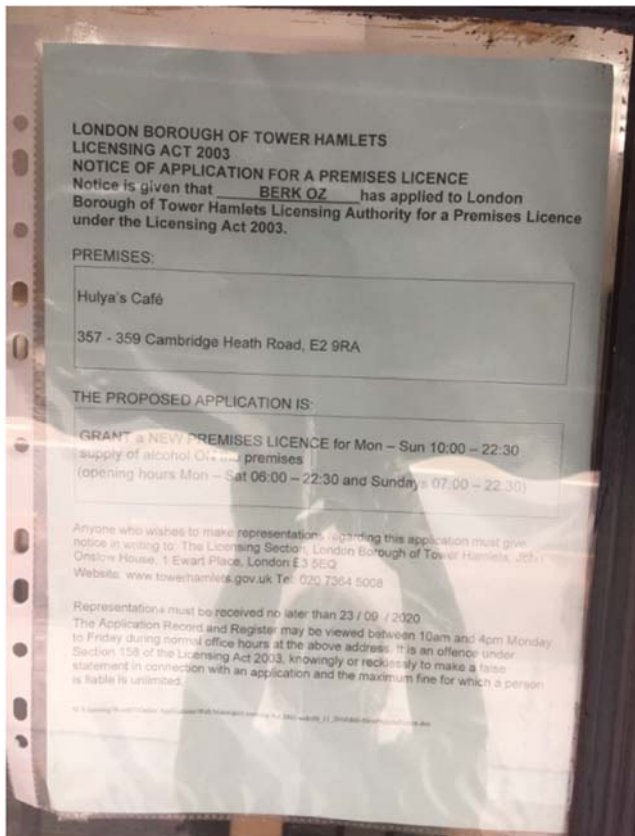


Appendix 4

Photos – Hulya’s Café & Restaurant, 357 Cambridge Heath Road







Appendix 5

Hulya's Café & Restaurant, 357 Cambridge Heath Road - Nearby licensed premises

Name of Premises	Licensing Activities	Opening Times
<p>(Dundee Arms) 339 Cambridge Heath Road</p>	<p><u>Sale by retail of alcohol and the provision of regulated entertainment</u></p> <ul style="list-style-type: none"> • Monday, Tuesday and Wednesday: 11a.m to 12 midnight • Thursday, Friday and Saturday: 11.00 to 1a.m. • Sunday, 12 midday to 10.30p.m. <p>And;</p> <ul style="list-style-type: none"> ▪ a further hour following every Friday, Saturday, Sunday and Monday of the August, Spring May and Easter Bank Holiday Weekends ▪ a further hour following the Thursday before Easter Bank Holiday Weekends ▪ a further hour following Christmas Eve, Boxing Day ▪ From the usual ending time on New Year's Eve, to the usual start time on New Year's Day 	<p>Monday, Tuesday and Wednesday: 11a.m to 12.30 Thursday, Friday and Saturday: 11.00 to 1.30a.m. Sunday, 12 midday to 11p.m.</p> <p>And;</p> <ul style="list-style-type: none"> ▪ a further hour following every Friday, Saturday, Sunday and Monday of the August, Spring May and Easter Bank Holiday Weekends ▪ a further hour following the Thursday before Easter Bank Holiday Weekends ▪ a further hour following Christmas Eve, Boxing Day ▪ From the usual ending time on New Year's Eve, to the usual start time on New Year's Day
<p>(Seed Organic) 363-365 Cambridge Heath Road</p>	<p><u>Sale of alcohol</u> (off sales) Daily 09:00 hours to 23:00 hours</p>	<p>Daily 09:00 hours to 23:00 hours</p>
<p>(Anfora Wine Bar) 367 Cambridge Heath Road</p>	<p><u>The sale by retail of alcohol</u> (on sales only)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 12:00 hours to 23:00 hours • Friday and Saturday, from 12:00 hours to 23:30 hours • Sunday, from 12:00 hours to 22:30 hours 	<ul style="list-style-type: none"> • Monday to Thursday, from 12:00 hours to 23:30 hours • Friday and Saturday, from 12:00 hours to 00:00 hours (midnight) • Sunday, from 12:00 hours to 23:00 hours
<p>(Cambridge Heath News) 369 Cambridge Heath Road</p>	<p><u>The sale by retail of alcohol</u> (off sales) Monday to Thursday 08:00 hours - 23:00 hours Friday & Saturday 08:00 hours - 00:00 hours (midnight) Sunday 08:00 hours – 22:30 hours</p>	<p>Monday to Thursday 08:00 hours - 23:00 hours Friday & Saturday 08:00 hours - 00:00 hours (midnight) Sunday 08:00 hours – 22:30 hours</p>
<p>(Museum Service Station) 319 Cambridge Heath Road</p>	<p><u>Late Night Refreshment</u> Monday to Sunday: 23:00 – 05:00</p> <p><u>Supply of alcohol (off sales)</u> Monday to Sunday: 08:00 – 23:00</p>	<p>Monday to Sunday: twenty four hours per day.</p>

Appendix 6

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 7

Corinne Holland

From: Licensing
Sent: 17 September 2020 13:32
To: Corinne Holland
Subject: FW: 130708 New premise license application Hulya's Cafe & Restaurant 357 Cambridge Heath Road, London

From: Nicola Cadzow <[REDACTED]>
Sent: 15 September 2020 12:46
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: 130708 New premise license application Hulya's Cafe & Restaurant 357 Cambridge Heath Road, London

Dear Licensing,

I have considered the new premise licence application for Hulya's Cafe & Restaurant 357 Cambridge Heath Road, London 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, and consideration has to be given to the fact that the premises is in Bethnal Green Cumulative Impact Zone.

Also, there is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance.

Noise Sensitive premises: residential premises in close proximity to 357 Cambridge Heath Road, London including approximately 54 residential premises 20 metres away at Mayfield House.

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

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

CONCLUSION

Environmental Protection **does not** support the application for Hulya's Cafe & Restaurant 357 Cambridge Heath Road, London as the applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance, and particular regard has to be given to the fact that the premises is in Bethnal Green Cumulative Impact Zone.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
John Onslow House

Appendix 8

Place Directorate Public Realm

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

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

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

Email:

Corinne.Holland

Tel **020 7364 5008**
Fax **020 7364 0863**
Enquiries to **Lavine Miller- Johnson**

My reference: P/EHTS/LIC/130708

Email: [REDACTED]

Date 23rd September 2020

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

New Premises- Licence Application for Hulya's Café & Restaurant 357 Cambridge Heath Road London E2 9RA

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

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

Cumulative Impact Policy

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

The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the

provision of late night refreshment in the Bethnal Green area is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

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

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

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

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

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

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

This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to

the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

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

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

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

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

Licensable activities and times

The applicant has applied for the following licensable activities and hours:

The Supply of Alcohol

- **Monday – Sunday from 10:00 hours to 22:30 hours**

Opening Hours

Monday – Saturday from 06:00 hours to 22:30 hours
Sundays from 07:00 hours to 22:30 hours

On a balance of probability, this Authority is concerned by the addition of another premise providing “licensable activities”, potentially adding to the existing anti-social issues in the area.

The Home Office guidance under Section 182 of the Licensing Act 2003 (8.42) says:

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

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*

- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

The applicant has provided no information in the Operating Schedule to address the CIZ particularly the impact that these requested licensable activities will have within the CIZ.

Great consideration has been given to the fact that the premise is in the Bethnal Green Cumulative Impact Zone and it has been noted that the applicant has not provided any supporting information to show that the licensing objectives will be upheld with regards to public nuisance.

It is important to note that when applying for a licence in a CIZ area, applicants need to demonstrate that the granting of their application will not negatively add to the cumulative effect and undermine the licensing objectives.

On considering this application as it stands, I feel it does not uphold the following licensing objective of 'prevention of public nuisance' therefore the Licensing Authority feels that the application should be rejected.

Yours faithfully,



**Licensing Officer
(Acting as a Responsible Authority)**

Appendix 9

Corinne Holland

From: ADVANCE ARCHITECTURE [REDACTED]
Sent: 24 September 2020 12:10
To: Lavine Miller-Johnson
Cc: Corinne Holland; [REDACTED]
Subject: Re: Licence Application for Hulya's Café & Restaurant 357 Cambridge Heath Road London E2 9RA- Ref 130708

Hello Lavine,

Thank you for your email. In response to the representation made, please see below:

The application is for a premises licence for the sale of alcohol ON the premises between the hours 10:00 - 22:30 Mon-sun.

I would like to draw your attention to the facts of the premises prior to touching upon the CIZ zone. The premises is a small cafe serving English breakfast lunch and dinner to its locals and has been serving its customers for long years. The capacity of the premises is no more 50-60 people seated. And the opening times are until 10:30pm on any day. The premises will not be open beyond this time and sales of alcohol will not take place after this time. It is also good no note, that sales of alcohol will only be for those seated with a meal. There will be no consumption of alcohol off the premises. Persons with means of alcohol both open or closed bottles will not be permitted to leave the premises. This cafe's main point of sales is not alcohol and will not be the case with the approval of this license.

With the approval of this licence, the aim is to give the customers the option of an alcoholic drink to go along with their food during the operational hours of the business. This will help bring more people together and boost the economical value of the business especially with the current situation, the help of eating and drinking out will add great value to the future of the business.

This to aside, the importance of CIZ zones are greatly valued by us and our design approaches which are a reflection of the work we put into valuing these areas. Unlike other premises in the area, this premises opening hours are not till very late and the sales of alcohol are not to be made OFF the premises, therefore, we believe that this application will not have any effect to these areas and will definitely not add to the anti-social behaviour in the area. This is a family-run cafe and the clientele base is generally local families. There is no late-night refreshments to be sold at this premise, nor is there loud music or sales of alcohol off the premises. We believe the proposal of sales on the premises with a meal up until 10:30 pm will not have any effect on the increase of any anti-social behaviour at all.

The approval of this application purely for the reasons listed above will not negatively add to the cumulative area. The following steps will be taken in order to avoid this:

Emergency light will be installed and fire extinguisher will be installed. The fire exit is free of any impediment or obstacle at all time of the operating hours.

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 regards crime and disorder
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any refusal of the sale of alcohol

There will also be notices visible to customers at point of exit requesting for consideration and quietness for when leaving.

We hope the information above is sufficient for you to grant the premises. If there are any other concerns regarding this licence please do let me know i am more than happy to provide further information if requested.

Best

Eda



+44 (0) [REDACTED]
+44 0 [REDACTED]

www.advancearchitecture.co.uk
Instagram: @advancearchitecture

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23.09.2020, 12:20, "Lavine Miller-Johnson" <lavine.miller-johnson@[REDACTED]>

Dear Applicant,

It has been noted that there was a slight error on the timing for the sales of alcohol in my letter of objection.

Please find attached the amended version.

Kind Regards

Lavine Miller-Johnson
Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Place Directorate
John Onslow House
1 Ewart Place
London E3 5EQ



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From: Lavine Miller-Johnson

Sent: 23 September 2020 12:00

To: ADVANCE ARCHITECTURE <[REDACTED]>

Cc: [REDACTED]; Corinne Holland <Corinne.Holland>

Subject: Licence Application for Hulya's Café & Restaurant 357 Cambridge Heath Road London E2 9RA- Ref 130708

Dear Applicant,

Following your application for a new premises licence for **Hulya's Café & Restaurant 357 Cambridge Heath Road London E2 9RA**, please find attached to this email the Licensing Authorities letter of objection against the application.

Kind Regards

Lavine Miller-Johnson

Licensing Officer

Licensing and Safety Team

Environmental Health & Trading Standards

Place Directorate

John Onslow House

1 Ewart Place

London E3 5EQ

[REDACTED]

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Appendix 10

Prevention of Public Nuisance

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

Appendix 11

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

Updated April 2018

Public nuisance

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

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

Appendix 12

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 13

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 9.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 14.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 14

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Cumulative Impact Zones:

Figure One

Brick Lane area:

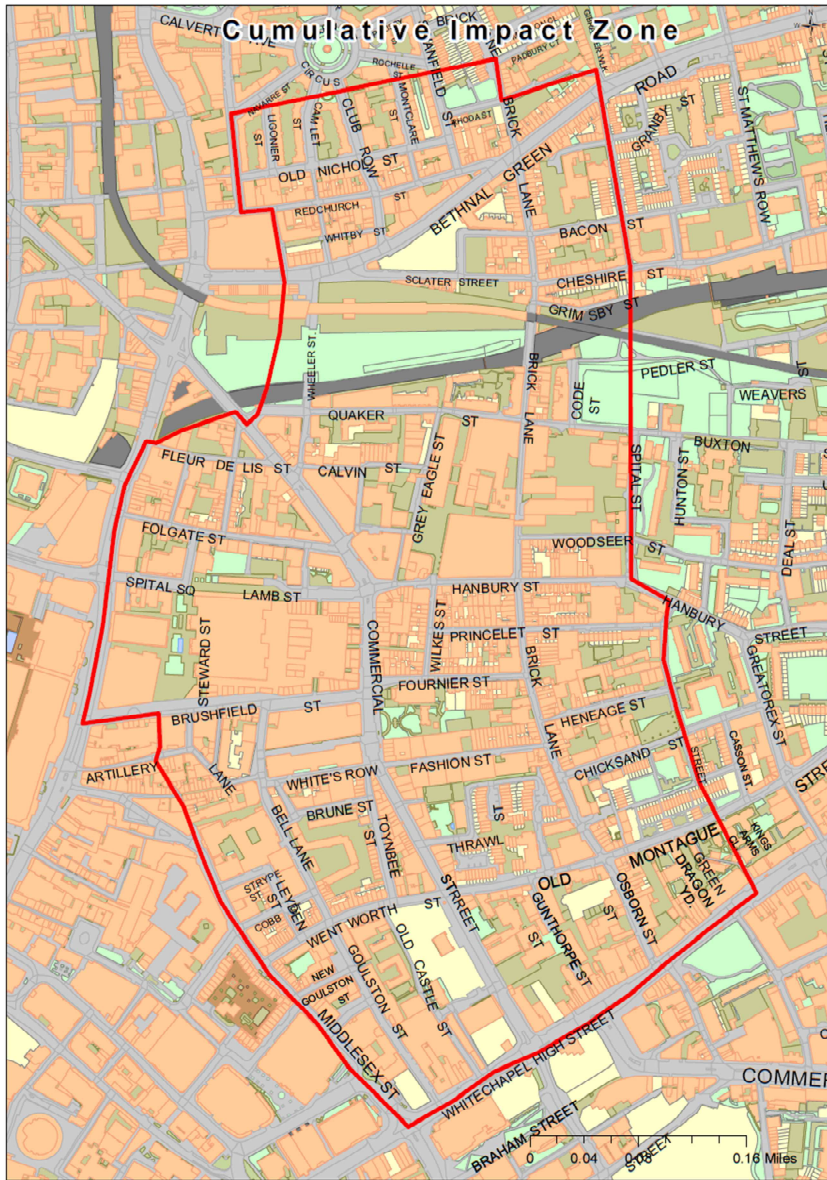
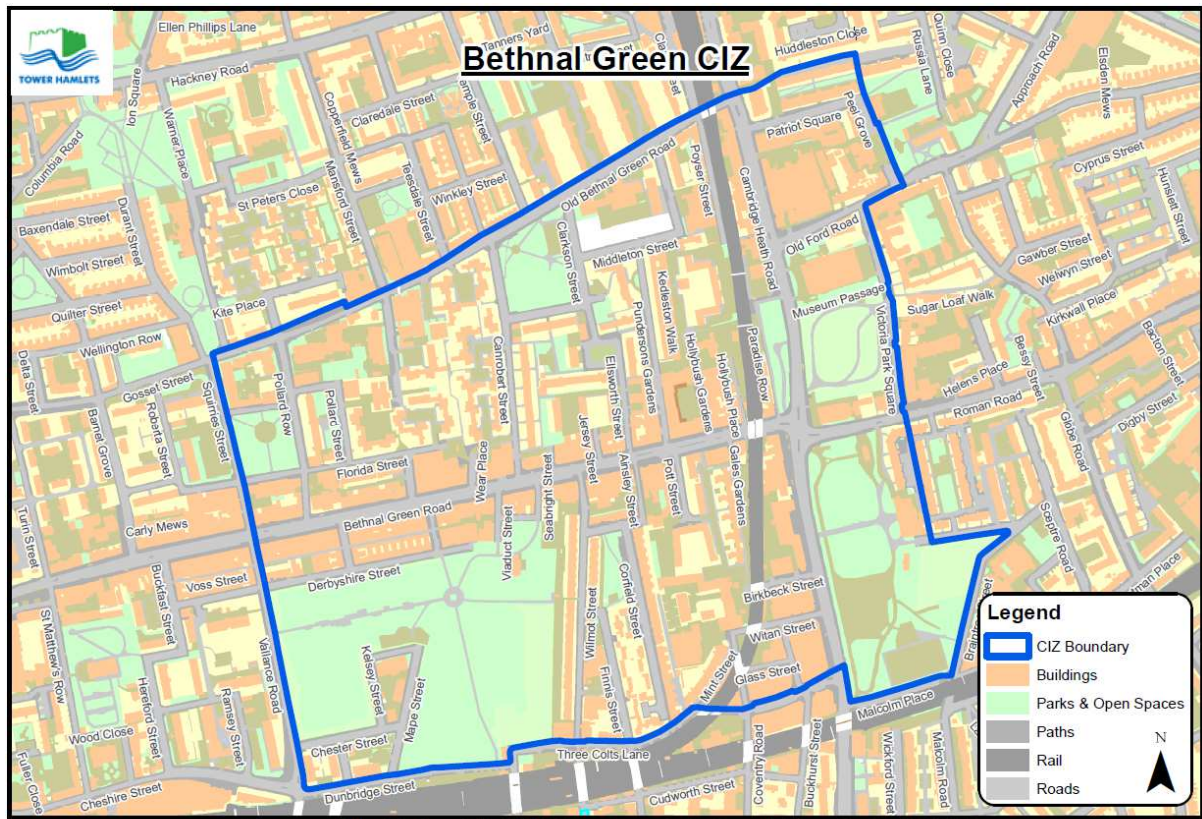
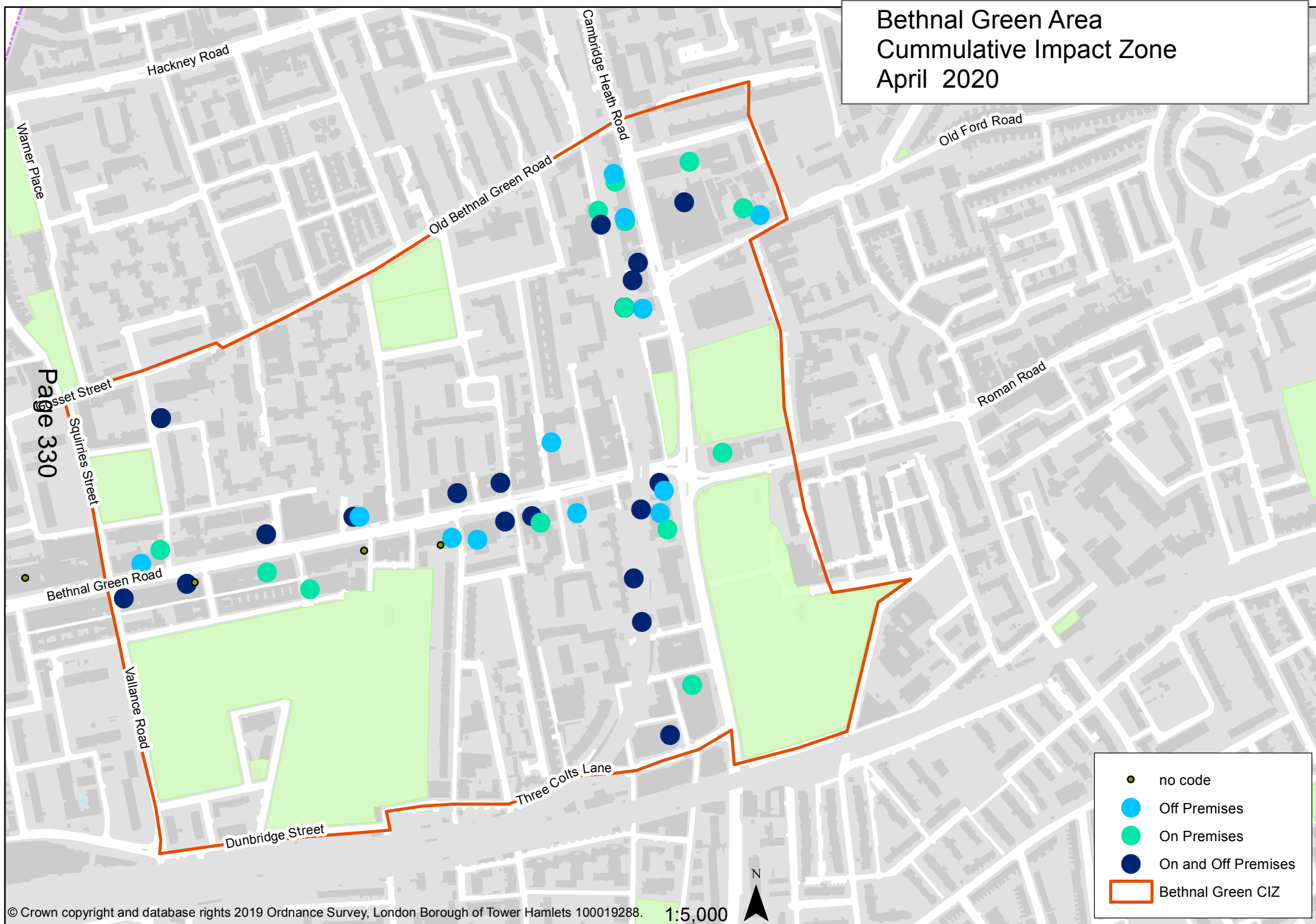


Figure Two:
Bethnal Green Area



Bethnal Green Area Cummulative Impact Zone April 2020



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	no code
	Off Premises
	On Premises
	On and Off Premises
	Bethnal Green CIZ

Appendix 15

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 16

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.