

Licensing Sub Committee

Agenda

Tuesday, 14 September 2021 6.30 p.m.
**The Council Chamber, Town Hall, Mulberry
Place, 5 Clove Crescent, London, E14 2BG**

Contact for further enquiries:

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Place, 5 Clove Crescent, E14 2BG <http://www.towerhamlets.gov.uk/committee>

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Licensing Sub Committee

Tuesday, 14 September 2021

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 7 - 8)

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

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

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

2. RULES OF PROCEDURE (Pages 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 88)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 29th June, 15th July, 27th July and 2nd August 2021.



4. ITEMS FOR CONSIDERATION

4 .1 Application for Variation of a Premises Licence for Printers and Stationers, 21a Ezra Street, London E2 7RH

89 - 266

Weavers

Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident(s)

4 .2 Application to Review the Premises Licence for Cabby's Rum Bar, Railway Arch 411, St Paul's Way, London E3 4AG

267 - 356

Mile End

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety

Review triggered by:

- Licensing Authority
- Environmental Health
- Ward Councillors

4 .3 Application for a Variation of a Premises Licence for La Luna Italian Pizza & Deli, Unit E, 43a Commercial Street, London E1 6BD

357 - 438

**Spitalfields
&
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

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

**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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Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 29 JUNE 2021

**MP701 - TOWN HALL MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,
E14 2BG**

Members Present:

Councillor Eve McQuillan (Chair)

Councillor Mohammed Ahabab Hossain
Councillor Kevin Brady

Officers Present:

Lavine Miller-Johnson	–	(Licensing Officer)	
Jonathan Melnick	–	(Principal Lawyer-Enforcement)	
Mohshin Ali	–	(Senior Licensing Officer)	
Simmi Yesmin	–	(Democratic Services	Officer,
		Committees, Governance)	

Representing applicants	Item Number	Role
Simon Taylor	3.1	(Legal Representative)
Mike Trasmundi	3.1	(Event Manager)
Dave Grindle	3.1	(Project Assistant)
Steve Reynolds	3.1	(Event Director) Virtual
Gintare Einoryte	3.1	(Project Assistant) Virtual
Sarah Clover	3.2	(Legal Representative)
Yuval Hen	3.2	(Applicant)
Shaun Murkett	3.2	(Managing Director)
Paul Jones	3.3	(Licensing Agent)
Alex Stone	3.3	(Applicant)

Representing objectors	Item Number	Role
Mohshin Ali	3.3	(Licensing Authority)

Apologies

None

1. DECLARATIONS OF INTEREST

Councillor Eve McQuillan and Councillor Kevin Brady both declared a personal interest in item 3.1 Application for a Time Limited Premises Licence for Victoria Park, Grove Road, London E9 7DE on the basis that they had received free tickets for a past event hosted by AEG. However, they both confirmed that they had not discussed this application with any interested parties prior to the hearing, that they had not had any contact with the applicant in respect of this year's event, and that the free tickets would have no effect on their decision.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Time Limited Premises licence for Victoria Park, Grove Road London E9 7DE

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a time limited premises licence for Victoria Park, Grove Road, London E9 7DE. It was noted that objections had been received by a ward councillor and a local resident, there had also been supporting representations from local residents.

At the request of the Chair, Mr Simon Taylor, Legal Representative on behalf of the Applicant, gave a brief history of the company AEG, a global leader in organising large scale events and festivals. He explained that the events held in 2018 and 2019 had been successful and had even been acknowledged by the Police for the low level of crimes etc.

He referred Members to page 22 of the agenda, which detailed a few changes to the current existing licence. It was proposed that in 2021, on major event days, the capacity is to increase to 45,000 on a Friday and Saturday (for up to 4 days) and 2 days with no more than a capacity of 39,999. In 2022 and 2023 no more than four 4 days there may be a capacity not exceeding 49,000 and minor event days/ community events capacity is to be reduced from 14,999 to 12,499. It was also noted that there would be a new bigger entrance to help easier access into the park.

Mr Taylor said that the size of the park could accommodate the increase in growth, with this, facilities would increase as well as staff/medical supplies/security and transport features. It was noted that expert modelling stress testing had been conducted and it was concluded that there was ample availability for the proposed increase in numbers. Mr Taylor highlighted that there had been no representation from Responsible Authorities and that regular multi-agency meetings were undertaken, which included

representatives from Transport for London, Police, Licensing and Fire Authority. It was noted that all existing conditions would remain and channels to receive messages, emails, and a complaints and information line will all be made available during the events. Letter drops to local residents would also be made with information regarding the events and information contact details.

It was noted that speakers would be directed away from residential properties and sound checks would be made as is required as part of the conditions. It was also noted that there had been one complaint about the noise in 2018 and this was dealt with immediately and as a result there was no complaints in 2019. The security plan was noted with details of the number of security staff on site. Mr Taylor confirmed that the children's play areas in the park would still be available and from past events it's shown that the most tickets purchased were from residents living in Tower Hamlets and Hackney.

It was noted that the objectors were not present for the meeting therefore their written objections were considered and noted.

In response to questions the following was noted;

- The reason for the increase in capacity was to attract better headline acts so as to increase financial stability; there was significant competition and a huge loss during pandemic last year, also improvements made to infrastructure and therefore cost would need to be recovered.
- The capacity for community events had been reduced, as a result of take up from previous events and therefore a reduction in capacity would help with unnecessary strain on resources.
- That there had been no response from the objectors despite attempts at mediation.
- The entrance site had been improved and made bigger.
- Concerns raised about noise complaints in 2018 had been due to adverse weather conditions during those particular days; sound was then adjusted by noise experts who had been taking measurements.
- That there would be 246 supervisors in place and will be positioned at agreed points, decided by the Multi-Agency Team.
- There would be 5 emergency response teams in place during events.
- There would be dedicated stewards only dealing with egress and positioned through the route to transport hubs.
- Stewards would also be deployed to known hotspot areas.
- That the number of security staff was proportionate to the expected number of guests.
- Average response to complaints or incidents would be immediate as phone lines etc would be live during events, officer would then be able to deploy the relevant staff to the incident areas.
- That Licensing Officers and Environmental Health Officer also work on the events to ensure compliance and conditions are adhered to.

- Temporary toilets would be placed at egress sites and along transport routes and areas where public urination is reported. These areas would be cleaned as part of the cleaning process.

Concluding remarks were made by Mr Taylor.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting in person and virtually made by the Applicants, and the Applicant's Legal Representative. None of those making representations were present at the meeting. However, their written representation was read and considered by the Sub-Committee when making its decision.

The Sub-Committee noted that the objections and concerns raised in relation to the negative effects on nearby residents due to previous events held at the park causing crime and disorder, and in particular public nuisance in the form of noise nuisance, with particular regard to egress and dispersal, and related matters such as litter and public urination.

Members questioned how complaints and incidents from previous events had been dealt with and upon questioning received a detailed explanation of how incidents would be logged and managed and welcomed the introduction of more rapid response units to specifically deal with complaints or incidents that may occur. This gave members assurance that there would be measures in place to address any concerns raised during and after the event and that the event would be well managed. Members noted also that letters had been sent by the Applicant to those who had made objections and inviting dialogue. The Sub-Committee was informed that meetings had also been held with members of the local community.

The Sub-Committee acknowledged the Applicant's efforts and willingness to work with responsible authorities and offering a robust set of conditions which would help alleviate the concerns raised by the objectors. The Sub-Committee was confident in the Applicant's ability to uphold all four licensing objectives

and that the proposed conditions would suffice to ensure the promotion of the licensing objectives.

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 Time Limited Premises Licence for Victoria Park, Grove Road, London E9 7DE be **GRANTED with conditions.**

A Time Limited Premises Licence for Victoria Park, Grove Road, London E9 7DE from the 1st May 2021 to 31st December 2023.

The sale by retail of alcohol (on sales only):

- Monday, from 10:00 hrs to 22:15 hrs
- Tuesday and Wednesday, from 10:00 hrs to 21:30 hrs
- Thursday, from 10:00 hrs to 22:15 hrs
- Friday, from 10:00 hrs to 22:45 hrs
- Saturday, from 12:00 hrs to 22:45 hrs
- Sunday, from 12:00 hrs to 22:15 hrs

Non-standard timings.

- Where event days fall on Bank Holiday weekends then the applicant wishes to be able to supply alcohol on a Major Event on the Bank Holiday Monday between the hours of 12:00-22:15. Otherwise on a Minor Event the supply of alcohol on the Bank Holiday Monday will be between the hours of 10:00-21:30
- For Thursdays, should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:15. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.
- For Fridays, should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:45. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.
- For Saturdays should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:45. Otherwise should a Minor Event take place, the hours will be 12:00-21:30.
- For Sundays should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:15. Otherwise should a Minor Event take place, the hours will be 12:00-21:30.

The provision of regulated entertainment – Indoors and outdoors

(Plays, Films, Indoor sporting events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description):

- Monday, from 10:00 hrs to 22:30 hrs
- Tuesday and Wednesday, from 10:00 hrs to 21:30 hrs
- Thursday, from 10:00 hrs to 22:30 hrs
- Friday and Saturday, from 10:00 hrs to 23:00 hrs
- Sunday, from 10:00 hrs to 22:30 hrs

Non-standard timings.

- For all Minor Events licensable activities will be restricted to the hours of 10:00 – 21:30 hours.
- Where event days fall on Bank Holiday weekends then the applicant wishes to be able to operate a Major Event on the Bank Holiday Monday between the hours of 12:00-22:30. Otherwise a Minor Event may operate on the Bank Holiday Monday between the hours of 10:00-21:30 hours.
- For Thursdays and Sundays, should a Major Event take place, then the applicant wishes to be able to operate between the hours of 12:00 and 22:30. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.
- For Fridays and Saturdays, should a Major Event take place, then the applicant wishes to be able to operate between the hours of 12:00 and 23:00. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.

Conditions

1. In 2021 Major Event Day capacity on no more than four (4) days is proposed to increase to 45,000 on a Friday and Saturday only.
2. In 2021 Major Event Day capacity on no more than two (2) event days may be at a capacity not exceeding 39,999 (Major Event) and may only take place on a Thursday, Friday, Saturday, Sunday and Bank Holiday Monday.
3. In 2022 and 2023 on no more than four (4) days there may be a capacity not exceeding 49,999 and the event may only take place on a Friday and Saturday.
4. On no more than two (2) event days there may be a capacity not exceeding 39,999 on a Thursday, Friday, Saturday, Sunday and Bank Holiday Monday.
5. Days not used for Major Events may be at capacity not exceeding 12,499.
6. Thursday is added as an optional Major Event Day.
7. Minor Event Day capacity is reduced from 14,999 to 12,499.
8. A Covid-19 mitigation plan is now included in the Event Management and Operating Plan (EMOP).

9. Counter-terrorism mitigation measures have been added to the EMOP.
10. A maximum of ten (10) event days may be operated under this licence in each calendar year.
11. Major Event days will take place only on Fridays, Saturday, Sundays or Bank Holiday Mondays, except where otherwise approved by the Multi Agency Planning Group
12. Each year, the Premises Licence holder will undertake a full and detailed consultation with each of the responsible authorities. This consultation will take place through a Multi-Agency Planning Group (Chaired by the Local Authority) in the lead up to, and during the event.
13. Each year, at least 4 months prior to the first event date, the Premises Licence holder will notify the Licensing Authority of the proposed dates for that years events.
14. Each year, at least 3 months prior to the first event date, the Premises Licence holder will produce a draft Event Management & Operating Plan (EMOP) containing detail appropriate to the Event. This will also include a detailed plan of the site.
15. The Final Event Management and Operating Plan (EMOP) must be approved by the Multi-Agency Planning Group, at least one month prior to the first event date. Thereafter, no changes will be made to the EMOP without the prior written consent of the Licensing Authority. Any changes during the event can only be made with the consent of the Event Liaison Team (ELT).
16. For each event the final EMOP (including the plan of the site) will be implemented and complied with by the Premises License holder.
17. Throughout the event open period the Premises Licence holder will maintain an Event Control Room to manage the event.
18. A debrief meeting will be undertaken annually after the final event date;
19. The Premises Licence holder will implement an event and pre-event communications strategy to provide anti-crime messaging and drugs awareness advice to ticket holders;
20. The Premises Licence holder will use screening on the entry points to the event, to exercise the right to refuse entry to any unauthorized or disorderly person;
21. The Premises Licence holder will implement various operations to disrupt the misuse of drugs amongst those proposing to attend the event, and to support the Event Organiser's "zero tolerance to drugs" policy;

- 22.** In conjunction with the Metropolitan Police and other responsible authorities, each year the Premises Licence holder will produce;
- Crowd Management Plan
 - Alcohol Management Plan
 - Ingress Management Plan
 - Egress Management Plan
 - Security & Crime Reduction Plan
- 23.** In conjunction with LBTH Health & Safety and other responsible authorities, each year the Premises Licence holder will produce;
- Risk Assessment
 - Fire Risk Assessment
 - Schedule of Temporary Structures
 - Questionnaire and Inspection schedule for Food Traders
 - Rules for Site contractors
- 24.** The Premises Licence holder will set up a publicised meeting each year with local residents prior to the first event date. This meeting will be to discuss plans for the Event and receive residents feedback.
- 25.** The Premises Licence holder will set up a publicised meeting each year with local residents after the final event date. This meeting will be to receive residents feedback;
- 26.** Age restrictions will apply to each event day, the age restrictions for each event day will be agreed in advance with the Multi-Agency Group and will be contained within the EMOP
- 27.** All alcohol outlets will be monitored by security staff and bars management team. All bar staff will receive training and daily briefings;
- 28.** The Premises Licence holder offers the opportunity for agencies to visit the site during the live period to demonstrate the licence holders management controls and experience of the event.
- 29.** The Premises Licence holder will provide the contact numbers of the applicants and their appointed officers
- 30.** For Major Events, the “Music Noise Level” (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not exceed 75 dBA 15-minutes.
- 31.** For Minor Events, the “Music Noise Level” (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not

exceed 65

- 32.** The following three permanent noise monitoring positions have been agreed (as detailed below), but should it be found that these are not representative of the site layout or residential noise impact, then they may be relocated with the agreement of the Premises Licence holder and environmental health. The three agreed Permanent Noise Monitoring Locations are: i) Waterside Close, at the residential façade. ii) Empire Wharf (within Victoria Park) in-line with the building arch. iii) Wetherell Road (Iveagh Close) Day Nursery (within Victoria Park).
- 33.** The sound system and site design shall be reviewed to manage containment of sub- bass, so as not to cause a public nuisance.
- 34.** The Premises Licence holder shall appoint a competent Noise Consultant. The consultant will have the ability to monitor music noise levels competently and with the authority to control sound levels to ensure compliance with the music noise conditions.
- 35.** A direct means of communication between the Noise Consultant and the Officers of the Environmental Health Department must be made available. There must also be a separate radio channel dedicated to noise control.
- 36.** In consultation with the Council's Environmental Health Department, the sound systems and other noise sources shall be positioned so as to minimise noise disturbance.
- 37.** In conjunction with the Council's Environmental Health Department, sound tests shall be carried out before the event. This will determine the maximum music noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the agreed noise limits;
- 38.** A permanent noise monitor shall be placed at all "front of house" sound mixer positions, this must be able to measure 15 minute LAeq periods or less and print or store the results, Officers must be able to view all the results at the mixer position during the event. A copy of any noise measurements undertaken at permanent sound mixer or the 3 residential monitoring locations must be forwarded within 10 working days to the Environmental Health Department.
- 39.** The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to BS7580: 1992 and be a minimum type 2 grade instrument according to BS5969: 1981.
- 40.** Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours a contact

telephone number (not an answer phone) must be provided for the person in charge of these operations.

41. White noise “Broadband” reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property throughout the occupation of the park by the Premises Licence holder.
42. Any complaints received should be directed via a central complaints handling system and directed to the Council Officers and all concerned immediately by secure phone or messaging service, not via an insecure wireless radio system. The Council’s complaints procedure for taking and logging complaints must be followed at all times.
43. The Premises Licence holder shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
44. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee to control the music noise levels. This number should be agreed with Environmental Health department in advance of the event.
45. The Premises Licence holder shall invite a representative of Environmental Protection Department to visit the site during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
46. No alcohol shall be taken out of the licensed area;
47. 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 25 policy used on site, including preventing proxy sales; and sales to intoxicated customers;
48. 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.
49. MDS operators must carry a clear indication that a Challenge 25 protocol is in operation.
50. A Challenge 25 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. Identification will include, for example;
 - A photo driving licence
 - A passport

- A proof of age card bearing the PASS hologram.
51. Throughout the duration of the events (including sound checks, rehearsals and concert performances) the control limits set at the mixer position shall be adequate to ensure that the 63Hz and 125Hz octave frequency bands shall not exceed 75dB (LAeq 15 minutes) as a result of Music Noise level (MNL) beyond a 2km radius (distance measured from the main stage mixer position). The 63 Hz and 125 Hz octave frequency bands shall be assessed in a free field position at measurement points prescribed by the London Borough of Tower Hamlets Environmental Health.
52. The noise consultant shall make use of a monitoring system that allows for real-time correlation between performance stages and off site monitoring locations.
- 3.2 Application for a New Premises Licence for (Rooftop) 60 The Highway, Wapping, London E1W 2BF**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Rooftop, 60 The Highway, London E1W 2BF. It was noted that objections had been received on behalf of the Licensing Authority and local residents. It was noted that prior to the meeting, objections from the Licensing Authority and one of the residents had been withdrawn. The application now had two resident objections remaining.

At the request of the Chair, Ms Sarah Clover, Legal Representative on behalf of the Applicant, explained that the venue was the old car garage on the 2nd floor rooftop area, that there were no objections from all the Responsible Authorities and that a robust set of conditions had been offered if the application were to be granted. Ms Clover introduced Mr Yuvel Hen, the Applicant and gave a brief background of Mr Hen's character and experiences to date, and emphasised the huge support from local residents for Mr Hen. It was noted that Mr Hen had another premises and had let residents use it for community focussed events and also offered community groups to hire out the venue etc. Ms Clover explained that the premises was a bar, set out in a garden style environment with foliage and plants and a pleasant outdoor area. She explained that this premises had been operating under temporary event notices (TENS) to test the business concept which had been very successful with no complaints.

It was noted that all conditions from Responsible Authorities had been accepted by the Applicant, that the hours applied for were very moderate and well within the council's framework hours. It was a time limited premises and the powers to review the licence would be available to all interested parties should problems arise.

It was noted that the objectors were not present at the meeting therefore Members noted and considered their written objections;

In response to questions the following was noted;

- That the venue would run throughout summer until September and reopen before Christmas and then close and reopen during spring and summer next year.
- That there were 2.5 metre screens up with timber fencing covering the perimeter of the rooftop. These visual barriers ensured that there was no way to see into neighbouring residential premises.
- That there had been 11 TENs which had operated well with no complaints of sound or nuisance.
- Speakers for music had been tucked away to ensure noise is not audible to neighbouring premises.
- The premises had a capacity for 400 people.
- There were sufficient security staff in place
- That the Applicant was working in consultation with LBTH Environmental Health Officer for setting the appropriate sound levels.
- That Mr Hen had regular contact with residents and had own social media groups set up to keep in touch with them and to use as a platform to raise concerns etc.
- Dispersal policy was noted and confirmed that customers would leave via Pennington Street, which was the furthest away from residential premises.
- That every customer leaving is monitored and if there were any issues these would be dealt with immediately.
- Employed a large number of SIA staff, who were trained in crowd management.
- That the street is cleaned on a regular basis after the premises is closed each night.
- The reason for not applying for later hours was so not to disrupt residents and to maintain a good relationship with residents.

Concluding remarks were made by Ms Clover.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before

them and heard the oral representations at the meeting virtually and in person from the Applicant and his Legal Representative. It was noted that those making representation were not present at the meeting. However, their written representation was read and considered by the Sub-Committee. It was further noted that two out of the four objections had been withdrawn following mediation with the objectors.

The Sub-Committee noted the concerns raised by the resident objectors in relation to the potential increase in noise and public nuisance, lack of privacy in their homes as customers would be overlooking into residential properties, as well as concerns of having another Rooftop Bar in the area. However, the Sub-Committee was assured that appropriate screening had been installed which deflected the noise away from the direction of the residential properties. In addition, the screens were over two metres high, which ensured that customers would not have a view of any residential properties. The Sub-Committee had been informed that there had been several Temporary Event Notices given in relation to the premises to see that the operation of the premises would not undermine the licensing objectives were the licence to be granted. There had been no complaints from these events and objections had been made to them by either the police or environmental health.

Members welcomed the efforts made by the Applicant in ensuring that he maintained a good relationship with local residents and implemented a good dispersal policy for customer access and egress. Members were confident that the moderate hours applied for together with the robust set of conditions offered and agreed with Responsible Authorities, the Applicant would ensure 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 Time Limited Premises Licence for Rooftop, 60 The Highway, Wapping, London E1W 2BF be **GRANTED with conditions**.

A Time Limited Premises Licence for Rooftop, 60 The Highway, Wapping, London E1W 2BF from the 1st May 2021 to 30th September 2022.

Sale of Alcohol (On Sales)

Monday to Sunday, from 11:00 hours to 20:30 hours

The Provision of Regulated Entertainment (Recorded Music) – Outdoors

Monday to Sunday, from 11:00 hours to 20:30 hours

The Opening hours of the Premises

Monday to Sunday, from 11:00 hours to 21:00 hours

Conditions

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
3. Children admitted only when accompanied by an adult, and to outdoor area only to 21.00 only.
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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. A minimum of 1 SIA licensed door supervisors per 100 customers shall be on duty at the premises at all times whilst it is open for business
8. 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.

9. 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.
10. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
11. 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 sound system for outside use is to be controlled by a sound limiter and all music is to be inaudible within residential premises.
13. The licensee must seek approval from Police and Licensing Authority on any changes of external promoters.
14. The premises shall discourage any attempt by organisers, artist or users of the premises to advertise by fly posting or using illegal placards;
15. There shall be no use of nox cannisters used on site, the licence holder shall discourage any attempts of traders to sell balloons/cannisters immediately outside the venue.
16. No alcohol or drinks shall be taken off the licensed area, apart from the ground floor toilet area.
17. A site plan of the layout and any changes to the layout must be agreed with Licensing Authority; Police and Environmental Protection prior to any activities taking place.
18. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
19. Adequate measures shall be in place to ensure customers remain within the site of the licensed area.
20. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

21. The numbers of toilets provided shall be equivalent to the recommendation of the Purple Guide for outdoor events.

3.3 Application for a New Premises Licence for Trade 47 Commercial Street, London E1 6BD

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 Trade, 47 Commercial Street, London E1 6BD. It was noted that an objections had been made by the Licensing Authority.

At the request of the Chair, Mr Paul Jones, Licensing Agent, explained that the premises was a café and been trading since 2014, with a total of 11 staff, serving breakfast and lunch. He said the Applicant owned and operated two other restaurants which were fully licensed and therefore was experienced and a responsible operator. He said that the application had been prompted due to the global pandemic and the financial difficulties the hospitality industry had been facing and therefore wanted to extend the café model to later in the evening with the introduction of sale of alcohol in order for the survival of the business.

Mr Jones stated that the cumulative impact zone policy allowed for a rebuttable presumption and in this application he states that there were exceptional circumstances as it was a small premises, not alcohol led and the hours applied for were within the council's framework hours. Mr Jones explained that the Applicant was happy to except the conditions proposed by the Licensing Officer. However, he did not agree with Condition 2 to restrict the premises to a restaurant licence and asked for this to be reworded as the premises did not have the facilities to be able to cater for a sit down restaurant meal.

Members then heard from Mr Mohshin Ali, Licensing Officer. He said that he acknowledged the fact that businesses were facing difficulties but there was a potential for public nuisance and crime and disorder if a new premises licence was to be granted. It was noted that the premises was currently a café and didn't sell alcohol and if a licence was to be granted, this would mean another licensed premises in the CIZ which would cause a negative effect. Mr Ali explained that as a result of another licensed premises there would be an increase in footfall, likely increase in alcohol fuelled crime and would add to existing levels of anti-social behaviour in the area, an area which already experiences high levels of public nuisance and crime and disorder. Mr Ali stated that if Members were minded to grant the application then conditions preventing it from becoming a bar should be imposed.

In response to questions the following was noted;

- That the premises had a capacity for 48 persons.
- The basement area was for the kitchen, toilets and office.
- The café served sandwiches, deli style food, and casual meals.

- The café was less formal than a dining restaurant.
- That the majority of the customers were from nearby offices and unlikely to be attracting people from outside the area.
- That most customers would be having food with alcohol.
- That staff would monitor to ensure customers aren't drinking excessively, and would not serve customers if they are intoxicated.

Concluding remarks were made by all parties.

The Licensing Objectives

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

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. 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 virtually and in person by the Applicant, his Licensing Agent and from the Officer representing the Licensing Authority, with particular regard to the prevention of public nuisance.

The Sub-Committee noted the representations from the Licensing Authority, regarding the impact of the premises in the Brick Lane Cumulative Impact Zone (CIZ) and in particular the concerns relating to an additional set of licensed premises in a CIZ. However, the Sub-Committee also noted the Applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions offered in the operating schedule and those agreed with Environmental Health. The Sub-Committee accepted that the premises was a relatively small deli café, offering customers alcoholic beverages with deli-style food, that would not be alcohol-led, and that the small number of covers and the adherence to the council's framework hours would ensure that there would not be an additional adverse impact on the CIZ.

The Sub-Committee's main concern was to ensure that the premises would indeed operate as indicated by the Applicant and would not turn into a bar. The Sub-Committee therefore considered it appropriate to impose additional conditions and which addressed the concerns raised by the Applicant in respect of the Licensing Authority's proposed condition 2, which required, among other things, the provision of alcohol with a substantial meal.

The Sub-Committee added conditions 4 to 8 below. Conditions 4 and 5 ensure that the number of patrons in the premises at any one time would remain limited. Condition 6 ensured that the sale of alcohol would not and could not become the main focus of the business. Finally, condition 8 limited the type of alcohol to be sold. All of these conditions would ensure that the premises would operate in the manner explained to the Sub-Committee. The Sub-Committee was satisfied that these additional conditions were appropriate and proportionate for the promotion of the licensing objectives.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed in relation to a non-alcohol led business would effectively mitigate the risk of public nuisance and restrict the premises in becoming a bar in future and this also helping alleviate any concerns raised by the Responsible Authority.

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 Trade, 47 Commercial Street, London E1 6BD be **GRANTED with conditions.**

Sale of Alcohol (on sales only)

Monday to Saturday from 09:00 hours to 23:30 hours
Sunday from 09:00 hours to 21:00 hours

The opening hours of the premises

Monday to Saturday from 07:00 hours to 23:30 hours
Sunday from 09:00 hours to 21:00 hours

Conditions

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

premises are open. This staff member must be able to provide a Police or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. Alcohol shall only be sold or supplied to patrons who are seated at a table, counter or similar.
5. There shall be no vertical drinking within the premises.
6. Alcohol shall only be sold or supplied to patrons purchasing food which is commensurate with the food offering provided by the premises and shall be ancillary to such food sales.
7. There shall be no sale or supply of spirits, aperitifs, digestifs or similar.
8. There shall be no off sale of alcohol from the premises.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
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. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and shall be made available to a relevant responsible authority when called upon.
13. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
14. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record the name of the person responsible for the premises on each given day. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises. The

register shall also record all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.

15. The premises licence holder shall join any Pubwatch or similar organisation where active.
16. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.
17. The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.
18. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
19. No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
20. Patrons smoking outside the premises shall be monitored regularly.
21. The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
22. Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.
23. All occasions when persons have been refused service shall be recorded in the premises daily register.
24. There shall be no children unaccompanied by a responsible adult on the premises after 21:00.
25. All children under the age of 12 years shall be accompanied by an adult whilst on the premises
26. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
27. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act

2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
EMS Corp Ltd - 149 Commercial Street London E1 6BJ	31/10
JL Coffee, Tipi Coffee 178a Brick Lane E1 6SA	31/10
East London Wineworks Unit 5 (Ground Floor), The Huntingdon Estate, Ebor Street, London E1 6JU	31/10
Capital Karts, Cabot Square Car Park, Level P4, London E14 4QS	31/10

The meeting ended at 9.05 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 6.35 P.M. ON THURSDAY, 15 JULY 2021****COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Kevin Brady (Chair)

Councillor Eve McQuillan

Councillor Kyrsten Perry

Officers Present:

David Wong	–	(Legal Services)	
Corinne Holland	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Adam Shaw	3.1	(Legal Representative)
Azmal Hussain	3.1	(Applicant)
Mark Jerrerys (Virtual)	3.3	(Applicant)
Ben Murphy (Virtual)	3.3	(Applicant)

Representing objectors	Item Number	Role
Lavine Miller-Johnson	3.1	(Licensing Officer)
Ibrahim Elias (Virtual)	3.1	(Environmental Health Officer)
PC Mark Perry	3.1/3.3	(Metropolitan Police)

Apologies**1. DECLARATIONS OF INTEREST**

Councillor Krysten Perry declared a personal interest in items 3.3, Application for a Temporary Event Notice for Mudchute Park and Farm, Pier Street, London E14 3HP on the basis that she had an allotment in Mudchute Farm. However, she had not discussed this application with any interested parties prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Italian Graffiti Food Centre, 124 - 126 Brick Lane, London E1 6RU

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Italian Graffiti, 124-126 Brick Lane, London E1 6RU. It was noted that objections had been received by Responsible Authorities representing the Licensing Authority, Metropolitan Police and Environmental Health.

It was noted that the previous tenants had gone into liquidation and the license had lapsed hence the reason for a new application.

At the request of the Chair, Mr Adam Shaw, Legal Representative on behalf of the Applicant explained that they had modified the application and were seeking to mirror the same terms of the previous licence. He explained that the premises was a restaurant and not a bar, it was not alcohol led and offered a table meal service. Mr Shaw stated that the applicant would keep training logs, and accept conditions to limit noise nuisance. With the agreement of the Chair and objectors a supporting document was tabled at the meeting which detailed the amended application with a reduction in hours and a set of proposed conditions.

Members paused for a moment to familiarise themselves with the additional document presented at the meeting.

Members then heard from Ms Lavine Miller-Johnson, Licensing Officer, she explained that the premises was in the Cumulative Impact Zone (CIZ) and there was no mention in the original application as to how the licensing objectives would be upheld, with no mention of how the outdoor area would be managed and controlled as the previous licensee did not have the outdoor area licensed for food and drinks. She also highlighted that the hours applied for in the amended application were still excessive for weekdays and were beyond the Council's framework hours. Ms Miller-Johnson said there was no booking system in place and no restrictions on the number of smokers.

Members heard from Mr Ibrahim Elias, Environmental Health Officer, who explained that his objection was based on the excessive hours applied for, especially in a CIZ area as the hours were beyond the Council's framework hours. He stressed that there were residential premises in close proximity,

and if a licence was granted there was a likelihood that there would be noise break out from access and egress. He also commented that the application as it stood did not provide sufficient information as to why this application should be granted, bearing in mind that the premises were in the CIZ.

Members lastly heard from PC Mark Perry, Metropolitan Police who explained that the application as originally set out before its revision was poor, and the Applicant had made no effort to consult with the police prior to the application. However, he did welcome the new hours and the agreement of conditions amongst other things in the revised application. PC Perry highlighted the fact that it was still a new application for licensed premises in the CIZ, therefore the Applicant would need to rebut the presumption against granting an application in the CIZ. He said that the external area should have restriction on its use and be closed by 10pm. PC Perry also considered that there should be SIA accredited door supervisors on duty on Thursdays, Fridays and Saturdays to manage and control access and egress, as well as the external area. PC Perry suggested that management should demonstrate they are able to operate responsibly before they are granted a licence for such excessive hours.

In response to questions the following was noted;

- That the external area had a capacity of 30-40 people.
- That all neighbouring residents were the Applicant's tenants, and so the Applicant would not want them to be disturbed by noise.
- That the Applicant was willing to consider conditions for the external area.
- The full capacity of the premises was 150 people.
- That the premises had been trading as a restaurant for the past 21 years.
- The Applicant would prefer the external area open for the same hours as the indoor restaurant.
- That the external area was a closed off area at the back of the premises with a rooftop.
- That security staff should be on duty from 8pm until closing time on the weekends.
- The Applicant was happy to have a limit on the number of smokers to be allowed to smoke outside the premises at any one time.
- That there would be no off sales or takeaway sale of alcohol.
- There were no reports of recent noise nuisance complaints

Concluding remarks were made by all parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Sub Committee had carefully considered all of the evidence before them, including written and verbal representations from the Applicant and his Legal Representative and from the Officers representing the Licensing Authority, Environmental Health and Metropolitan Police with particular regard to the prevention of public nuisance.

Members noted that the premises did previously have a premises licence which had lapsed as the corporate premises licence holder at the time went into liquidation. The Sub-Committee noted the representations made by the Responsible Authorities regarding addition to the cumulative impact of another set of licensed premises in the Brick Lane Cumulative Impact Zone (CIZ), particularly public nuisance concerns, namely the likely disturbance to residents nearby.

Members welcomed the amended application submitted by the Applicant, with a reduction of licensable hours. The Applicant's proposal of reduced hours and conditions to restrict the number of smokers outside the premises, restrict the closing time of the external area, and to prohibit off sales of alcohol, gave the Sub-Committee the assurance that this venue would not add to the cumulative impact in the CIZ. It was also noted that the premises was a restaurant, so not alcohol led.

The Sub-Committee was satisfied that the above conditions imposed, as well as those already put forward by the responsible authorities in the event of a grant of this application, would alleviate the concerns raised by the responsible authorities and support the licensing objectives.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Italian Graffiti Food Centre, 124-126 Brick Lane, London E1 6RU be **GRANTED with conditions.**

Sale of Alcohol (on sales)

Monday to Sunday from 10:00 hours to 01:30 hours (the following day)

Late Night Refreshments

Friday and Saturday from 23:00 hours to 01:30 hours (the following day)

Hours premises are open to the public:

Monday to Sunday from 10:00 hours to 02:00 hours (the following day)

Conditions

1. There shall be no off sales of alcohol.
2. There shall be no more than 10 smokers outside the premises at any one time.
3. The area marked as 'outdoor serving' at the rear of the premises on the plan will be rendered unusable at 23:00 hours each day.
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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. When the designated premises supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
8. A minimum of one (1) SIA accredited door supervisors shall be on duty on Fridays and Saturdays from 8pm until the premises close.
9. 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.
10. 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) They call the police (and, where appropriate, the London Ambulance Service) 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.
11. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
12. 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.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
14. 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.
15. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
16. The premises will have a written dispersal policy, available on request to any responsible authority.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. The supply of alcohol shall be by waiter or waitress service only

19. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 6 months.
20. All such training is to be fully documented and signed by the employee and the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of Tower Hamlets Council.
21. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
22. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
24. 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.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** hours on the following day.

3.2 Application for a premises licence variation for Travelodge 20 Middlesex Street London E1 7EX

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

3.3 Application for a Temporary Event Notice for Mudchute Park and Farm, Pier Street, London E14 3HP

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for Mudchute Park and Farm, Pier Street, London E14 3HP. It was noted that objections had been received by the Police.

It was noted that the TEN was for a small music festival with a live DJ for 24th July from 1pm to 11pm.

At the request of the Chair, Mr Mark Jefferys, Applicant explained that the proposed event would be a safe and successful event for ages between 18-35 to enjoy food and drink, in Mudchute Farm. He said that the event would be on the upper paddock of the farm which was a fenced off area. It was noted that upon entry there would be a search conducted by SIA accredited staff, the entrance and exit point would be on Pier Street away from residential properties. Mr Jefferys explained that they had support from the farm itself, and he and his team had over four years of experience in the events industry and work in collaboration with well known artists. He was confident that they would deliver a successful event. He then referred Members to the supporting documents contained in the supplemental agenda which included risk assessments and policies and plans that would be in place for the event. Mr Jefferys concluded that he was happy to work with the Council during this event.

PC Mark Perry, Metropolitan Police said that the event was to be a music festival for 18-25 year olds. He was concerned that the police had not been contacted in advance of the application. He said that he had no confidence in the Applicant and was of the view that the risk assessment documents submitted were not specific to the event.

PC Perry questioned where the event had been advertised, who would be attending, had the DJs been vetted to find out about their experience, their fan followings etc. Also concerns were raised as to how age groups attending, and potential for alcohol and drugs issues would be monitored. He also expressed concern that people would be preloading on alcohol before attending the festival and what measures were in place to prevent public nuisance.

Further concerns were raised, that if the TEN application was to be granted, the Sub-Committee could not impose any conditions on it, hence there would be nothing to hold the Applicant to account for any issues arising at the event in relation to the licensing objectives. The Sub-Committee were urged to refuse the application.

In response to questions from Members the following was noted;

- That there would be one member of first aid staff and three medical staff on site.
- There would be six SIA accredited security staff on duty.
- Security staff would be at the entrance to the site.
- That tickets were sold electronically and in advance of the event.

- The event was not advertised externally, only on social media websites for followers.
- That ID's would be checked upon attendance.
- That the Applicant had worked with DJs over the years and have experience of working with them in the past without any problems, with no issues over health and safety or crime and disorder.
- That the Applicant were willing to work with police on risk assessments.
- That the Applicant had built up a following over the years and relies on repeat business, so a lot of the guests would be already known to the Applicant.
- That the number of security staff and medical staff on site was sufficient for the number of guests for the event, but if there was an incident then the security staff could be outnumbered.
- That 208 tickets had already been sold without knowing if this application was going to be granted.
- Concerns raised as to what safeguards were in place if more than 500 guests tuned up to the event?

Concluding remarks were made by both parties.

The Licensing Objectives

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

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

Consideration

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

The Sub-Committee noted the representations from the Police regarding their concerns relating to the Temporary Event Notice and the impact and likely disturbance this would cause to residents nearby. It was also noted there had been a lack of contact with the Police during the application process.

The Sub-Committee were concerned about public safety and were of the view that there was insufficient evidence to justify a granting of an application. The

Sub-Committee believed that the Applicants had failed to adequately address the concerns raised by the Police and the Sub-Committee.

The Sub-Committee were aware that they could not impose any conditions on to a TEN, and therefore were not confident that granting the application for a TEN as presented would support the licensing objectives.

Decision

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a Temporary Event Notice for Mudchute Park and Farm, Pier Street, London E14 3HP be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.15 p.m.

Chair, Councillor Kevin Brady
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 27 JULY 2021

**COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Mohammed Pappu (Chair)

Councillor Victoria Obaze
Councillor Amina Ali

Officers Present:

Jonathan Melnick	–	(Principal Lawyer-Enforcement)	
Nicola Cadzow	–	(Environmental Health Officer)	
Kathy Driver	–	(Principal Licensing Officer)	
Corinne Holland	–	(Licensing Officer)	
Simmi Yesmin	–	(Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Connor Pearson	4.1	(Applicant)
Peter Coinsbee	4.1	(Licensing Agent)
Barry Holland	4.2	(Legal Representative)
Andy Newman	4.2	(Independent Licensing Agent)
Leo Charalambides	4.3	(Legal Representative)
Stephanie Perraton	4.3	(Legal Representative)
Wayne Androliakos	4.3	(Applicant)
Michael Mason-Shaw	4.3	(Manager/DPS)

Representing objectors	Item Number	Role
Christopher Sheppard	4.1	(Local Resident)
Kathy Driver	4.2/4.3	(Licensing Authority)
Nicola Cadzow	4.2	(Environmental Health)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 1st June 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for Variation of a Premises Licence for Iberian Connections, 2-10 Ezra Street, London, E2 7RH

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 Iberian Connections, 2-10 Ezra Street, London, E2 7RH. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Conor Pearson, on behalf of his father, the Applicant, explained that the premises was an oyster bar, and had been operating for many years now and has held a premises licence for sale of alcohol for over 10 years. The premises licence permits them to trade on Sundays only, from 8am to 3pm. It was noted that alcohol was an ancillary to the food offerings available at the store. Mr Pearson described the developing area, the history of the premises and its specific location and business demand from his customers.

It was noted that 12 temporary event notices (TENs) had been given over the past three months and all have been successful with no complaints or problems which had been a clear demonstration that the hours applied for had been working well with no issues. He also offered conditions to help regulate the licence and alleviate the concerns raised by the residents. It was noted that longer hours could have been applied for, but the variation of hours was only to 5pm, which was very moderate and considerate towards residents and neighbours.

Mr Pearson then addressed the objections raised by the local residents and was of the view that the concerns raised were not specific to his premises as the anti-social behaviour etc that is described occurs later on in the evenings on weekdays and weekends, when the premises itself is not open. He stated that there was a group of residents who are objecting to every application as part of a mission group. He concluded that there were no objections from responsible authorities and no reported incidents associated with the premises, and stated that the premises did not contribute to the issues and concerns that had been raised by local residents.

Members then heard from Mr Christopher Sheppard, a resident, who explained that he had lived in Ezra street for 32 years and lived 20 metres from the premises and stated that he was not part of any group but expressing an individual opinion. He expressed his love for the premises and for the area but also expressed his concern over how saturated the area had become with the increase in licensed premises. He said Ezra Street had become a hotspot destination full of drinking establishments. Mr Sheppard said that there were currently no issues with the premises but it was likely to become more alcohol led if the application was to be granted. He described examples of public nuisance and anti-social behaviour which usually start after 8pm, causing sleep disturbance and noise nuisance etc and this was not in isolation as other residents were also suffering as result of the increase in drinking establishments.

In response to questions the following was noted;

- That objections should be specific to the premises.
- That Ezra Street in general suffered from public nuisance.
- That currently the sale of alcohol ceases at 3pm; however, the premises remained open until 5pm and the variation was to extend the sale of alcohol in line with the opening hours.
- That ASB in the area would increase as alcohol would be made more readily available.
- That TENs had been given every Sunday over the last three months for the hours applied for and there have no complaints or problems.
- The Licensing Officer confirmed that there had been no complaints for the premises during the TENs.

Concluding remarks were made by both parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four 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 made by the Applicant at the meeting and by the resident objector virtually present at the meeting with particular regard

to the prevention of public nuisance. The written representations of those not in attendance were read and considered by the Sub-Committee.

The representations were all very concerned with issues of cumulative impact. However, the premises were not located in a cumulative impact zone and so the normal presumption in favour of granting the application applied. This was not a new licence but a variation of an existing licence which, in effect, simply sought to move the permitted hours for the sale of alcohol. Members noted also that a number of conditions were offered if the variation were granted; the licence was currently subject only to the mandatory conditions.

Given the modest scope of this application, Members were satisfied that the moderate adjustment in hours would not have a negative impact on the area or contribute to the public nuisance already being experienced in the area and that any impact would be appropriately mitigated by the imposition of the conditions proposed. Members noted the concerns raised by the objector but noted that these were not specific to the premises itself. Indeed, there was no objection to the premises per se nor any concerns raised about the way in which the business operated.

Members welcomed the efforts made by the Applicant in offering some robust conditions. These conditions gave Members assurance that the licensing objectives would be promoted and also help alleviate concerns arising from the local resident objectors and reduce the risk of disturbances.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Variation Premises Licence for Iberian Connections, 2-10 Ezra Street, London E2 7RH be **GRANTED** with conditions.

Sale of Alcohol (off sales only)

Sunday from 10:00 hours – 17:00 hours

Seasonal variations during November and December for the Christmas Markets – between 16:00 hours to 21:00 hours

The Floor Plan to be changed.

Conditions

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - 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. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.
2. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;
 - a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request.
 - b) The police must be informed if the system will not be operating for longer than one day of business for any reason
 - c) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering
 - d) The system will provide coverage of any exterior part of the premises accessible to the public
 - e) The system shall record in real time and recordings will be date and time stamped
 - f) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and
 - g) At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request.
3. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.
4. No high strength beer, lager or cider in cans or plastic bottles of 6.5% abv or above shall be sold.
5. All sales of alcohol for consumption off the premises shall be in recyclable containers only and shall not be consumed on the premises.
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale, a description of the person who was refused service and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by authorised officers of the council and the Metropolitan Police upon request.
7. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter

emanating from the premises. A final check should be made at close of business.

8. The premises will provide a bin or bins which will be subject to regular emptying.
9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
10. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
11. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the council. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to;
 - The premises age verification policy
 - Dealing with refusal of sales
 - Proxy purchasing
 - Identifying attempts by intoxicated persons to purchase alcohol
 - Identifying signs of intoxication
12. Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council and the Metropolitan Police upon request.
13. 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.

4.2 Application for a New Premise Licence for Travel Goods, 79 Wentworth Street, London, E1 7TD

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Travel Goods, 79 Wentworth Street, London, E1 7TD. It was noted that objections had been received from officers representing the Licensing Authority and Environmental Health. It was noted that the application was for a ground floor and basement, bar and restaurant.

At the request of the Chair, Mr Barry Holland, Legal Representative on behalf of the Applicant, explained this application fit the exceptional rules for granting

an application within the cumulative impact zone (CIZ). It was a small premises, with a capacity of 50 and was a food led premises with no regulated entertainment. He said that a robust set of conditions had been agreed with the police and emphasised the premises was not a pub but a restaurant. He then highlighted the benefits of the premises, and the applicant's experiences of operating other licensed premises. Mr Holland was of the view that a premises licence would not adversely affect the area as no residents had objected.

The Sub-Committee then heard from Mr Andy Newman, Independent Licensing Consultant who referred to his report contained in the supplemental agenda and upon his findings agreed with the conditions suggested by the police. He also said that the premises was a small food led premises and would be well managed and that the surrounding venues gave a positive impression of the area and would welcome the availability for such a venue in the area.

Members then heard from Ms Kathy Driver, Licensing Officer, who explained that the premise was in the CIZ where there were high levels of anti-social behaviour. She welcomed the reduction in hours and stated that if it was a restaurant then why was there a need for sale of alcohol for both on and off sales of alcohol. She accepted that the premises was a small premises but believed that it could cause a disturbance to local residents nearby. She highlighted that residents lived directly opposite the premises and to the rear and side of the premises. Ms Driver also highlighted that the plans included tables and chairs outside the premises for dining but a closing of time of 11pm for the outdoor area was too late which would likely to cause disturbance to neighbouring residents. She also raised concerns as to why there was a need for a private dining room area.

Members also heard from Nicola Cadzow, Environmental Health, who referred to her representation on page 169 of the agenda and stated that there was a great likelihood of disturbance to residential properties at the noise sensitive hours sought, with particular consideration to the fact the premises was in the CIZ. She also believed that there was insufficient information in the operating schedule on how they would promote the licensing objectives.

In response to questions the following was noted;

- That the premises would be a fine dining restaurant, and staff would manage and ensure customers were not misbehaving.
- That the pavement licence for tables and chairs would be determined by the Highways department.
- Private dining area, was a concept taken from other branches the Applicant manages, where a private dining area is available for customers to book for special events.
- That the private dining area could be used pursuant to a Temporary Event Notice if and when needed.
- As a safety feature, the applicant would introduce brighter lighting for the outside area.

- Officers suggested that use of the outdoor seating area be restricted to 9pm in order to prevent residents from being disturbed.

Concluding remarks were made by both parties.

The Licensing Objectives

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

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. 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 at the meeting from the Applicant's Legal Representative and from officers representing the Licensing Authority and Environmental Health with particular regard to the prevention of public nuisance.

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 unless the Applicant can demonstrate that the application will not negatively impact the CIZ.

The Applicant stressed to the Sub-Committee that the premises were food-led, with a small number of covers and that they therefore met the exception within the Council's Policy at paragraph 19.8.

The Applicant also emphasised that the police had withdrawn their representation following a reduction in the hours to Framework Hours and agreement to a number of conditions. No residents had objected. In addition, some other local authorities, as a result of the pandemic, had suspended or relaxed their CIZs.

The written representation from the Licensing Authority referred to the CIZ and that the original operating schedule provided very little detail as to the proposed conditions. It particularly noted the lack of regard to the potential impact on the CIZ, especially with respect to public nuisance, and given that there are a number of residential properties in the immediate vicinity. Ms. Driver, in her oral submissions, drew the Sub-Committee's attention to the

reference in the application to the basement area of the premises and what that might be used for. She also considered that the terminal hour of 23:00 hours agreed with the police for the use of the outside area was too late and also risked giving rise to public nuisance.

Nicola Cadzow, on behalf of Environmental Health, was also concerned with the potential for noise disturbance and public nuisance and the potential for the use of the basement for private parties. The use of the outside area as well, and the potential that had to give rise to noise disturbance to nearby properties, was a concern. Ms. Cadzow too highlighted the operating schedule set out in the application itself, which had only one condition to address public nuisance.

During the discussion, Members sought clarification on the use of the outside area and whether the Applicant was willing to reduce the time at which alcohol could be consumed outside. The time of 21:00 hours was suggested. The Sub-Committee was informed that this would be addressed within the context of a pavement licence under the Business and Planning Act 2020 and that if, which the Applicant understood to be the case, that licensing authority imposed such hours, the Applicant would abide by. However, Ms. Cadzow pointed out that Rose Court, where the Sub-Committee understood the tables and chairs would be, was in fact included in the plan for the licence.

Although the application referred to the basement, this area was not recorded on the plan. When asked what use was specifically intended the Sub-Committee was told that it might be used for things such as demonstrations by chefs.

The Sub-Committee noted that the exceptions to the CIZ referred to within the Policy, are merely examples of exceptions that may apply; they are not stated to be examples that will apply and the burden upon applicants remains. Similarly, that the premises are well-run, which should be the case in any event, or that the Applicant operates similar premises elsewhere, are specifically stated not to be considered exceptional.

That the police had agreed conditions with the Applicant was simply one factor to be weighed in the balance and could not be considered in any way determinative of the merits of the application. Given that the operating schedule originally proposed was rather sparse, especially given the premises' location within a CIZ, it was therefore unsurprising that the police had sought to agree conditions and a reduction in hours. However, that alone could not, in the Sub-Committee's view, mitigate the likely impact nor did that trump the other objections to the application

In addition, the original operating schedule did not give the Sub-Committee confidence that the Applicant had properly considered the potential impact of the licence upon the CIZ and the licensing objectives. Some of the answers given during the course of the hearing similarly gave the Sub-Committee no reassurance. It was suggested, for example, that noise outside could be adequately addressed by a condition requiring the use of a noise meter. Such a condition was inappropriate to address noise from patrons, which is entirely

different from music noise played at a relatively constant level. It would also not be able to differentiate between noise sources or take account of background noise. The lack of clarity in respect of the basement area again suggested to the Sub-Committee that the application had not been fully thought through with regard to the CIZ.

The suggestion that alcohol only be served to seated patrons similarly did not address the Sub-Committee's concerns. The Sub-Committee was told that this was a restaurant although the application itself referred to a restaurant and bar. The agreed conditions did not prevent patrons attending the premises and sitting outside drinking until 23:00 hours.

The Sub-Committee had had regard to Mr. Newman's report. However, it did not provide the Sub-Committee with any particular assistance. Whilst the pandemic has no doubt had an impact on the area, a single visit on a Saturday night did nothing more than to give a snapshot of that particular evening; it could not be said to be in any way demonstrative of the area in general nor did it suffice to satisfy the Sub-Committee that the application would not have a negative impact.

The Sub-Committee was not satisfied that the imposition of conditions additional to those already agreed would suffice to mitigate the potential impact upon the CIZ. The application did not give the Sub-Committee confidence that that applicant had properly considered and understood the area in which it sought to operate. Whilst the Sub-Committee had noted the agreed conditions and the reduction in hours, Members did not consider that this was enough to mitigate against the potential to add to the nuisance and anti-social behaviour already experienced in the area and which had given rise to the imposition of the CIZ. Accordingly, the Sub-Committee was satisfied that the only appropriate and proportionate step that could be taken was to refuse the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Travel Goods, 79 Wentworth Street, London E1 7TD be **REFUSED**.

4.3 Application for a New Premises Licence for Hyatt Place London City East Black Lion House 45 Whitechapel Road London E1 1DU

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Hyatt Place London City East Black Lion House 45 Whitechapel Road London E1 1DU. It was noted that objections had been received from an officer representing the Licensing Authority. It was noted that the premises was a hotel and had a terrace bar on the 9th floor.

At the request of the Chair, Mr Leo Charalambides, Legal Representative on behalf of the Applicant, briefly gave a background of the hotel and the owners. He

explained that there would be no off-sales and the licence was merely for hotel guests. He said the hotel had 280 rooms with a capacity for 600 people. He explained that the restaurant had a capacity for 163 and would be used primarily by hotel guests. He referred Members to the floorplan on page 257 of the agenda and described the layout of the premises. He said that there would be no advertising for the bar and restaurant and were not looking to attract members of the public as it was for hotel guests and their personal guests. Mr Charalambides acknowledged that the premises was in the Cumulative Impact Zone (CIZ) but emphasised that the nature of the premises was different to those in the surrounding area and that the premises was not alcohol-led and any licensable activities would primarily be for guests only. It was noted that six venues in the local vicinity had closed down during the pandemic or changed nature of use.

Mr Charalambides concluded that there were security staff in place, there would be no off-sales, no cause for anti-social behaviour, did not envisage customers leaving in high spirits as they would be having a drink and then going into their rooms to sleep. He emphasised that this venue was good for the community, bringing in tourist and trade and the Applicant's would look to employ people from the local community.

Members then heard from Ms Kathy Driver, Licensing Officer. She briefly explained that the premises was in the CIZ, she appreciated that there would be no off sales but still had concerns that this would be an additional premises in the CIZ area which already experiences high levels of public nuisance. It was noted that the hotel bar would be available 24 hour for guests.

In response to questions the following was noted;

- That there would be three reception staff on duty in the reception area in additional to SIA security staff.
- There would be full CCTV camera coverage of the premises, lifts would also have CCTV, with full facial recognition.
- That the bar would be fully staffed at all times and measures would be in place so that if any issues were to occur, culprits would be able to be identified easily.
- That there would be good selection of food offering at the restaurant
- There would be no advertising of the bar and restaurant.
- That there were rooms on the same level as the bar/restaurant so noise would always be monitored and kept to a minimal in order not to disturb other hotel guests.
- Restaurant/Bar would be open to the public but there would be no advertising and do not anticipate a significant level of public footfall.

Concluding remarks were made by both parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of

Licensing Policy and in particular to have regard to the promotion of the four 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 at the meeting from the Applicant's Legal Representative and the officer representing the Licensing Authority objecting to the application.

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 the Licensing Authority regarding the risk of noise nuisance from the premises. It also noted the 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. The Applicant had removed off-sales of alcohol from the scope of the licence. Having heard how the premises would be operated, particularly as entry to the premises was tightly controlled and restricted to hotel guests and their guests, as well as the small scale of the food and drink offering, the Sub-Committee was satisfied that the premises were not alcohol-led and would not negatively impact upon the CIZ. The Sub Committee was satisfied that suitable and sufficient conditions and measures were in place to adequately address concerns regarding possible public nuisance and anti-social behaviour. Further, the nature of the premises themselves, being a hotel, also went a considerable way to reassuring Members that there would be no negative impact were the licence to be granted.

The Sub-Committee was therefore satisfied that the CIZ presumption had been rebutted as the Applicant 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 were not alcohol-led and were primarily a hotel catering for its own guests.

Accordingly, the Sub-Committee unanimously

RESOLVED

That the application for a New Premises Licence for Hyatt Place, London City East Black Lion House, 45 Whitechapel Road, London E1 1DU be **GRANTED with conditions.**

The provisions of regulated entertainment including Plays (indoors), Films (indoors & outdoors), Live Music indoors & Outdoors), (Recorded Music Indoors & Outdoors, Performance of Dance (Indoors & Outdoors) Anything of a similar nature to Live and Recorded Music or Performance of Dance

Monday -Sunday from 08:00 hours to 00:00 hours (midnight)

The Provision of Late Night Refreshment (Indoors & Outdoors)

Monday to Sunday from 23:00 hours 00:00 hours (midnight)

The Sale of Alcohol – (On & Off Sales)

Monday to Sundays from 08:00 hours to 00:00 hours (midnight)

The opening hours of the premises

24 Hours a day

Conditions

- 1.1 The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
- 1.2 A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.

- 1.3 The premises licence holder will risk assess the need for door supervisors at the premises and/or deploy such supervisors at such time and in such numbers as deemed necessary by the risk assessment and/or at other times at the request of the police.
- 1.4 An incident log (which may be electronic) shall be kept at the premises for at least six months, and made available on request to an authorised officer of the licensing authority, which will record details of incidents and refusals.
- 1.5 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:
 - α) all crimes reported to the venue;
 - β) all ejections of patrons;
 - χ) any complaints received concerning crime and disorder
 - δ) any incidents of disorder;
 - ε) all seizures of drugs or offensive weapons;
 - φ) any faults in the CCTV system, searching equipment or scanning equipment;
 - γ) any refusal of the sale of alcohol;
 - η) any visit by a relevant authority or emergency service.
- 1.6 In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - α) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - β) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police providing the staff are not in danger;
 - χ) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - δ) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises
- 1.7 All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
- 1.8 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- 1.9 The sale of alcohol shall not be permitted after 24:00 except to hotel residents and their bona fide guests or persons attending a pre-booked function/event.

- 1.10 No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 07:00 hours on the following day.
- 1.11 No deliveries to the premises shall take place between 22:00 hours and 07:00 hours the following day.
- 1.12 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 1.13 No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
- 1.14 Loudspeakers shall not be located in the entrance lobby or outside the entrance to the premises
- 1.15 The external terrace area on the 9th floor shall be closed at 23.00 daily
- 1.16 The external terrace will operate a no smoking policy at all times
- 1.17 The designated smoking area will be the Courtyard adjacent to the Orangery Restaurant which will be adequately monitored by staff and CCTV to ensure that guests using that area do not cause a nuisance.
- 1.18 All food and beverage staff will undergo internal training on induction as to the requirements under the Licensing Act 2003 including underage sales and the hotel's proof of age policy and will receive refresher training at least annually.
- 1.19 The Challenge 21 policy must be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
- 1.20 In addition all staff will receive training on Modern Slavery and Child exploitation and the premises will operate The © Queen's Printer and Controller of HMSO 2009 Continued from previous page... Metropolitan police "Operation Make Safe" or equivalent policy.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
La Luna Italian Pizza & Deli), Unit E, 43a Commercial Street, London E1 6BD	31/10
Degustation, 21a Ezra Street E2 7RH	31/10
Cabbys Rum Bar, Arch 411 St Pauls Way, London E3 4AG	31/10
Oval Space, 29-32 The Oval, London E2	31/10

The meeting ended at 9.30 p.m.

Chair, Councillor Shah Ameen
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON MONDAY, 2 AUGUST 2021****C1 & COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Shah Ameen (Member)

Councillor Victoria Obaze (Member)

Officers Present:

Nicola Cadzow*	–	Environmental Health	
Corinne Holland*	–	(Licensing Officer)	
David Wong	–	(Legal Services)	
Mohshin Ali	–	(Senior Licensing Officer)	
Farhana Zia	–	(Democratic Services	Officer,
		Committees, Governance)	

Representing applicants	Item Number	Role
Suraj Desor*	4.1	Applicant's Solicitor
Sam Ader*	4.1	Applicant – Director of Expansion
Adam Crombie*	4.1	Applicant – Director of Operations
Michael Rogers	4.2	Applicant's Counsel
Declan Perkins	4.2	Applicant
Tom Day	4.3	Applicant's Counsel
Kevin Huynh	4.3	Applicant

Representing objectors	Item Number	Role
Nicola Cadzow	4.2	Environmental Health
Shamsu Bibi*	4.2	Objector
Peter Mayhew	4.2	Objector's Agent for the following objectors
Asheesh Bhatia - not in attendance	4.2	Objector
Benjamin Huddleston – in person	4.2	Objector
Freddie Camrass – in person &	4.2	Objectors
Nurilya Alymbekova* - 2 nd Objector in virtual attendance*		
Inderjit Dhani - not in attendance	4.2	Objector
Nadja Goldbach* - virtual attendance	4.2	Objector
Holly Johnson* - virtual attendance*	4.2	Objector
Adam Wagner & Sammy Kelly – not in attendance	4.2	Objectors
Kate Rose* - virtual attendance*	4.2	Objector
Nicola Cadzow	4.3	Environmental Health

Apologies

Councillor Rabina Khan & Petitioners – 4.1 Objectors

*Indicates – Virtual attendance

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 from the 29th June 2021 were agreed to be an accurate record of the meeting.

4. ITEMS FOR CONSIDERATION**4.1 Licensing Act 2003 Application for a New Premises Licence for Weezy-Whitechapel, Arch 154, Martha Street, London, E1 2PG**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Weezy-Whitechapel, Arch 154, Martha Street, London E1 2PG. It was noted that objections had been received on behalf of the ward councillor, Councillor Rabina Khan and Petitioners.

At the request of the Chair, the Applicant's Solicitor, Mr Suraj Desor stated that Weezy operated several grocery centres in London, where grocery is delivered directly to local customers. He said customers placed orders via the online website or the app, and as such there was no public access to the premises. Deliveries to customers were made by staff using electric vehicles to ensure noise and pollution was kept to a minimal.

Mr Desor said the grocery centre offered a variety of food produce and alcohol and had operated under TENs for the past few weeks without any issues to note. He said although alcohol was sold and was an important part of the overall offer, it made up a small portion of the goods ordered. Mr Desor stated less than 24% of orders placed contained the sale of alcohol with groceries and only 3% for just alcohol. He said this clearly showed the business was not alcohol-led, like an off-licence.

Regarding deliveries there were robust conditions offered in the application, which had been agreed with the Police and the Licensing Authority. He said the hours applied were until midnight, which were slightly more than the

framework hours. However, the Licensing Policy stated that these should not be rigidly applied. Mr Desor said the hours applied are appropriate for the business.

Addressing the concerns raised by the ward councillor, Mr Desor said they had written to Councillor Khan and had not received a reply. He said the concerns raised in the objection were general to the area as opposed to the premises. Mr Desor said the conditions offered mitigated against the concerns, as the business would not increase public nuisance or give rise to anti-social behaviour. In relation to the petition, Mr Desor said it was unclear what the petitioners were concerned about. He said there was a likelihood that they had not understood the nature of the business and that it would not be open to the public.

The Sub-Committee noted the concerns raised by the ward councillor and the petitioners, who were not in attendance at the meeting.

In response to questions from Members the following was noted:

- The Licensing Officer confirmed the premises would be used as a storage space for goods and would not be open to the public.
- The website had warnings that the sale of alcohol to those who are underage is prohibited. In addition, when the order is packaged, there is a sticker placed on the order so that delivery drivers can apply the Challenge 25 policy and check the ID of customers when making a delivery.
- There was no likelihood of anti-social behaviour as the alcohol sold would be part of the grocery offer and would be delivered directly to the customer.
- The concerns about street drinking, noise or public nuisance were unsubstantiated. The conditions offered mitigated against this, along with the use of electric vehicles for the delivery of goods.

Concluding remarks were made by the parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting virtually made by the Applicant's solicitor. The Sub-Committee noted the apologies of the ward councillor, Councillor Rabina Khan and the petitioners.

The Sub-Committee noted the Applicant was seeking a new premises licence for the off sale of alcohol as part of a locally based home delivery grocery centre. The Sub-Committee noted the premises would not be open to the public and that groceries would be delivered by electric vehicles.

The Sub-Committee were satisfied that the conditions offered by the Applicant would support the four licensing objectives and address any concerns over noise nuisance, crime and disorder.

Therefore, Members made a unanimous decision to grant the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a new Premises Licence for Weezy-Whitechapel, Arch 154, Martha Street, London E1 2PG be **GRANTED** with conditions.

Opening Hours

Not open to the public

Sale of Alcohol (off sales)

Monday – Sunday 07:00 – 00:00 hours(midnight)

Conditions

1. All sales of alcohol arising from a [telephone/App/website] order for delivery must be paid for by debit or credit card. An alcohol verification sticker shall be applied to the delivery package so that alcohol can be easily retrieved by the delivery person to prevent an illegal sale. Details of the order (including the type, amount of alcohol, name, and address of the customer) must be included with the order. The details shall be shown on the printout receipt dispatched with the order. All delivery drivers and riders must allow any Police Constable or Local Authority Officer to inspect any alcohol or order details on request.
2. The premises will operate as a delivery only business. The premises will not open to the public and will be used for the dispatch of alcohol and other goods only. There shall be no collection of alcohol by the public from the premises.

3. The premises licence holder shall provide a closed-circuit television system (CCTV) at the premises. The CCTV system installed shall be maintained in effective working order and shall be in operation during licensing hours. All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days. The licence holder shall notify the Licensing Authority within 24 hours when they become aware that the CCTV system is not functioning correctly.
4. A record of refusals shall be maintained which documents every instance that a sale or supply of alcohol is refused, indicating the date and time the refusal was made, and the member of staff making the refusal.
5. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the police.
6. Alcohol deliveries shall only to be made to business addresses and/or private residences and not to any public/open spaces.
7. A 'Challenge 25' Policy shall be in force at the point of delivery of the alcohol. No delivery shall be made if the person seeking to accept delivery appears under 25 and is unable to provide proof of age. Examples of appropriate ID include a passport; photographic driving licence; military ID; biometric residents permit and the Proof of Age Standards Scheme (PASS) approved age cards.
8. All staff that sale or supply of alcohol shall receive appropriate training in relation to undertaking appropriate age checks, before being allowed to sell or supply any alcohol.
9. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.
10. There shall be no access by the public to the premises.
11. Full address details including postcode must be given when placing an order. Records of all orders to be kept for a period of 6 months.
12. 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the

designated premises supervisor in writing. This shall be made available on request by the Police or any authorised officer.

14. 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) any complaints received concerning crime and disorder
 - c) any incidents of disorder;
 - d) any faults in the CCTV system, searching equipment or scanning equipment;
 - e) any visit by a relevant authority or emergency service.
15. There shall be no signage on the outside of the premises or visible from the outside of the premises indicating the presence of alcohol inside of the premises.
16. To minimise disturbance to local residents when a delivery of a customer order is made utilising a vehicle, then only an electric or non-motorised vehicle will be used, except in the event of an emergency or breakdown.
17. The premises will encourage all riders involved in deliveries to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally gather outside the premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
18. The business will arrange for the telephone number for the premises and/or a member of the management team to be provided to residents upon request in order that any complaints can be made direct.
19. Prominent, clear, and legible notices must be displayed at all exits requesting staff to respect the needs of local residents and to leave the premises quietly.
20. A warning shall be displayed on the digital platform/ website on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery in line with company policy.
21. The License Holder shall notify the Licensing Authority of the digital platform (website) used by the business and any changes in the platform used.

4.2 Licensing Act 2003 Application for a Premises Licence for (Lofthouse Square Ltd) Lanterna Building, Fish Island Village, Wyke Road, London E3 3PL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for (Lofthouse Square Ltd) Lanterna Building, Fish Island Village, Wyke Road, London E3 3PL. It was noted that the application had received both support and objection to it.

At the request of the Chair, the Applicant's Counsel, Mr Michael Rogers presented his submission and referred to the supplementary pack, page 13 and said this set out what was being proposed for the premises. He said the premises would be used as a restaurant and bar, with workspaces and would operate as an all-day delicatessen during the daytime. He said the floor plan on page 14 of the supplementary agenda and Appendix 2 of the main agenda pack, pages 190 onwards, showed how the space would be used. He said there were two entrances, one at the rear to the delicatessen and another which led to the Square.

Mr Rogers said the Applicant hoped to attract both young professionals living locally, families and other people in the locality, to use the facility as a meet and eat, and hot desking space. He said the Applicant was not seeking to attract people after football matches and wanted local people to use the space as a community hub. Mr Rogers said the Applicant had met with local residents and had listened to their concerns. He said the main concern of the objectors, related to nuisance which had been constructively addressed by the applicant. Mr Rogers said there had been considerable support for the premises, with over a hundred supporters expressing their positive support.

Mr Rogers stated the premises was part of a new development and had been granted an A5 licence when the building was constructed. He said it was always anticipated that the premises would be used as a restaurant. He informed the Sub-Committee, that the Applicant Mr Declan Perkins was an experienced Designated Premises Supervisor (DPS) who ran four other premises licences. Mr Rogers referred members to page 16 of the supplemental agenda which detailed Mr Perkins experience.

Mr Rogers said the Police and the Licensing Authority had not objected to the licence and had agreed proposed conditions. Mr Rogers said he was puzzled as to why Environmental Health remained an Objector as a response had been sent to Ms Cadzow on the 23rd April 2021 agreeing to all the proposed conditions put forward by her.

Mr Rogers continued saying the hours had been amended further as per the Council's Licensing Policy and were now compliant with the framework hours. Mr Rogers had drafted conditions and asked if he could circulate these to everyone present at the meeting. On taking advice from the legal officer, the Chair requested Mr Rogers to read out the new timings and proposed conditions, so it was clear to everyone both physically and virtually present

what was being proposed. Upon doing so, Mr Rogers concluded his presentation.

The Sub-Committee then heard from Ms Nicola Cadzow, from Environmental Health who said she had sent an email to the Applicant on the 22nd April with a set of proposed conditions. She said she was unaware of the Applicant's agreement to the proposed conditions and could not account for why communication had not been received. She said she lodged her objection on the basis that no communication from the Applicant had been received. Ms Cadzow said in light of the conditions put forward at the meeting, she was satisfied these addressed the licensing objective of public nuisance and was in agreement with them.

Ms Shamsu Bibi, an objector addressed the Sub-Committee saying her main concern related to the entrance and egress from the restaurant. She asked why the entrance faced Wyke Road and not the Fish Island marketing suite. She said there were many families, some with disabled children and elderly residents who would be disturbed by the noise. Ms Bibi was concerned the influence of alcohol would lead to anti-social behaviour, which would be seen by young children.

The Sub-Committee then heard from Mr Peter Mayhew, an agent who was representing ten of the objectors. Mr Mayhew was in physical attendance with two of those objectors, Mr Camrass and Mr Huddleston, whilst other objectors had joined the meeting virtually.

Mr Mayhew said the area was a residential area with approximately 580 residential addresses within four buildings surrounding the Square. He said it was evident noise from the restaurant would create a funnel effect, as it would bounce off the residential buildings. He said the objectors were not opposed to the whole application, but were unhappy with the hours applied and the proposed conditions. Mr Mayhew said whilst discussions had been held with the Applicant, changes made to the application were not communicated prior to the meeting.

Mr Mayhew said the proposed hours stated at the meeting were 11:00 p.m. weekdays and 11:30 p.m. weekends, however it was not clear if these timings referred to the sale of alcohol or were the opening hours of the premises. Mr Mayhew continued saying the proposed conditions put forward by the objectors in the supplementary agenda from page 19 onwards ought to be considered by the Sub-Committee, as it proposed a half an hour drinking up time before dispersal of patrons. Mr Mayhew said it was unclear if this applied here, as someone could in theory order a drink at 11:29 p.m. and would have to leave the premises at 11:30 p.m.

Mr Mayhew continued saying the Objectors would like an early closing time for Sunday of 10:30 p.m. and were concerned about other issues such as the off-sale of alcohol with patrons leaving the premises to drink in the Square. Mr Mayhew said some of these issues had been addressed by the proposed conditions. However, the conditions put forward in the supplementary bundle

by the objectors would help reassure residents living in close proximity to the restaurant.

Furthermore, Mr Mayhew stated that residents living directly above the restaurant would experience noise nuisance, as the building is not air conditioned. He said windows were opened in the summer months and noise from patrons of the restaurant would disturb residents. In the interest of the prevention of public nuisance, consideration ought to be given to the concerns of the thirty objectors rather than the supporters whose representations stated that it would be nice for the unit to be occupied.

Mr Mayhew said the application had changed vastly at this meeting from the application originally submitted, and that there was an anomaly with the postcode as well as the plans at page 193 of the agenda. He said it was unclear where the seating area would cease to be. He said there was a red line delineating the licensable area. However, the plan showed seating continuing past this line. He said the smoking area had been mentioned in the proposed conditions read out, but again it was unclear where this would be located.

Mr Mayhew said the objectors had put forward conditions in relation to West Ham Stadium as inevitably there would be some impact on football days. He continued to say that a more definite condition was required in relation to the employment of SIA accredited staff on match days, rather than it saying that 'suitable' SIA staff will be employed.

The Sub-Committee then heard from Mr Freddie Camrass. He stated he lived directly above the premises and with the imminent arrival of a new-born baby, both his wife and he, were concerned about noise emanating from the restaurant. He said the quality of life for his family would be greatly affected by the premises, and he did not want to be dealing with noise issues after a long working day and caring for his child.

Mr Huddleston added both he and his wife worked from home, three days a week and would require the windows to be open for ventilation. He said they were concerned about the noise and the proposed scale of the seating area. Mr Huddleston said this would affect their quality of life.

In response to questions from members the following was noted:

- The Applicant was an experienced DPS and could manage the workload of looking after five different premises. A general manager with a personal Licence who is suitably qualified would be at the premises, at all times.
- The Applicant accepted the additional condition proposed by the Chair, that "there should be no off-sales of alcohol on match days."
- The Applicant confirmed that for the most part, recorded music would be played in the background, but agreed to have 'sound limiters' fitted

to the music system that were in accordance with the requirements of the Environmental Health Team's standards.

- There were 16 units above the premise and an approximate road width between others that lived close by.
- The capacity of the premises was confirmed to be 500, with 192 seats in the venue.
- The Applicant agreed to a reduction in the timings for the outdoor space, from 10:00 a.m. weekdays and 10:30 p.m. weekends to 09:00 p.m. and 09:30 p.m. respectively.

Concluding remarks were made by all the parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting made by the Applicant's Counsel and the Objectors' representative who were physically present for the meeting. The Sub-Committee also heard from the objectors, some of whom were in physical attendance and some of whom were in virtual attendance at the meeting.

The Sub-Committee noted the application was for a new premises licence for a restaurant/delicatessen in a new development. The Sub-Committee noted the opening times and hours for the sale of alcohol had been reduced following consultation with the Responsible Authorities, and that the Applicant's Counsel had mentioned further reduction to these timings at the meeting. The Sub-Committee noted the letters of support for the restaurant from a number of residents and the objections from other residents.

The Sub-Committee noted the concerns from residents living in close proximity to the restaurant about noise nuisance from patrons sitting outside

the restaurant, as well as concerns relating to the entrance and exit points of the premises.

The Sub-Committee expressed concern regarding the off sale of alcohol on match days when West Ham United games were being played at the London Stadium, but were reassured when the Applicant accepted a condition prohibiting off sales of alcohol on match days. In relation to noise emanating from the outdoor terrace, the Applicant accepted that noise could disturb neighbours and agreed to the closing of the outdoor space at 21:00 hours Sunday – Thursday and 21:30 hours Friday and Saturday. The Sub-Committee were minded to reduce the number of tables in the outdoor area from 18 to 12, so as to ensure the number of patrons using the outdoor space would not disturb those living directly above the premises.

In relation to recorded and live music, the Applicant had amended the timings to the legal framework hours and therefore, as no licensable activity would be taking place after 23:00 hours a licence was not required for such music. However, the Applicant's intention to have live music events, twice a month was rejected by the Sub-Committee, as they felt that to allow this as part of the operating schedule to the premises licence would undermine the licensing objective of the prevention of noise and public nuisance, given the proximity of local residents, especially those above the premises.

The Sub-Committee were satisfied that granting a premises licence with appropriate conditions and restrictions on timings would support the licensing objectives; such as prohibiting off sales of alcohol on match days, a reduction in the number of tables in the outside area.

Therefore, Members made a unanimous decision to grant the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a new Premises Licence for (Lofthouse Square Limited), Laterna Building, Fish Island Village, Wyke Road, London E3 3PL be **GRANTED** with conditions.

Opening Hours of the premises

Sunday to Thursday 10:00 hrs to 23:30 hours

Friday and Saturday 10:00 hrs to 00:00 hours (midnight)

Non-standard timings

New Year's Eve from 10:00 hours to 02:30 hours (the following day)

The sale by retail of alcohol – On and off sales

Sunday to Thursday 10:00 hours to 23:00 hours

Friday and Saturday 10:00 hours to 23:30 hours

Non-standard timings

New Year's Eve – 10:00 hours to 02:00 hours (the following day)

Late Night Refreshment Hours

Sunday to Thursday – no licence required as refreshments will not be served after 23:00 hours

Friday and Saturday until 23:30 hours

Non-standard timings

New Year's Eve – until 02:00 hours (the following day)

Provision of Regulated Entertainment Hours (Recorded Music only – Live music was not granted)

Sunday to Thursday 10:00 hours to 23:00 hours

Friday and Saturday 10:00 hrs to 00:00 hours (midnight)

Non-standard timings

New Year's Eve from 10:00 hours to 02:00 hours (the following day)

Conditions

1. No noise generated on the premises, or by its associated plan or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
2. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
3. No loudspeakers will be located within 2 meters of the entrance doors or outside of the premises. They will be aimed low down and set in zones so that the sound will stay localised, and any music will not be audible outside or elsewhere in the building.
4. No music will be played outside at any time.
5. All windows and external doors shall be kept closed at all times including when regulated entertainment takes place, except for the immediate access and egress of persons.
6. Notices shall be prominently displayed at all exits and in the smoking area requesting patrons to respect the needs of local residents and businesses, to keep noise to a minimum and to leave the area quietly and not to take any glasses or bottles for the premises.

7. Patrons permitted to temporarily leave and then re-enter the premises (e.g. to smoke) shall be limited to 8 persons at any one time. 80% of outside seating will be no smoking.
8. All patrons in the external area must be seated. The number of tables in the external area shall not exceed 12 tables.
9. All external furniture shall be brought inside or locked out of use and all patrons dispersed from the outside area of the premises by 21:00 hours Sunday to Thursday and 21:30 hours on Friday and Saturday.
10. A suitable area shall be set aside for smokers to prevent their smoke causing nuisance to nearby occupiers.
11. Alcoholic drinks sold for consumption on the premises shall not be permitted to leave the premises (including the external area) at any time, including those leaving temporarily to smoke.
12. Alcohol shall not be sold for the consumption off the premises after 22:30 on any day.
13. No late-night refreshment shall be sold for consumption off the premises after 23:00 on any day. Late-night refreshment sold after 23:00 on any day may only be consumed inside the premises.
14. On West Ham United match days at the London Stadium:
 - a) There will be a "no football colours" shirt policy in force;
 - b) Only biodegradable plastic cups will be in use;
 - c) No bottled beers will be served;
 - d) Appropriate Security Industry Authority (SIA) accredited staff will be on duty;
 - e) No off-sale of alcohol will be allowed on match days.
15. There will be no disposal of refuse including glass bottles between 23:00 and 09:00, and no glass will be moved from one recycling receptacle into another in any external area of the premises during these hours.
16. Deliveries related to the licensed activities shall not take place between the hours of 21:00 and 07:00.
17. The area immediately outside the premises will be regularly cleaned to ensure that any litter generated by the premises or its customers is removed.
18. Telephone contact details of the Designated Premises Supervisor and the Duty Manager shall be provided to the residents upon request.

19. 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.
20. 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.
21. Toilets shall be checked frequently by staff members who will be trained in licensee's drugs awareness policies
22. The premises shall actively participate in the local pub watch
23. All exterior furniture shall be brought inside the premises or locked outside at 23:30 hrs daily.
24. Patrons of the premises shall be encouraged, by signs within the premises visible at all exits points, to disperse from the area of the premises quietly and quickly.
25. Staff shall also supervise persons leaving the premises after closing time and where necessary, request that persons leaving the premises do so in an orderly manner as quickly as possible.
26. No disposal of refuse including glass bottles between 23:00 hrs and 09:00 hrs.
27. Prominent signage shall be displayed on the premises requesting patrons to leave in a quiet and orderly fashion and prohibiting the removal of bottles and glasses from the premises
28. Children under the age of 16 shall be accompanied by an adult
29. Soft and non-alcoholic drinks shall be available
30. 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.

31. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
32. 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.

4.3 Licensing Act 2003 Application for New Premises Licence for Delicious Pho, 3-6 Steward Street, London, E1 6FQ

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Delicious Pho, 3-6 Steward Street, London, E1 6FQ. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, the Applicant's Counsel, Mr Tom Day presented his submission. He referred members to page 29 of the supplementary agenda and said a written representation on behalf of the Applicant had been sent to the Clerk, to be included in the pack, but this was missing. The Chair asked Mr Day to read out that representation.

Mr Day said the Applicant was seeking to amend the hours applied for, in line with the framework hours, and no longer needed a licence for regulated entertainment, as only background music would be played at the restaurant. Mr Day said his client agreed to the conditions put forward by Ms Cadzow on page 473 of the agenda and wished to clarify that the off-sale of alcohol would only be for pre-ordered, click and collect food orders or deliveries via food partners such as Deliveroo, UberEats, and Just Eat.

Mr Day said the Applicant, Mr Kevin Huynh, was an experienced Designated Premises Supervisor (DPS) and had been in the restaurant business since 2005. Mr Day said Delicious Pho was a Canadian Brand, with branches worldwide and was a quality, reputable outlet. Mr Day said the premises was run previously by 'Byron Burgers' and the timings shown in the original application echoed those hours, although timings now sought had now been reduced in the amended application.

Mr Day argued that it was in everyone's interest for the premises to be occupied, as an unoccupied unit means the Council had lost business rate revenue. He said no objections had been made by local residents, which was a significant factor. He said a previous application relating to the same premises had generated residents' objections because of the nature of that business. Mr Day said that the Applicant's restaurant was in stark contrast to that in the previous licensing application relating to the same premises. He said the Applicant's restaurant would have 138 covers, with everyone seated at tables and alcohol served at tables. Mr Day argued that the potential net impact of the restaurant on the CIZ was zero, compared with the previous application. He said the restaurant would occupy the same footprint as in the previous licensing application relating to the same premises, but with limited hours and greater conditions to restrict any potential impact on the area. Mr Day said this was a food-led business. Vietnamese food is often sold with tea or a soft drink.

Mr Day acknowledged that it was for the Applicant to rebut the presumption against grant of licensing applications relating to premises in a CIZ, but this application gave rise to exceptional circumstances. He referred members to the examples of exceptional circumstances on pages 492- 493 of the agenda pack, and said that the second and third examples applied to the premises. He reiterated that the business was not alcohol led, and said that the previous premises licence had been surrendered; the restaurant would be occupying the same square meters as the previous business. Furthermore, the restaurant had taken the extra step of introducing its own impact policy and a dispersal policy to mitigate against additional impact in the CIZ.

The Sub-Committee then heard from Ms Cadzow, who said her objection was primarily due to insufficient information being provided in the original application. She said she noted the proposed conditions put forward by her, in her representation at page 473, had been accepted by the Applicant. She said it was essential to reduce noise nuisance to local residents, who would be disturbed at time sensitive hours. Ms Cadzow said she welcomed the condition put forward in relation to the off-sale of alcohol being limited to the click and collect service.

Ms Corinne Holland, representing the Licensing Authority stated her representation was on pages 467 to 471 of the agenda. She said the concern remained that the premises was in the CIZ and said the exceptional circumstances referred to by Mr Day did not apply in this instance. Ms Holland said the premises would have more than 50 covers, and therefore could not be considered as small premises for the purposes of applying possible exceptional circumstances in relation to the presumption against grant of licensing applications relating to premises in a CIZ. She informed the Sub-Committee that the previous premises licence referred to had lapsed three-years earlier, and therefore the application before the Sub-Committee was an application for a new licence altogether, as opposed to a premises licence in place of a recently surrendered licence.

Ms Holland said the condition offered regarding off-sales were acceptable to her, but questioned the Applicant's ability to control the proposed smoking area, which was not adjacent to the premises. She referred members to the supplemental agenda, page 38, and said sending smokers across to a public square could potentially create another noise issue. Ms Holland said if the Sub-Committee were minded to grant the application, then there should be a half hour drinking up time.

In response to questions from members the following was noted:

- Smokers would need to check 'in and out' with reception staff before proceeding to the public park to smoke. The park is within sight of the restaurant and is situated in a non-residential area. A maximum of 5 smokers will be allowed at any one time, with staff trained on monitoring numbers. Smokers will not be allowed out, the last half an hour before closing.
- The Chair expressed a view that this was a completely new application in relation to the premises, not a swap for the previous premises licence relating to the same premises, as the previous premises licence had expired three years ago. Mr Day concurred it was a new application, but continued to make the point the premises fell within the category of being an exceptional circumstance, saying the rejected application referred to earlier, was a very different type of application to the one presented.
- Mr Day cited from Lord Justice Scott Baker's ruling in relation to a Westminster City Council case, "It should be highlighted that the kind of circumstances that might be regarded as exceptional would be where the underlying policy of restricting any further growth would not be impaired. An example might be where premises in one place would replace those in another." Mr Day said the proposed restaurant would be replacing a restaurant that had existed previously.
- There will be a separate point for click and collect customers/ delivery drivers. The door will not be kept open and staff will ensure vehicles are not idling.
- The restaurant will ensure the dispersal policy was applied thirty minutes before closing time, with music and lights being softened and patrons being asked to leave quietly.

Concluding remarks were made by all the parties.

The Licensing Objectives

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

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

4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting made by the Applicant's Counsel, who was in physical attendance at the meeting with the Applicant. The Sub-Committee heard from the Responsible Authorities who were objecting to the application and were in virtual attendance.

The Sub-Committee noted the Applicant was seeking a new premises license for a Vietnamese restaurant with the supply of alcohol for on and off sales, regulated entertainment, and late-night refreshments. The Sub-Committee also noted the premises is in the Brick Lane 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 add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations made by the Responsible Authorities, in particular Environmental Health relating to the licensing objective of public nuisance, namely with regard to the prevention of noise nuisance in relation to local residents. The Sub-Committee noted the representation of the Licensing Authority that there was no exceptional circumstance regarding the capacity of the premises, so as to rebut the presumption against granting the application, as the premises' capacity exceeded fifty persons, with reference to the examples of what might constitute exceptional circumstances in the Council's Statement of Licensing Policy.

However, the Sub-Committee also noted the Applicant's Counsel's representation that the impact of the premises licence if granted would not add to the cumulative impact and would be mitigated through the proposed conditions on the licence as well as the restaurant's own cumulative impact and dispersal policies. The Sub-Committee accepted the Applicant's Counsel saying that the business was not alcohol led and would be operating within the framework hours.

The Sub-Committee was therefore satisfied that this business being food led, with an operating schedule including all of the conditions set out below would not add to the cumulative impact in the area. and the Sub-Committee took into account the Applicant's amendments to the application set out in the Sub-Committee meeting, including scaling back the hours for the off sale of alcohol within the framework hours.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed would effectively mitigate the risk of public nuisance and address any concerns raised by the Responsible Authorities.

Therefore, Members made a unanimous decision to grant the application with conditions.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a new Premises Licence for Chau-Uk, Delicious Pho, 3 -6 Steward Street, London E1 6FQ be **GRANTED** with conditions.

Opening Hours of the premises

Monday to Thursday, until 23:30 hours;
Friday and Saturday, until 00:00 hours (midnight)
Sunday, until 22:30 hours

The sale by retail of alcohol – On and off sales

Monday to Thursday 10:00 hours to 23:00 hours
Friday and Saturday 10:00 hours to 23:30 hours
Sunday, until 22:00 hours

Late Night Refreshment Hours (Indoors)

Monday to Thursday (no late-night refreshments)
Friday and Saturday until 23:00 hours to 00:00 midnight
Sunday (no late-night refreshments)

Provision of Regulated Entertainment – Recorded music (Indoors only)

Monday to Thursday 10:00 hours to 23:00 hours
Friday and Saturday 10:00 hours to 00:00 (midnight)
Sunday, until 22:00 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or an 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 an authorised council officer with 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) any faults in the CCTV system, searching equipment or scanning equipment;
 - f) any refusal of the sale of alcohol;
 - g) any visit by a relevant authority or emergency service.
4. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. Staff will be trained to operate an age verification policy on the premises and apply the Challenge 25 scheme.
6. All sales of alcohol for consumption off the premises shall be in sealed containers only.
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 at all times whilst the premises is open.
8. There will be a minimum of 12 staff including kitchen staff on duty at all times increasing in busy periods. Staff will be trained to deal with and recognise aggressive or suspicious behaviours, And there will be an incident log in operation to record crime and disorder incidents.
9. Staff will escort customers to their tables.
10. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. There shall be no touting for business nor engaging individuals to tout for business for the restaurant.
12. We will only buy from UK wholesalers that have been approved by HMRC under the Alcohol Wholesaler Registration Scheme.

13. No outside area will be provided for the consumption of off sales meals or alcohol.
14. Noise levels will be limited to recorded background music only.
15. Staff will supervise patrons leaving after 11:00 p.m. each day to avoid possible disturbance to local residents.
16. The restaurant will only operate in standard hours and will display notices at the exit requesting patrons to leave premises and area quietly.
17. We will ensure that no nuisance will be caused by smells emanating from the premises.
18. Waste will be placed in a dedicated bin store which is kept locked, and collection will be between the hours of midnight and 5:00 AM.
19. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
20. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
22. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
23. There shall be no vertical drinking.
24. Off sales of alcohol will only be made in conjunction with a pre-ordered food order.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
Dickens Inn, St Katherine Dock, East Smithfield, London E1W 1UH	31/10
Pure La cucina, 96 Brick Lane, London E1 6RL	31/10

The meeting ended at 9.46 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	14 September 2021	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Printers and Stationers, 21a Ezra Street, London E2 7RH Ward affected: Weavers
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1.0 Summary

Applicant: **Augustin De la Brosse**

Name and Address of Premises: **Printers and Stationers
21a Ezra Street
London
E2 7RH**

Licence sought: **Licensing Act 2003
Variation to Premises Licence (to remove condition 2 in Annex 2)**

Objectors: **Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Section 182 guidance
Licensing Policy
File

Lavine Miller-Johnson
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation of the premises licence for Printers and Stationers, 21a Ezra Street, London, E2 7RH

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

3.3 The timings of the existing licence are detailed below for information only:-

The Sale of alcohol (on & off sales):

- Monday to Friday 09:00 hours – 21:00 hours
- Saturday & Sunday 09:00 hours – 20:00 hours

The opening hours of the premises:

- Monday to Friday 09:00 hours – 21:00 hours
- Saturday & Sunday 09:00 hours – 20:00 hours

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

3.5 The applicant has described the nature of the variation as follows:

To remove the condition 2: of Annex 2

2. No drinks are to be taken outside the premises.

3.6 The times for the licensable activities and opening hours have not been varied:

4.0 **Location and Nature of the premises**

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

4.2 Nearby Licensed Premises are shown in **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 1st November 2018.

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

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made both against and in support of the application.

Objectors Representations	Appendix
Alice Boreman	Appendix 6
Afsaneh Mastouri	Appendix 7

Christopher Sheppard	Appendix 8
Christopher Want	Appendix 9
Duncan Campbell	Appendix 10
Edward Stanger	Appendix 11
Laurie Davison	Appendix 12
Neil Blake	Appendix 13
Richard Hall	Appendix 14
Sara Dixon	Appendix 15
Tony Tedore	Appendix 16
Wanda Briggs	Appendix 17
Supporting Representations	
Alastair Murray	Appendix 18
Ben Day	Appendix 19
Christopher Cousins	Appendix 20
Carl Forrest	Appendix 21
Corinna Julnes	Appendix 22
Hugo MacGregor Craig	Appendix 23
Conor Pearson	Appendix 24
David Battchelor & Ann Gallagher	Appendix 25
Darren mc Closkey	Appendix 26
Emma Caseley	Appendix 27
Ellen Coughlan	Appendix 28
Emma Iantosca	Appendix 29
Felipe Carvajal-Echavarria	Appendix 30
Harry Hitchens	Appendix 31
Helen Liaudin	Appendix 32
Isla Haigh	Appendix 33
Julia Kuttner	Appendix 34
Jane Manning	Appendix 35
John Moore	Appendix 36
Jackie thompson	Appendix 37
Juliette Tuke	Appendix 38
Liz Francis & Marie Sleigh	Appendix 39
lily Jones	Appendix 40
Maggie Hunt	Appendix 41
Mrjana Krstic	Appendix 42
Maurizio Von Trapp	Appendix 43
Miss R Griffin	Appendix 44
Rebecca Williams	Appendix 45
Stella Blunt	Appendix 46
Sue Game	Appendix 47
Simon Pearce	Appendix 48

Tom Maloney	Appendix 49
William Brown	Appendix 50
Wendy Lowe	Appendix 51
Petra Stelzenmuller	Appendix 52

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

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

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

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

6.11 The objections cover allegations of

- Public nuisance
- Anti - social behaviour
- Noise

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

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

Conditions on existing Premises Licence:

1. An incident book will be kept on the premises to record any refused sales or unacceptable behaviour.
2. No drinks are to be taken outside the premises.
3. No persons under the age of 18 will be allowed on the premises whilst they are trading unless they are accompanied by a person over the age of 18.
4. The staff on the premises will operate a "Challenge 21" policy and will demand photo ID from any person attempting to purchase alcohol who appears to be under 21 years of age.

Conditions consistent with Operating Schedule

1. 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.
2. Staff are trained to adhere to Challenge 25
3. Outside furniture to be removed at 21:00 hours.
4. No under 18's permitted inside without an accompanying adult.

7.0 Conditions agreed in consultation with the responsible authorities

Condition agreed with Licensing Authority

- All customers consuming alcohol outside the front of the premises, must be seated in the area authorised under the tables and chairs licence, issued by the Local Authority, except on a Sunday until 17:00 hours, and during the months of November and December for the Christmas Markets.

8.0 Licensing Officer Comments

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

8.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent

application and promoting fairness equal treatment and proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ It is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention (10.5)
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing

authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)

- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.21).
 - ❖ The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 8.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.6 The Government has advised that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to

be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.” (2.21)

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

8.8 In **Appendices 53 - 57** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Maps of the surrounding area
Appendix 4	Nearby licensed premises
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6-17	Representations from residents (objections)
Appendix 18-52	Representations from residents (support)
Appendix 53	Advice re noise whilst the premises is in use
Appendix 54	Advice on anti-social behaviour on the premises
Appendix 55	Licensing Policy advice on public nuisance
Appendix 56	S182 advice re public nuisance
Appendix 57	Framework hours

Appendix 1

**(Degustation)
21a Ezra Street
London
E2 7RH**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

**David Tolle
Head of En**



Date: 15th February 2011



Part A - Format of premises licence

Premises licence number

26946

Part 1 - Premises details

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

21a Ezra Street

Post town

London

Post code

E2 7RH

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of alcohol

Monday to Friday 09:00 hours – 21:00 hours

Saturday & Sunday 09:00 hours – 20:00 hours

The opening hours of the premises

Monday to Friday 09:00 hours – 21:00 hours

Saturday & Sunday 09:00 hours – 20:00 hours

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

On and off sales

Part 2

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

Augustin De La Brosse

[REDACTED]
[REDACTED]
[REDACTED]

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

Not applicable

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

Augustin De La Brosse

[REDACTED]
[REDACTED]
[REDACTED]

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

Personal licence No: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy

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

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence

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

Annex 2 - Conditions consistent with the operating Schedule

1. An incident book will be kept on the premises to record any refused sales or unacceptable behaviour.
2. No drinks are to be taken outside the premises.
3. No persons under the age of 18 will be allowed on the premises whilst they are trading unless they are accompanied by a person over the age of 18.
4. The staff on the premises will operate a “Challenge 21” policy and will demand photo ID from any person attempting to purchase alcohol who appears to be under 21 years of age.

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:

10th January 2011; covering the ground floor of the premises only. It does not cover the outside yard area.



Part B - Premises licence summary

Premises licence number

26946

Premises details

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

21a Ezra Street

Post town

London

Post code

E2 7RH

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of alcohol

Monday to Friday 09:00 hours – 21:00 hours

Saturday & Sunday 09:00 hours – 20:00 hours

The opening hours of the premises

Monday to Friday 09:00 hours – 21:00 hours

Saturday & Sunday 09:00 hours – 20:00 hours

Name, (registered) address of holder of premises licence

Augustin De La Brosse



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

On and off sales

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

Not applicable

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

Augustin De La Brosse

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Augustin De La Brosse

(Insert name(s) of applicant)

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

Premises licence number 26946

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Degustation 21a Ezra Street			
Post town	London	Postcode	E2 7RH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£9300

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

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

No

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

DD	MM	YYYY

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Removal of Condition 2 in Annex 2

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day Start Finish				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>n/a</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) no change
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) no change
Mon	09:00	21:00	
Tue	09:00	21:00	
Wed	09:00	21:00	
Thur	09:00	21:00	
Fri	09:00	21:00	
Sat	09:00	20:00	
Sun	09:00	20:00	

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

Condition 2 in Annex 2

Please tick as appropriate

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

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

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

M

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

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

Removal of condition 2 in Annex 2.

The remaining conditions address the licensing objectives in respect of this variation.

b) The prevention of crime and disorder

see (a) above

c) Public safety

see (a) above

d) The prevention of public nuisance

see (a) above

e) The protection of children from harm

see (a) above

Checklist:

Please tick to indicate agreement

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

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




Part 5 – Signatures (please read guidance note 12)

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

Signature	<i>Thomas and Thomas</i>
Date	11 th June 2021
Capacity	Thomas & Thomas Partners LLP as solicitors on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) JS/HM/TB/AUG.1.1 			
Post town	London	Post code	WC2H 9EP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or

wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

Appendix 3

Maps of area - 21a Ezra Street



21a Ezra Street – Images of the premises



Appendix 4

21a Ezra Street - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>(The Royal Oak) 73 Columbia Road</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>(Jones Dairy) 23 Ezra Street</p>	<p><u>The sale by retail of alcohol (both on and off sales)</u> Monday to Sunday from 09:00hrs to 23:00hrs</p>	<p>Monday to Sunday from 09:00hrs to 23:00hrs</p>
<p>(Iberian Connections) 2-10 Ezra Street London E2 7RH</p>	<p><u>Sale of Alcohol (off sales)</u> Sunday 10:00 – 17:00 hours</p> <p><u>Seasonal variations:</u> During November and December for the Christmas Markets – between 16:00 hours to 21:00 hours</p> <p>Off Sales only</p>	<p>Sunday 10:00 – 17:00 hours</p> <p><u>Seasonal variations:</u> During November and December for the Christmas Markets – between 16:00 hours to 21:00 hours</p>
<p>(Mason & Painter) 67 Columbia Road</p>	<p><u>The sale by retail of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Monday to Thursday, from 15:00 hours to 20:00 hours • Friday from 15:00 hours to 21:00 hours • Saturday from 11:00 hours to 21:00 hours • Sunday from 10:00 hours to 19:00 hours 	<ul style="list-style-type: none"> • Monday to Thursday, from 15:00 hours to 20:00 hours • Friday from 15:00 hours to 21:00 hours • Saturday from 11:00 hours to 21:00 hours • Sunday from 10:00 hours to 19:00 hours
<p>(A Portuguese Love Affair) 142 Columbia Road</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"> • 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>

21a Ezra Street - Nearest licences

	<ul style="list-style-type: none"> From November to December 20:00 hours on Wednesdays and Sundays 	<ul style="list-style-type: none"> From November to December 20:00 hours on Wednesdays and Sundays.
(Hackney Essentials) 146 Columbia Road	The sale by retail of alcohol - Off sales only <ul style="list-style-type: none"> Monday to Thursday, from 9:00 hrs to 20:00 hrs Friday and Saturday, from 9:00 hrs to 21:00 hrs Sunday from 9:00 hrs to 18:00 hrs 	<ul style="list-style-type: none"> Monday to Thursday, from 9:00 hrs to 20:00 hrs Friday and Saturday, from 9:00 hrs to 21:00 hrs Sunday from 9:00 hrs to 18:00 hrs
(Stringray Globe Cafe) 109 Columbia Road	<p>Alcohol shall not be sold or supplied except during permitted hours. (On and off supplies)</p> <p>In this condition, permitted hours means:</p> <p>a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.</p> <p>b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.</p> <p>c. On Good Friday, 12 noon to 10.30 p.m.</p> <p>d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.</p> <p>f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.</p> <p>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>
(Idle Moments Limited) 86 Columbia Road	The sale by retail of alcohol (Off Sales) Monday to Sunday from 08:00 hours to 21:00 hours	Monday to Sunday from 08:00 hours to 21:00 hours
		<ul style="list-style-type: none">
(Brawn) 49 Columbia Road	<p><u>Supply by retail of alcohol</u> (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><u>Regulated Entertainment</u> (Plays, Recorded Music, Live Music, Performance of Dance, Entertainment of a similar description) Monday to Saturday – 9am to 0.30am</p>	<ul style="list-style-type: none"> Monday to Saturday – 9am to 0.30am Sunday – 8am to 00.30am <p>On Christmas Eve and New Years Eve, the premises shall be open between 9am (8 am if on Sunday) and 1am.</p>

21a Ezra Street - Nearest licences

	<p>Sunday – 12midday to 10.30pm (Films) Monday to Saturday – 9am to 0.30am Sunday – 12midday to 00.30am</p> <p><u>Late night refreshment</u> 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>The sale by retail of alcohol: (on & off sales)</u></p> <ul style="list-style-type: none"> • Monday-Thursday from 12:00 hours to 02:00 hours the following day • Friday and Saturday from 12:00 hours to 03:00 hours the following day • Sunday from 08:00 hours to 02:00 hours the following day <p><u>Regulated Entertainment consisting of:</u></p> <p><u>Live music including Karaoke:</u></p> <ul style="list-style-type: none"> • Monday from 13:00 hours to 01:00 hours the following day • Friday and Saturday from 12:00 hours to 03:00 hours the following day • Sunday from 08:00 hours to 02:00 hours the following day <p><u>Recorded Music:</u></p> <ul style="list-style-type: none"> • Monday -Thursday from 12:00 hours to 02:00 hours the following day • Friday and Saturday from 12:00 hours to 03:00 hours the following day • Sunday from 08:00 hours to 02:00 hours the following day <p><u>Late night refreshment</u></p> <ul style="list-style-type: none"> • Monday -Thursday until 01:00 hours the following day • Friday and Saturday and Sunday until 02:00 hours the following day 	<ul style="list-style-type: none"> • Monday -Thursday from 12:00 hours to 02:30 hours the following day • Friday and Saturday from 12:00 hours to 03:30 hours the following day • Sunday from 08:00 hours to 02:30 hours the following day <p>Note: 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>

21a Ezra Street - Nearest licences

	<p>Note: 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>(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>	<ul style="list-style-type: none"> On Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, Sundays from 12.00 noon to 3pm and 7pm to 12.30 midnight
<p>110 – 112 Columbia Road London E2 7RG</p>	<p><u>Sale by retail of alcohol</u> (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>(Nelson's Head) 32 Horatio Street</p>	<p><u>The sale retail of alcohol (on and off sales):</u></p> <ul style="list-style-type: none"> Monday to Saturday from 11:00 hrs to 00:00 hrs Sunday from 07:00 hours to 00:00 hours <p><u>The provision of regulated entertainment (Indoors)</u> <u>(Recorded music or anything of a similar description)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 11:00 hrs to 23:00 hrs <p><u>Live Music</u></p> <ul style="list-style-type: none"> Restricted to Friday and Saturday, from 11:00 hrs to 23:00 hrs New Years Eve until 02:00 hours 	<ul style="list-style-type: none"> Monday to Saturday from 11:00 hrs to 00:30 hrs Sunday from 07:00 to 00:30 hours

21a Ezra Street - Nearest licences

	<p>New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Year's Eve and 11am on New Year's Day.</p>	
<p>(Enola's Kitchen) Sundial Centre 11 Shipton Street</p>	<p><u>Sale of Alcohol (on sales only)</u></p> <p>Monday to Sunday from 11:00 hours to 22:00 hours</p> <p><u>Regulated Entertainment (Films)</u></p> <p>Monday to Friday from 12:00 hours to 22:00 hours Saturday to Sunday from 10:00 hours to 22:00 hours</p>	<ul style="list-style-type: none"> Monday to Sunday from 08:00 hours to 22:30 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

Lavine Miller-Johnson

Subject: FW: Degustation 21a Ezra St E2 7BJ - REF. M/138760

From: Alice Boreman [REDACTED]
Sent: 05 July 2021 15: [REDACTED]
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Re: Degustation 21a Ezra St E2 7BJ - REF. M/138760

Apologies, I am Alice Boreman and my address [REDACTED] My objections relate to the prevention of crime and disorder and the prevention of public nuisance.

The increased number of people drinking outside in and around Columbia Road and Ezra Street is creating significant noise and disruption to residents. As the houses are in a conservation area and expensive to replace with double glazing people walking around noisily late at night makes it difficult to sleep, especially when warm and we have to have the windows open. This is largely a family area and the noise and late drinking makes it very difficult for families. Even once licensed establishments close, the number of venues open late and outside means lots of people hanging around - a recent saturday found over 100 people drinking around Ezra Street. As a single woman this means me feel unsafe and uncomfortable in my own neighbourhood.

A

On Mon, 5 Jul 2021 at 15:21, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Dear Alice

Please be advised that under the Licensing Act 2003, the criteria for your representation to be valid is that you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

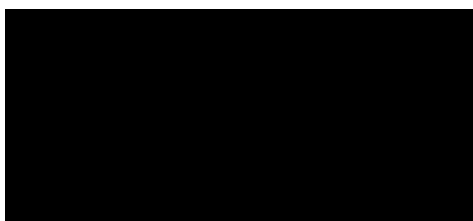
- * the prevention of crime and disorder
- * the prevention of public nuisance
- * public safety
- * the protection of children from harm


Also in order for your representation to be valid you are required to provide your full name and address. These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

You will need to return this prior to 9th July 2021 for your representations to be included.

Kind regards

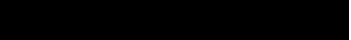
Corinne Holland
Licensing Officer
Environmental Health and Trading Standards
Place Directorate





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

From: Alice Boreman 
Sent: 05 July 2021 13:23
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Degustation 21a Ezra St E2 7BJ

I would like to Object to license variation to remove Condition 2 in Annex 2.

Thanks

Alice

Sent from my iPhone

--

Alice Boreman



Appendix 7

Lavine Miller-Johnson

From: Afs Mastouri [REDACTED]
Sent: 13 July 2021 11:07
To: Lavine Miller-Johnson
Cc: [REDACTED]
Subject: Re: Reference: Degustation,21a Ezra Street E2 7RH

Hi Levine,

Yes, these are two different objections. The context and the reason for the objection is the same. I'll correct as following:

Dear representative of the TowerHamlets council,

As a resident of Ezra street, I object to the licence variation for Dégustation/printers and stationers to serve alcohol outside. There is increasing numbers of people drinking, urinating and littering the area and it has become intolerable.

Thank you for considering the interest of the residents in your decision,

*Best regards,
Afsaneh Mastouri*

On Tue, 13 Jul 2021 at 10:30, Lavine Miller-Johnson <Lavine.Miller-Johnson@towerhamlets.gov.uk> wrote:

Dear Laurie & Afsaneh,

Thank you for your objections. It has been noted that your objections are identical and bearing the same contact details. Please can you confirm that these are two different objections?

If they are two separate objections please can Afsaneh change the details at the end of the email from Laurie to Afsaneh Mastouri.

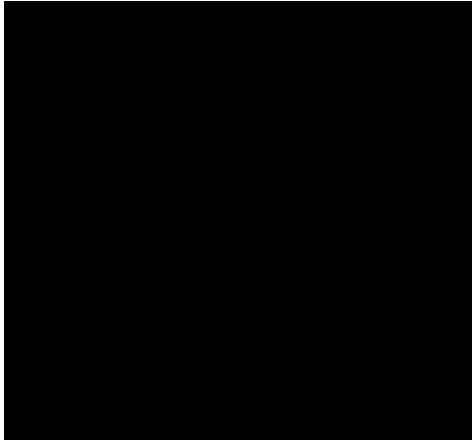
Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety

Environmental Health and Trading Standards

Place Directorate



www.towerhamlets.gov.uk  licensing@towerhamlets.gov.uk

Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

From: Licensing <licensing@towerhamlets.gov.uk>

Sent: 05 July 2021 14:57

To: Lavine Miller-Johnson 

Subject: FW: Reference: Degustation, [21a Ezra Street E2 7RH](#)

From: Afs Mastouri 

Sent: 04 July 2021 01:05

Cc: Licensing <Licensing@towerhamlets.gov.uk>

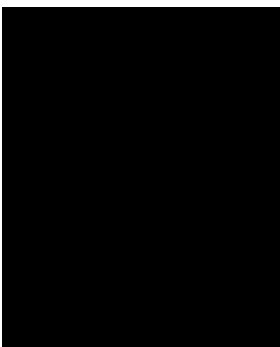
Subject: Reference: Degustation, [21a Ezra Street E2 7RH](#)

As a resident of Ezra steet, I object to the licence variation for Dégustation/printers and stationers to serve alcohol outside. There is increasing numbers

of people drinking, urinating and littering the area and it has become intolerable.

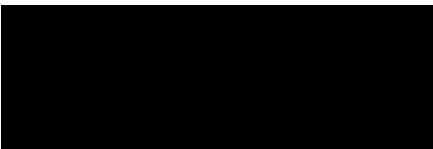
Thanks for considering the interests of residents not just commercial premises.

Laurie Davison



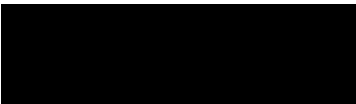
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Afsaneh Mastouri



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Afsaneh Mastouri



Appendix 8

Lavine Miller-Johnson

From: Licensing
Sent: 01 July 2021 15:42
To: Lavine Miller-Johnson
Subject: FW: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex

From: Christopher Sheppard [REDACTED]
Sent: 01 July 2021 10:03
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: RE: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex

Dear Madam, Sir,

I'm writing to express my strongest possible objection to this application.

It is already well known that there is a problem of antisocial behaviour (including people urinating on the street) and noise disturbance on that particular part of Ezra Street, largely caused by on-street drinking.

My bedroom is within 100 feet of that area and it is impossible to keep the windows open in the evening, because of the noise.

I am begging Tower Hamlets to acknowledge that this is, and should remain, a primarily residential area and that the rights of residents to enjoy a reasonably quiet life should be absolutely paramount.

In my view, Tower Hamlets needs to have a blanket policy for the neighbourhood, respecting the needs of residents, and refusing any and all applications for increased licensing provisions. This should not be a question based on the merits of individual applications. We know that everyone is doing their best to recover from the pandemic, and that includes hard-working individual residents who have the right to a good night's sleep.

Thank you for your kind attention.

Christopher Sheppard
[REDACTED]

Appendix 9

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 15:20
To: Lavine Miller-Johnson
Subject: FW: Degustation - Objection

From: Christopher Kul Want [REDACTED]
Sent: 07 July 2021 15:18
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Catherine Yass [REDACTED]
Subject: Degustation - Objection

Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2

Dear Licensing

I am writing to object to the extension of licensing for the above.

I am a resident in [REDACTED] which backs onto Ezra Street. I have lived here since 1990 and love the area.

I'd like to point out that there are already a series of bars on the street (The Royal Oak, and Campania Restaurant) bringing alcohol consumption outside and a further choice of some 15 licensees for alcohol in the immediate area with bars and restaurants. This is an extraordinary amount of licenses for such a small residential area and has promoted an unprecedented level of ASB in the area. You will be aware of this ASB from the number of complaints to the council. This problem is especially exacerbated at week-ends and on Sunday market days continuing long after the market closes at 3.00 pm and well into the evening with the number of consumers spilling over the pavement area and even blocking the street. The noise generated by consumers outside is particularly annoying to local residents. Granting a license to Degustation (which has already been turned down previously) will only add to these problems. In addition may I point out as a person with an interest in this that occupying the pavement area as Degustation wish to do prevents disability access along the pavement in Ezra street (this is not a wide pavement) and makes access impossible. There are disabled persons in Blackbird Yard and many elderly people in the area.

Best wishes
Christopher Want

[REDACTED]

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Appendix 10

Lavine Miller-Johnson

From: Licensing
Sent: 30 June 2021 18:13
To: Lavine Miller-Johnson
Subject: FW: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2;

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

From: Duncan Campbell [REDACTED]
Sent: 30 June 2021 16:33
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2;

Dear Licensing Department,

Printers & Stationers/ Degustation have applied to vary their license (see above). As I understand it, this would allow them to sell drinks outside in Ezra Street. We live on Ezra Street and over the last few years there have been many problems with people drinking noisily at night in the street. As I think the licensing and anti-social behaviour teams are aware this has been an ongoing problem and to allow any extension or variation of current licenses would exacerbate the situation considerably.

We completely understand that businesses are anxious to recover after Covid restrictions but residents have also suffered from Covid in many different ways. Amongst our neighbours who also object are those who have been ill, people with small children and people who have to get up early for work. We do not now want to have a situation when three or four nights a week crowds of dozens of people gather and sit on the pavement, talk loudly, call Uber cars, sometimes urinate against the Columbia school wall because there is nowhere else they can go, and leave mess in the shape of plastic cups and bottles behind them as they noisily depart.

Many people we have spoken to were unaware of the plans to change the license and are very opposed to the idea of the area becoming 'party central' for people who do not live in the vicinity. We already, as the ASB teams know, have a serious problem with drinkers making a noise until the early hours in Ravenscroft Park. I have sometimes seen groups coming from the park attracted by the sight of a couple of dozen people sitting drinking on the pavement in Ezra Street and seeing it as a place where they can drink until late.

Please reject this request. This business has existed for many years without having to sell to street drinkers and can surely carry on as before.

Many thanks,

Duncan Campbell
[REDACTED]

Appendix 11

Lavine Miller-Johnson

From: Edward Stanger [REDACTED]
Sent: 12 July 2021 12:15
To: Lavine Miller-Johnson
Subject: RE: Designation 21a Ezra Street E27R; OBJECT to license variation of condition 2 in Annex 2

My address is provided below.

Edward Stanger
[REDACTED]

Ed Stanger [REDACTED]

Mobile: [REDACTED]

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

From: Lavine Miller-Johnson [REDACTED]
Sent: 12 July 2021 12:10
To: Edward Stanger [REDACTED]
Subject: [External Sender] RE: Designation 21a Ezra Street E27R; OBJECT to license variation of condition 2 in Annex 2

[this message originated from outside of FIRST, please be sure to verify its origin]

Dear Edward,

Thank you for your objection below,

In order for your objection to be valid you are required to provide your residential address. Please resend your objection with your address added.

Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety Environmental Health and Trading Standards Place Directorate 2nd Floor,
[REDACTED]

[REDACTED] 3A%2F%2Fwww.towerhamlets.gov.uk%2F&data=04
[REDACTED] 5ee08d9452654c4%7C3c0aec87f983418fb3dcd35db83fb5
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3D&reserved=0 · licensing@towerhamlets.gov.uk

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

From: Licensing [REDACTED]

Sent: 02 July 2021 10:51

To: Lavine Miller-Johnson [REDACTED]

Subject: FW: Designation 21a Ezra Street E27R; OBJECT to license variation of condition 2 in Annex 2

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

From: Edward Stanger [REDACTED]

Sent: 01 July 2021 18:16

To: Licensing <Licensing@towerhamlets.gov.uk>

Subject: Designation 21a Ezra Street E27R; OBJECT to license variation of condition 2 in Annex 2

I am writing to object to the license variation under review for the painters and stationers for outside Drinking. I am a neighbour to Ezra street on corner of Ravenscroft street and the area does. It need another outside drinking area on top of the newly expanded Birdcage onto the huge pavement, Ravenscroft park filled with drunk revellers all night, Clutch's outside pop up bar with outside music and the usual circus that is the Sunday market. Please do not approve this application.... Please.

Sent from my iPhone

Appendix 12

Lavine Miller-Johnson

From: Licensing
Sent: 05 July 2021 14:56
To: Lavine Miller-Johnson
Subject: FW: Reference: Degustation,21a Ezra Street E2 7RH

From: Laurie Davison [REDACTED]
Sent: 04 July 2021 01:00
To: Licensing [REDACTED]
Subject: Reference: Degustation,21a Ezra Street E2 7RH

Object to licence variation removal of condition 2 in annex 2

I object to the licence variation for Dégustation/printers and stationers to serve alcohol outside. As a resident of Ezra Street, the numbers of people drinking, urinating and littering the area have become intolerable.

Thanks for considering the interests of residents not just commercial premises.

Laurie Davison



[Sent from Yahoo Mail for iPhone](#)

Appendix 13

Lavine Miller-Johnson

From: Licensing
Sent: 01 July 2021 15:41
To: Lavine Miller-Johnson
Subject: FW: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2;

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

From: Neil Blake [REDACTED]
Sent: 01 July 2021 08:32
To: Licensing [REDACTED]
Subject: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2;

Dear all,

I would like to object to the variation of the licence above to permit service of alcohol outdoors.

There is already a good deal of disruption on the street from loitering drinkers, with all the litter and antisocial behaviour that come with that. Also, since the top end of Ravenscroft Street is now one-way, Ezra Street has become an important thoroughfare for those of us who live on Ravenscroft Street and park our cars on Jesus Green - it needs to be kept clear of loitering drinkers. Those who already congregate there tend to be quite difficult about moving out of the way for vehicles (I have seen the abuse the poor market traders get after the Sunday market) - we do not need more.

I urge you to refuse this and any other application for further outside drinking in Ezra Street - it's just not fair on the residents.

Best wishes,

Neil Blake
[REDACTED]

Appendix 14

Lavine Miller-Johnson

From: Licensing
Sent: 05 July 2021 14:56
To: Lavine Miller-Johnson
Subject: FW: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2;

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

From: richard hall [REDACTED]
Sent: 03 July 2021 11:20
To: Licensing [REDACTED]
Subject: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2;

Dear Licensing team

I am resident at [REDACTED] and I'm afraid I must object to this application. The noise and nuisance levels in the adjacent areas are already extremely debilitating and having additional drinkers outside will inflame the situation further. After a few drinks people inevitably speak louder and start to move around. In summer months one cannot open a window due to excessive noise which is very uncomfortable and affects sleep and mental health. Surely there is a right for residents to have a reasonable level of quiet enjoyment.

I hope the views of local residents will be taken into account. I'm all for supporting local businesses but they should be able to operate within the parameters of their original business plans and not seek to profit at the expense of disturbing people who reside in their neighborhood.

Many thanks
Richard Hall
[REDACTED]

Appendix 15

Lavine Miller-Johnson

From: Lavine Miller-Johnson
Sent: 12 Jul 2021 11:42
To: [REDACTED]
Subject: RE: Printers and Stationers Ezra Street 138760

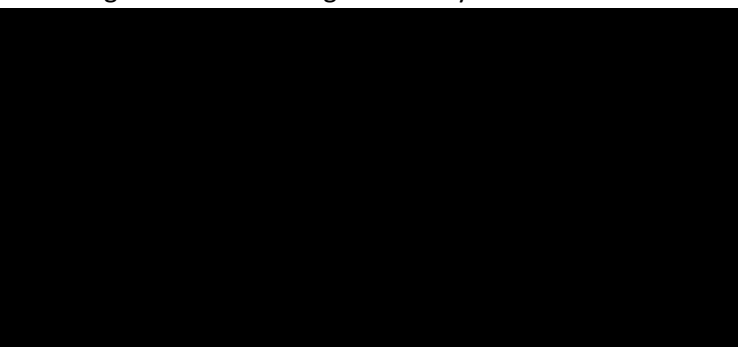
Thank you for your email, the contents of which are noted.

Please note that the applicant is entitled to a full, un-redacted copy of your representation. They may wish to contact you to mediate an amendment of their application, in order to address your concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to this email address.

Alternatively, your representation will be added to the final Licensing Sub Committee report and you will be written to by Democratic Services to be advised as to the time and date of the Hearing, which you will be invited to attend. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Committee in your absence, please advise Democratic Services directly.

Kind Regards

Lavine Miller-Johnson
Licensing Officer - Licensing and Safety Environmental Health and Trading Standards Place Directorate 2nd Floor,



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

From: [REDACTED]
Sent: 02 July 2021 09:19
To: Licensing [REDACTED]
Subject: Printers and Stationers Ezra Street

Hi,

I would like write in support of the Printers and Stationers license application to serve alcohol on tables outside his premises.

It is a very well run establishment - not the horror show which is described by ASSRETA.

I am a long term resident of Jesus Green Hospital Estate. I live on Wellington Row and have done for 20 years.

It is a valuable asset to the community for friends and neighbours to met. We DO NOT urinate on the street. Nor have we seen people doing so.

He serves fine wines and olives and truffle crisps. He is one of the few non-chains left in the area.

It is a community hub - not a drinking spot for yobs. Please can Tower Hamlets support his business and the three people he employees - who are wonderful and friendly and now face the possibility of finding themselves without an income.

Best wishes

Sara Dixon

Appendix 16

Lavine Miller-Johnson

From: Licensing
Sent: 02 July 2021 10:33
To: Lavine Miller-Johnson
Subject: FW: Objection to the application to drink outside. 21a Ezra St - 138760

From: Tony Tedore [REDACTED]
Sent: 02 July 2021 10:07
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection to the application to drink outside. Attention of John Onslow.

Degustation 21A Ezra Street E2 7RH. Premises number 26946.

I strongly object to any premises in Ezra Street having a licence to drink outdoors.

On most weekends we already have up to 100 people drinking on Ezra street.

The noise is unbearable, we have broken glass on the Street with people singing, screaming and shouting.

Despite protests from residents for 20 years now, this despicable Council has done nothing to remedy this situation, in fact making it worse.

This area is now known by residents as the war zone.

Also, elderly people or parents with prams are forced off the pavement to go into the road.

Cars also speed around the corner and it will not be long before someone is killed.

I hope this irresponsible council does something about this street soon.

It is of the opinion of many local residents that the council is corrupt and is taking back handers from premises. This accounts for the worsening situation in the area over 20 years.

T Tedore.
[REDACTED]

Appendix 17

Lavine Miller-Johnson

From: Licensing
Sent: 05 July 2021 15:41
To: Lavine Miller-Johnson
Subject: FW: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2

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

From: wanda briggs [REDACTED]
Sent: 05 July 2021 15:08
To: Licensing [REDACTED]
Subject: Degustation 21a Ezra Street E2 7RH; OBJECT to license variation, removal of Condition 2 in Annex 2

Dear Sir or Madam

I should like to strongly OBJECT to yet further variations of premises drinking licences. This residential area is now surrounded by more and more drinking establishments with the inevitable spill over of intoxicated people being noisy in the streets. In Ezra Street the available area for people is not that great, so it is obvious that the street would become more congested and make it difficult for pedestrians to pass by. This is actually already the case and I have frequently had to either barge through large groups or wait to find a gap that I can safely pass through.

I can understand that many businesses are under pressure to comply with Covid restrictions (that in any case are constantly changing) and are therefore wanting to apply for more space but once the precedent has been set it cannot be undone. We have witnessed exactly this with the Birdcage, a pub on the corner of Columbia Road and Gosset Street. They were allowed to use 2m outside space but this is, quite frankly, never the case and absolutely nothing has been done about it - certainly the licence has not been revoked for persistent breaching of the order.

We have lived in the area for over 20 years and I'm not against change or progression. I am against creating an unpleasant neighbourhood for locals.

I hope you will reject the application this time as you did several years ago for the same reasons.

Your faithfully

Mrs Wanda Briggs

[REDACTED]

Appendix 18

Corinne Holland

From: Alastair Murray [REDACTED]
Sent: 09 July 2021 11:10
To: Licensing
Subject: Re: Degustation Ezra St applicatiin

To the Licensing Team, John Onslow House, 1 Ewart Place, London E3 5EQ
[REDACTED]

Dear sir / madam,

I am a local resident and write in support of Degustation's application to serve alcohol until 9pm. I believe they are a responsible and well managed small business, which many local friends and I enjoy , and I don't believe there is any extra risk of crime and disorder, nuisance or risk to public safety if their licence is granted.

I live next door to Stringrays on Columbia Rd which is occasionally noisy in the evenings, but I know they manage this occasional potential risk very well, and I am confident that the owner and staff at Degustation will be able to do the same.

I have heard from others living in this neighbourhood, that there is a campaign of scaremongering and misinformation being led by some local residents, with no basis in fact.

Small local businesses are what give this area it's character and lifeblood, and I for one support them. I hope you will too.

Thank you, with my best wishes

Alastair Murray
[REDACTED]

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Appendix 19

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 14:18
To: Lavine Miller-Johnson
Subject: FW: Support Licence Degustation 21a Ezra st E2 7RH

From: info@ [REDACTED]
Sent: 07 July 2021 12:25
To: Licensing [REDACTED]
Subject: Re: Support Licence Degustation 21a Ezra st E2 7RH

Dear Tower Hamlets

I am writing as a business owner on Columbia road to support the licence application / variation for Degustation 21a Ezra st E2 7RH (printers and Stationers)

The owner is a conscientious landlord of a very small, quite bar.

He provides a much needed family friendly, well run establishment, he is respectful of the local residents and noise levels.

He is well known for personally clearing up rubbish generated by the market, and that it is not generated by his establishment or his customers.

By having an open business with a small number of people enjoying a glass of wine, it provides a deterrent to anti social behaviour that would otherwise occur on a back street.

The references in Aresta letter to a recent saturday event, in fact references an event many years ago, that was in another residents property and was actually attended by many of the local resident.

This was many years ago, and proves that in fact there have been no recent issues.

It is a well know fact amongst residents and business owners that several vocal members of Aresta are not primary residents of this area.

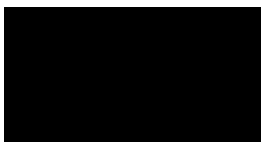
Anyone who actually knows this business and this area will know that his customers (including families) who have enjoyed a glass of wine do not generate any anti social behaviour, rubbish or disturbance.

So to confirm I am supporting Degustation 21a Ezra st E2 7RH (printers and Stationers) application for variation.

I urge the council to support this business, which has been savagely affected by Covid restrictions.

If we loose people and bsuisnesss like this we will loose this beautiful community and area we all love. then we will have large brands who will not care at all about the area, its residents or the community.

Yours sincerely
Ben Day



Appendix 20

Corinne Holland

From: Cousins Christopher [REDACTED]
Sent: 09 July 2021 14:15
To: Licensing
Subject: PRINTERS AND STATIONERS, EZRA STREET

Follow Up Flag: Follow up
Flag Status: Flagged

I WISH TO SUPPORT AN APPLICATION MADE BY THIS BAR IN EZRA STREET, SO LONG AS THERE ARE STRICT LIMITATIONS ON WHAT IS GRANTED AS FOLLOWS:

1. OUTSIDE DRINKING ONLY AT TABLES WITHIN A STRICTLY DESIGNATED AREA LAID DOWN AND ENFORCED BY THE COUNCIL.
2. ONLY BETWEEN THE HOURS OF NORMAL OPENING HOURS.
3. THAT THERE IS NO REPEAT OF THE APPALLING CHAOS EVIDENCED AT THE ROYAL OAK WHERE THERE ARE DRINKERS SPRAWLED ALL OVER THE PAVEMENT AND COBBLED ROADWAY MAKING IT IMPOSSIBLE FOR RESIDENTS TO PASS AND REPASS.
4. FEELINGS ARE RUNNING PRETTY HIGH IN THIS SMALL NARROW STREET AND THE SURROUNDING AREAS ABOUT THE STATUTORY NUISANCE CAUSED AND CREATED BY THE ROYAL OAK DRINKERS WHO ARE RUDE AND ARROGANT WHENEVER WE REMONSTRATE WITH THEM AND MOST OF WHOM ARE NOT LOCAL IN ANY EVENT.
5. THE POOR PEOPLE WHO LIVE IN OR AROUND EZRA STREET NEED AT LEAST SOME PROTECTION FROM THESE UNRULY DRINKERS.

Christopher Cousins
[REDACTED]

Appendix 21

Corinne Holland

From: Carl Forrest [REDACTED]
Sent: 09 July 2021 18:21
To: Licensing
Subject: Ezra Street application

Hello my name is Carl Forrest and I live in [REDACTED]

I have been a resident in this area for 42 years and have seen some major changes along this time from when I was young working for a long standing member of the community a shop owner on Columbia Road called Angela Flanders. I have seen changes beyond recognition for the better in this area in this time.

I have no reason to see why the Painters & Stationers premises should be a threat to Ezra Street or the surrounding businesses and residential streets around it as it is run responsible with no public disorder and is definitely not being used as a urinal public toilet and as for drunks obstructing the LBTH refuse collections not being able to do their job is also untrue. It is a lovely quiet community gathering place where I feel safe and so do my fellow neighbours and visitors as this place feels safe and people are around which prevents crime and I also feel this place plays a big part of our community in liveable streets.

Yours sincerely

Carl Forrest

Appendix 22

Corinne Holland

From: cjulnes [REDACTED]
Sent: 09 July 2021 21:11
To: Licensing
Subject: RE: Degustation, 21 Ezra Street, IN SUPPORT of Outside Drinking Licence Sought

To: Licensing Team
John Onslow House
1 Ewart Place
London E3 5E

Dear Licensing Team

I am a local resident of more than 15 years in Columbia Road, and I write IN SUPPORT of Degustation's (Printers and Stationers) application to serve alcohol at tables situated outside the premises until 9pm.

I personally have seen that the owner (Augustin de-la Brosse) is a responsible and well-respected member of this community which is now coming under threat of closure if he is not granted this licence. I don't believe there is any extra risk of crime and disorder, nuisance, or risk to public safety if his licence is granted.

Regarding the safety and cleanliness in the area I feel much safer when there are proper tables where people are seated in an orderly fashion, not standing in larger groups or sitting in the curb. I've seen the owner not let people sit in the curb, and certainly not letting people sitting outside his premises with their own cans of beer bought from the off-licence, which only happens when the Printer's and Stationer's is shut.

I also feel much safer when I'm out walking my dog in the evening and there are tables and chairs outside premises with people sitting at them rather than empty pavements which encourages anti-social behaviour in the dark spaces.

Another important fact is that the Printers and Stationers has toilet facilities for customers use, not that I've ever seen people urinating in the street but this is a key point to take into consideration.

This brings me to the fact that the other businesses are allowed to serve drinks outside until 10pm or 11pm - so where is the justification in that? - I really don't understand this, it is truly unfair and unjustified.

Furthermore, there is a campaign of scaremongering and malicious accusations being led by a local resident who doesn't even live in the area but has a photography studio opposite the Royal Oak. The false information that Ms Peres has solely circulated on behalf of ARESTA (Association of Residents of Ezra Street) has not been endorsed by the other members in this group and is nothing but slander and deformation of character.

I feel you should help small businesses recuperate and operate within this lovely area that hundreds of tourists flock to admire every weekend and to be part of the street entertainment that has won the love of the residents. If we wipe out the charm and character of Columbia Road it will just become like any other part of London where the larger corporations have taken over.

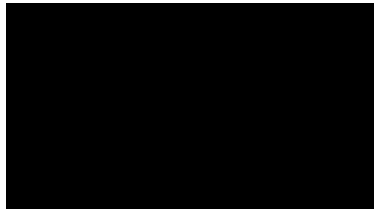
I live near the Stringray's Globe Pizzeria on Columbia Rd which is occasionally noisy in the evenings, but I know the owners manage this occasional potential risk very well and I am confident that Augustin and the staff at Printers and Stationers will do the same.

Small local businesses are what give this area it's character and livelihood, I for one support them and I hope you will too.

Many thanks for taking the time to read my thoughts on this application.

Kind regards

Corinna Julnes



Sent from my Galaxy

Appendix 23

Corinne Holland

From: Hugo MacGregor-Craig [REDACTED]
Sent: 09 July 2021 13:23
To: Licensing
Subject: Printers & Stationers 21A Ezra Street

Follow Up Flag: Follow up
Flag Status: Completed

Hello

I am writing in support for the premises license application made by Augustin de la Brosse. for Printers & Stationers at 21A Ezra Street, E2

I am a fellow business owner with a shop on [REDACTED]. I have lived locally for 12 years.

Printers & Stationers is a real asset to the community. They are involved, careful and considerate. They are a small enterprise that take pride in how they operate. They are conscientious about clearing away rubbish, managing their customers so as not to cause any nuisance or difficulty to pedestrians or passing vehicles. Permitting the license will allow them to continue serving food & drink on their tables which pose no inconvenience to neighbouring businesses or residences (of which there are few in the immediate vicinity).

Having a licensed business in this location creates a strong communal atmosphere. This contributes to the prevention of crime & disorder as the customers of this business and those operating nearby ensure that this area is too public a location for crime & disorder to take place.

The same can be said for public nuisance. Having viable, successful businesses on Ezra Street prevents behaviour that could be considered a nuisance & is illegal - public urination, drug dealing, littering. Especially as this area would otherwise be a convenient secluded place for the kinds of activities that we all know happen on the quieter areas around Columbia Road. The presence of responsible business owners and managers is a strong deterrent to any kind of nuisance, disorder and threat to public safety. There is strong evidence for this when you think of how the area changed when there wasn't a business operating from this location for a few years.

The presence of adult customers at these businesses in conjunction with good management and safeguarding practices means that children are protected from harm in these areas. To close down businesses here would create a ghost town without any proactive safeguarding in place.

This business in particular is frequented by families and couples. There is an emphasis on food - which is a part of the business they are hoping to encourage - rather than just alcoholic drinks.

The business itself does not produce any excessive noise and the noise level of customers is well managed by the team. My business is approx 100m away and the noise cannot be heard.

As mentioned before, the team and management are very proactive in clearing rubbish. I have often witnessed the team clearing rubbish from the wider area that has been left by customers of other businesses. They are very socially responsible.

I urge you to take into account the above points when consider the application. To approve the license would improve the general safety, cleanliness and community spirit that is so important to this small area of London.

Thanks very much
Hugo

Appendix 24

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 14:14
To: Lavine Miller-Johnson
Subject: FW: In SUPPORT of license variation 21a Ezra Street Printers and Stationers

From: Conor Pearson [REDACTED]
Sent: 07 July 2021 10:32
To: Licensing [REDACTED]
Subject: In SUPPORT of license variation 21a Ezra Street Printers and Stationers

Good Morning,

I am writing to show my full support for the license in application at Printers and Stationers on Ezra Street.

I am dumbfounded that a small group of local individuals have decided to falsely present themselves as representatives of a residents association (rather than the small number following their own interests that they actually are) and make every effort to make obtuse objections to every reasonable license application in the area causing huge damage to already struggling small hospitality businesses as well as to the wider community who as a vast majority fully support the responsibly run activities on Ezra street.

London is an ever changing city, and growing up in East London I knew the Ezra Street of old to be a site of illegal rubbish dumping, criminal activity and as a parking location for the lorries supplying flowers on sundays.

Businesses such as Printers, run by Augustine, have given the street a social identity and a cafe culture that has been of huge benefit to the community and society of the area, and it baffles me that this minority of residents should behave as if this was otherwise. Not only do long standing residents enjoy and frequent Augustines business, it is precisely the environment he promotes that has attracted a huge number of young professionals and respectable families to move to the area to enjoy the sense of community that this business is central to.

The requested license falls within reasonable hours of operation, the conditions encourage all license objectives and the licensee Augustine is well known in the community as a conscientious business owner who ensures his mainly family oriented guests remain respectful in terms of noise and is regularly seen collecting rubbish on the street after his closing hours.

I have been made aware of a letter circulated by the group making accusations of Augustines business that come close to libelous.

The group is clearly aware that their small number does not represent anyone but themselves so have posted deliberately inflammatory and inaccurate information about the business.

Accusations of antisocial behaviour which I am sure will have no basis in police records or genuine complaints.

They also mention late night drinking 'with over 100 guests' occurring on a 'recent saturday'.

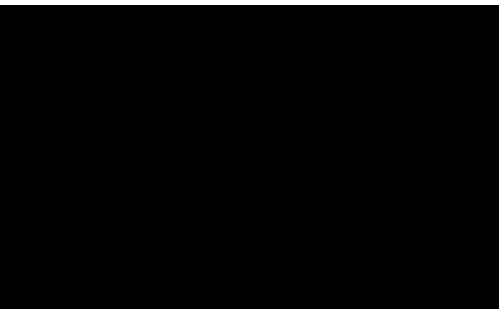
The only occasion I can consider they are referring to in fact occurred years ago (2018) when Printers had different business owners and was in fact related to a nearby house party after Harry and Megahns wedding, having nothing to do with the Printers itself at all! Ezra Street exists in a busy area of zone 1 in one of the most populace cities on earth and very occasionally we unfortunately need to tolerate inconsiderations from private citizens. It's part of the sacrifice we make in choosing to live in a large and bustling city. That a small business should be culpable for activities it was uninvolved with nearly 4 years after the fact is absolutely absurd and in using it as ammunition, demonstrates how weak the case of this small group is.

Of course, if I am mistaken and the incident they refer to is on another date then I am sure they will be able to refer the committee to the relevant police report. Unlikely...

This group have acknowledged that it is their mission to block any and all licensable applications no matter how reasonable and compliant they are. This, I suppose, is their prerogative no matter how unreasonable.

However they are a small group of individuals who do not and should not be the arbiters of the cultural identity of an entire area and I whole heartedly encourage this committee to see this small business for the responsible community hub that it is and grant its application.

Many thanks



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Appendix 25

Corinne Holland

From: david batchelor [REDACTED]
Sent: 09 July 2021 09:51
To: Licensing
Subject: Licence variation: Degustation 21a Ezra Street E2 7RH

Dear Sir or Madam,

Degustation 21a Ezra Street E2 7RH

I am writing to register our SUPPORT of this licence application (to remove condition 2 in Annex 2 of the licence).

My wife and I have lived in Providence Yard on Ezra Street for over 17 years and, in our opinion, the well-managed licensing of premises has considerably helped improve the ambience, the look and the safety of the area. Augustin de la Brosse's small 'Printers and Stationers' has contributed to to this improvement over a number of years and we welcome his continued and enhanced presence on the street.

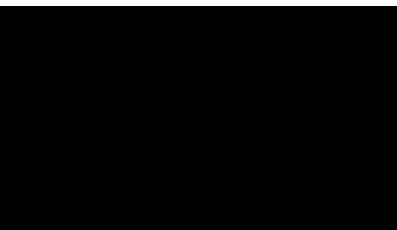
The presence of a limited amount of people being served drinks at tables during specific hours significantly helps reduce anti-social behaviour such as fly-tipping and drug dealing. At the same time the presence of Augustin and his customers makes for a safer environment, especially for people walking along the street alone after dark.

If there is a problem with drinking on the street in the area - and at particular times there can be - we don't think it can be laid at the door of 'Printers and Stationers' (or 'Campania', the restaurant next door).

Augustin himself is always thoughtful and considerate of his neighbours and has done nothing that has caused us any concern whatsoever. We strongly support his application.

Yours sincerely,

David Batchelor
Ann Gallagher



Appendix 26

Lavine Miller-Johnson

From: Licensing
Sent: 09 July 2021 13:33
To: Lavine Miller-Johnson
Subject: FW: Licensing Printers & Stationers, 21A Ezra St, London E2 7RH

From: Darren Mc closkey [REDACTED]
Sent: 08 July 2021 19:25
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing Printers & Stationers, 21A Ezra St, London E2 7RH

Hello,

I would like to write a letter in support of one of our local businesses. Augustin & his *Printers & Stationers*, 21A Ezra St, London E2 7RH

I have lived in the borough for 10 years and have worked in a shop next to Augustin & his *Printers & Stationers for the last 3 years and I am a massive fan on this place*. It is a key part of our neighbourhood and a welcoming and friendly space for many in the area.

I work at various times throughout the day and night and I can personally say I have never seen any bad behaviour, rowdy or drunken noise / behaviour caused by this establishment or any of it's customers.

The people in this community value Augustin and the friendly business he has built. Lots of locals and visitors enjoy it in a responsible way.

I'm writing to support his licensing and hoping the community can restore a well-loved place for both us residents and attract people to come visit us.

Regards
Darren

[REDACTED]

Appendix 27

Lavine Miller-Johnson

From: Licensing
Sent: 02 July 2021 16:44
To: Lavine Miller-Johnson
Subject: FW: 21a Ezra Street -support

Support to application rather than a TEN.

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

From: Emma Caseley [REDACTED]
Sent: 01 July 2021 20:47
To: Licensing [REDACTED]
Subject: 21a Ezra Street -support

I understand that you have received a TEN application from the Printers and Stationers in Ezra Street. I'm writing in support of this application.

The hospitality industry has been hit hard by COVID, and the growth of outside dining and drinking has been a very welcome development, enabling a cafe culture to emerge and help support jobs which will otherwise be lost.

There has for many years, been a vibrant hospitality scene in this area, and it is particularly disappointing to see that a minority of local residents are campaigning against licensed premises which are such an important part of our local community.

With kind regards

Emma Caseley
[REDACTED]

Appendix 28

Corinne Holland

From: Ellen Coughlan [REDACTED]
Sent: 09 July 2021 14:03
To: Licensing
Subject: Re: Printers and Stationers

Thanks Corinne.
It's Ellen Coughlan, [REDACTED]

Best wishes,
Ellen

On Fri, 9 Jul 2021 at 14:01, Licensing [REDACTED]

Thank you for your email.

In order for your representation to be valid you are required to provide your full name and address. These will be forwarded to the applicant at the end of the consultation period.

Please can you provide your full name and address in order for me to include your representations. I will need these prior to the last day for the consultation period which is midnight tonight (**9th July 2021**).

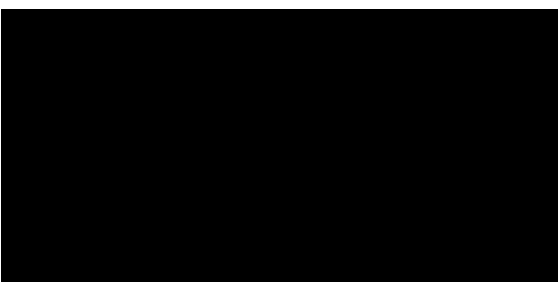
Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards


Place Directorate





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From: Ellen Coughlan 

Sent: 08 July 2021 20:02

To: Licensing 

Subject: Ezra Street licensing

Good evening,

I'm emailing today to offer my support for local businesses that are seeking to apply for a license in Ezra Street. In particular, Printers and Stationers. The small businesses add a vibrancy and community to our neighbourhood and owners are conscientious in cleaning and managing their premises. Amending the Printers and Stationers license to allow them to sell alcohol at their tables seems to me a sensible option to support the area in clearing curbside drinkers.

I hope you'll support their application and continue to encourage small businesses to thrive.

Many thanks,

Ellen Coughlan (resident of Barnet Grove)

Appendix 29

Lavine Miller-Johnson

From: Licensing
Sent: 05 July 2021 13:11
To: Lavine Miller-Johnson
Subject: FW: 21 Ezra street variation support

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

From: emma iantosca [REDACTED]
Sent: 03 July 2021 15:48
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: 21 Ezra street variation support

To whom it may concern

I am writing to support the application for the above variation.

It would be beneficial for the area to allow drinking served at tables at 21 Ezra street. This will deter people from drinking on the streets.

The business closes at 9pm and is a place for both families and residents to attend. Families often frequent the establishment

The new ownership of 21 Ezra street has seen an improvement in the business and area in general.

Ezra street has previously been a local hotspot for drug addicts and dealers to congregate as it is dark and has minimal residents .

With the addition of a small business the area is safer to walk through and encourages families and neighbours to use their local area safely.

Rubbish is disposed of daily and the business actively cleans the street after the pubs customers have moved on.

I support this variation on the basis it does not contravene any of the licensing objectives .

Regards

Emma Iantosca

Appendix 30

Corinne Holland

From: Luis Felipe Carvajal [REDACTED]
Sent: 09 July 2021 12:39
To: Licensing
Subject: Friends of Ezra Street

Hello,

It is a sad, sad thing to hear about these false accusations being hurled against several businesses on Ezra Street.

Ezra Street is an open and friendly environment that attracts a diverse and well-mannered group of individuals who govern themselves in a respectful manner. To portray this area as a public urinal and a nest of antisocial behavior is not only false but dishonest in every respect.

Small business is what defines Columbia Road. To deny the applications to these business owners goes against the very spirit of British solidarity. We want small businesses to flourish, and even more so if they are providing a good or service that improves the quality of life for everyone.

Of all the places in the world I have lived (in South America, North America, and several other countries in Europe), I have never felt so safe, so at home, so fulfilled like I do in this beautiful pocket of East London. And this is because the business owners have always exhibited a conscientious approach towards keeping a clean and healthy environment (after all, it is in their best interest to do so). Therefore, please allow the drinking at tables so that responsible patrons can sit down and enjoy their drinks in a proper fashion instead of having to do so on the curb.

Thank you, in advance, for your time and consideration.

With kind regards,

Felipe Carvajal-Echavarria
[REDACTED]

Appendix 31

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 16:46
To: Lavine Miller-Johnson
Subject: FW: Support for Ezra St

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

From: Harry Hitchens [REDACTED]
Sent: 07 July 2021 15:59
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Support for Ezra St

Hi there,

My name's Harry Hitchens - I'm a resident on Shipton Street. We are the next street along from Ezra Street.

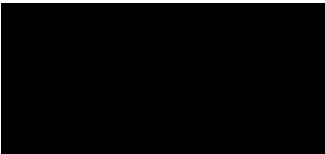
Ezra St is home to our favourite independent businesses, from Campania to Printers and Stationers.

Myself and my housemate have recently heart of the opposition towards these small businesses and we wanted to get in touch to voice our support for them.

These small businesses are the reason I live here in Tower Hamlets. The charm and value of this area depends on these businesses thriving.

We absolutely and completely support their wishes and applications to keep their businesses (and this area) alive.

Harry Hitchens + Ania Magliano



Appendix 32

Corinne Holland

From: Helen Liaudin [REDACTED]
Sent: 09 July 2021 19:38
To: Licensing
Subject: Re: The Printers and Stationers Columbia Road

Dear Corrine

My full name and address are below

Mrs Helen Liaudin
[REDACTED]

With regards to the last statement I absolutely would want the application made by the Printers and Stationers to be given and accepted.

Kind regards Helen Liaudin.

From: Licensing <Licensing@towerhamlets.gov.uk>
Sent: 09 July 2021 13:04
To: Helen Liaudin [REDACTED]
Cc: Licensing [REDACTED]
Subject: RE: The Printers and Stationers Columbia Road

Dear Ms Liaudin

In order for your representation to be valid you are required to provide your full name and address. These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

Please can you provide your full name and address in order for me to include your representations. I will need these prior to the last day for the consultation period which is midnight tonight (9th July 2021).

Your last sentence is confusing as you state 'would request that this application be denied' which could be interpreted as you want the application made by Printers and Stationers refused. Please clarify.

This application will be going to the licensing committee for a decision to be made due to objections which have been received from the local residents.

Kind regards

Corinne Holland
Licensing Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets



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From: Helen Liaudin [REDACTED]
Sent: 08 July 2021 21:43
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: The Printers and Stationers Columbia Road

Dear sirs

I am led to believe that complaints have been made and the license for the Printers and Stationers behind Columbia Road is now under threat. I find this completely shocking and sad that such a lovely venue that is never rowdy and closes by 9pm each evening may now have to close.

It is places such as the Printers and Stationers where the staff are very careful to make sure that it is never noisy and make East London what it is may have to close. More and more special places are closing losing the whole character of this area.

Surely the council should be worrying more about closing fast food venues that encourage litter, loitering, obesity and anti-social behaviour rather than a place where local people can sit and have a pleasant drink and chat. What on earth would take this venues place? another mundane coffee or chicken shop?

I would welcome any comments as to why this venue is being targeted and not these dreadful fast food places? I find it SHOCKING that this is being considered.

I live in Tower Hamlets on Winkley Street and would request that this application be denied.

Helen Liaudin.

Appendix 33

Lavine Miller-Johnson

From: Licensing
Sent: 05 July 2021 15:31
To: Lavine Miller-Johnson
Subject: FW: ref: Degustation 21a Ezra St, E2 7RH

From: Isla Haigh [REDACTED]
Sent: 05 July 2021 14:16
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Isla Haigh [REDACTED]
Subject: ref: Degustation 21a Ezra St, E2 7RH

Hello,

I am a local resident and parent of two small children, and I wanted to write to support the Printers and Stationers/ Degustation licence application.

I think it would be much better for them to be able to serve alcohol to customers who sit at the tables than just take away, so people have to then sit on the pavement.

I like how he runs the premises, it's very small, but he always keeps it really tidy, and customers are never noisy or anti-social. It's independent places like these that make our area really special, and I'd hate to see that change.

I like his premises being open as its right by the alleyway which can be dark and secluded without the bustle of his place. I often cycle home in the winter in the dark and feel much safer that his venue is there and open.

I have always found Augustin (the owner) friendly and approachable and more than capable of dealing with anyone who might not be being well behaved!

Kind regards

Isla Haigh

[REDACTED]

Appendix 34

Lavine Miller-Johnson

From: Mohshin Ali on behalf of Licensing
Sent: 08 July 2021 17:19
To: Lavine Miller-Johnson
Subject: FW: Printers & Stationers Ezra Street E2 . URGENT Addendum to first letter

From: julia Kuttner [REDACTED]
Sent: 08 July 2021 14:39
To: Licensing <[REDACTED]> julia Kuttner [REDACTED]
Subject: Re: Printers & Stationers Ezra Street E2 . URGENT Addendum to first letter

Re printers and Stationers
Ezra street
E2

Date July 8 2021

Dear Licensing team ,

Please may I add to my original letter and stress that there has never been an evidence of urination around this premises.

It is a place that adds huge value as somewhere to go for local people , many of whom have faced many difficulties in lock down and provides a safe and peaceful and grown up place to sit and talk .

Many customers have tea and snacks , it isnot a boozy party destination.

It upsets me greatly that Painters & Stationers is being victimised by a campaign hazard on falsehoods led by someone who lives in another borough whilst claiming to be a resident and says they are irked by a business and its patrons - when they lives several miles away in a house .

Please come and visit and meet Augustin and his customers.

Thank you ; I would be delighted to meet you .

The status of large public house businesses and multiple rolling out of speedy licenses ,granted locally in 2020 ,maybe something you could consider for review but please let local respectful businesses stay for the community and don't close down at the behest of someone who doesn't even live there who has invented a parallel universe .

What they describe is nothing I have ever witnessed .

Julia

On Tue, 6 Jul 2021 at 10:34, julia Kuttner [REDACTED] wrote:

Re Printers & Stationers

Ezra street
E2

FAO
Licensing LBTH,



July 2 2021

I am writing in support of the Printers & Stationers license application to serve alcohol on tables outside the premises.

The venue is very well run and a valuable asset to the local community and attracts respectful visitors.

I have lived locally for three decades and wish to support a hard working small business.

The proprietor is extremely respectful of the community and even clears up the littering by others who have purchased alcohol and takeaways from one of many, and often newly licensed, shops on Columbia Road.

As a long term resident I am baffled as to why big business owned public houses including the Birdcage on Columbia Road, as an example, is allowed to sprawl beyond its stipulated space, where the council never drew the markings on the pavement to manage this, despite promising too to concerned residents, why the terms of their licence aren't enforced and its licence isn't even displayed.

The Birdcage promotes itself as 'raucous' in its marketing, it blocks the street and its take away business tips into the children's play area across the street where there are public health / environmental concerns raised.

Human waste was found on Ravenscroft Park, besides family homes and children's play equipment.

The council seem to have permitted booze licences

to any shop that asked for one last year yet a long running business , peaceful patrons and run with integrity isn't allowed to trade.

I beg you to review this and let the business reopen, resume its licence .

Please don't scapegoat a well loved and respectful business and instead take a fresh overview and I invite you to meet and do a site visit .

It seems there is one rule for some and a punishment for someone who has done no wrong ,contributes hugely to local people 's quality of life rather than support the Uber highway drop offs at the big business public house.

Printers & StationersMod a valuable asset to the local community and I think one of the key voices 'complaining' lives in another borough and isn't familiar with the day to day patronage and the full picture of the area.

I would invite you to a site visit.

Put of interest how many business are licensed on Columbia road and what percentage of businesses on the little row ?

Thank you very much for your time.

Best wishes ,

Julia



Appendix 35

Lavine Miller-Johnson

From: Mohshin Ali on behalf of Licensing
Sent: 08 July 2021 17:21
To: Lavine Miller-Johnson
Subject: FW: Support for small businesses - residents of Ezra Street and Jesus Hospital Estate

From: Jane Manning [REDACTED]
Sent: 08 July 2021 14:09
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Support for small businesses - residents of Ezra Street and Jesus Hospital Estate

Dear Sir/Madam

It has come to mine and many residents in the Jesus Hospital Estate and Ezra Street areas that there have been objections to licenses sort by several small businesses due to complaints by a small minority of people portraying the area as antisocial and using terms such as urinal to describe the area due to these businesses.

These portrayals are false and incredibly misleading, I have lived in this area for over 20 years. These businesses, particularly the Printers and Stationers premises have brought joy to our community, they provide spaces to meet up and prevent loneliness. They operate safely and responsibly, are conscientious business owners that manage their premises impeccably.

I feel incredibly safe and fully appreciate their business as a customer. They keep the streets clean, have agreed to only operate until 9pm and by having seating outside are incredibly responsible for making sure customers leave before the 9pm lock up times. In fact these premises prevent the so called "loiterers" described by a minority, who drink on pavements, by providing seating outside and are responsible for cleaning up after business.

Why do we want to deny an area of it's social offerings. It seems cruel to drive people home to their isolation when so many have been locked in for a very long time.

We are not talking about irresponsible reckless business owners. They are incredibly responsible people offering the neighbourhood the much needed places to gather responsibly. They are small businesses, not sprawling public houses with hundreds of customers spilling out onto streets as in Soho. They are places for talking and socializing, no loud music, no brawls, just the places whereby humans can connect. It's vital for the community to have these places. Please do not shut us all in. Instead concentrate on the massive sprawling drinking establishments that create a disturbance after 9pm and protect these small businesses that provide a refuge for those who do abide by the law and do respect the neighbours.

I sincerely hope these licenses can be given the greenlight to keep our amazing neighbourhood the place that protects and supports incredibly responsible small businesses.

With sincere best wishes

Jane Manning

[REDACTED]

Appendix 36

Corinne Holland

From: John Moore [REDACTED]
Sent: 09 July 2021 15:31
To: Licensing
Subject: Re: Strong Support for a License Variation at Degustation; 2/a Ezra Street

I made a typing mistake on the address. It should be 21a in both the subject line and body of the letter.

Thanks,
John

On Jul 9, 2021, at 11:26 PM, John Moore [REDACTED] wrote:

Hello,

This is John Moore writing from Columbia Road. I live just around the corner from 2/a Ezra Street, the location that is applying for the license variation. My address is:

John Moore
[REDACTED]

Degustation, locally called Printers & Stationers, a quaint restaurant tucked into a corner of Ezra Street, has been a positive addition and anchor in the neighbourhood for many many years. I could elaborate with a large number of examples as to why it is a positive anchor, but its duration on Ezra Street and its personal connections with many in the area is evidence of its welcoming and accommodating attributes. This comes down to its owner, Augustin de La Brosse, caring so much about the neighborhood.

The neighborhood is a blend of commercial and residential, which was the main attraction for me when selecting my home. There is a healthy mixture of activity that keeps the area vibrant and welcoming for both businesses and residents. Overall, everyone gets along and respects each other. I have heard unfavorable comments spoken and written by a small few, and that is not the neighborhood. Those are written and spoken with a mean and vindictive spirit rather than truly representing life on Ezra Street and Columbia Road.

Augustin would go above and beyond to ensure his quaint bistro operates as a cooperative neighbor to all, both residents and businesses. Steps he is taking include:

Prevention of crime and disorder: the terrace area is monitored by a dedicated staff member. The customers are well behaved and speak at a level of one enjoying dinner with a friend. Should it exceed that, it would be addressed by the dedicated staff monitoring the area. Further, having the restaurant open with movement of customers prevents crime and disorder removing the option for loiterers to linger and cause issues.

Prevention of public nuisance: same as above, the dedicated staff member would prevent the evening crowd from becoming a public nuisance. In addition, the license is to serve food and beverages until 9 pm. It would not be open until the late hours of the night / early hours of the morning with loud music and voices. It is designed to be the perfect place to meet a

friend for a casual dinner; the legal permits / licenses would guarantee it operates only as that.

Public Safety: in addition to the dedicated staff monitoring the area, security cameras will be installed as a further deterrent to activity that would jeopardize public safety. And should there be an issue, the public cameras would be available for reviews and forensics. Beyond those items, the area where the customers enter and leave has always been handled in a professional and safe manner, with safety as a priority.

Protection of children from harm: I have not seen any items or activities in the area that would harm children. There is a school just around the corner on Columbia Road and if anything, the entire community works to ensure the safety of children. To reinforce that, the dedicated staff member monitoring the area would certainly stop any activity that could potentially harm anyone, children or adults. The security camera would be a further deterrent after hours, when the bistro is closed.

I strongly support the License Variation being granted. It would be a positive addition to the neighborhood, and offer an additional venue for an evening meal, in an area where there are limited choices in the immediate vicinity. About Printers & Stationers, the food is good, the atmosphere is positive, and the customers are professional and mature. It is a business I would gladly welcome and be proud to call a neighbor in our little mixed community of residential and commercial neighbors.

What keeps the neighborhood a 'neighborhood' is the commercial component being comprised of small business owners who wish to keep the area free of large, faceless corporations. Printers & Stationers fits in perfectly, and them being able to serve dinner on their terrace accompanied by a glass of wine or other beverage, would be helpful to both their business model and the neighborhood's energy and composition.

I would be happy to discuss my opinion or provide further details for my support. Please feel free to contact me.

Thank you for your consideration.

Warm regards,

John Moore

Appendix 37

Corinne Holland

From: jackie thompson [REDACTED]
Sent: 09 July 2021 17:09
To: Licensing
Subject: RE: Degustation, 21 Ezra Street, IN SUPPORT of Outside Drinking Licence Sought

To the Licensing Team, John Onslow House, 1 Ewart Place, London E3 5EQ
[REDACTED]

Dear sir / madam,

I am appalled to hear that there is a campaign, being led by a few narrow minded and uninformed local residents and **non-residents** to stop Degustation's application to serve alcohol until 9pm. On what grounds, next door's the Royal Oak whose customers happily sit outside until 11pm - no one is complaining. The Stringray, customers are outside eating and drinking again until 11pm, the Birdcage not only outside but have taken advantage that the road has now been shut to spread themselves out. How to they get a license and Degustation don't.

I regularly drink in Printers & Stationers and I never have for a single minute felt that they would risk the public's safety, and their own, by bringing extra crime and disorder to their door or causing a nuisance to their fellow neighbours.

It is a well managed and much-loved tidyhole, which is warm and friendly and an asset to the area.

Small local businesses are what give this area it's character and lifeblood, and I for one support them. I hope you will too.

Thank you,

Jackie Thom son
[REDACTED]

Appendix 38



9th July 2021

Ref Degustation
21a Ezra Street
London
E27RH

Dear Licensing Team,

I would like to write in support of Printers and Stationers and Augustin application to extend their drinking license.

Augustin has lived in the neighbourhood for twenty years. Printers and Stationers has been a great asset to the local community.

The area around Ezra Street which was formerly a drug dealing area has been much improved with the presence of business such as Printers and Stationers. Most people would have been nervous to walk down Ezra Street late at night. Printers and Stationers has helped to make the area feel safer. There area was besieged by drunk gangs speeding through Ezra Street. This no longer happens.

Augustin is a great land lord he is always firm, fair and clear about what is expected from his staff and customer. He ensured that all the customers were sat down at his tables during lockdown. That all customers stop drinking and leave the premises at the times dictated by his license.

I went across to speak to a friend during the post lockdown opening and he was very clear that I could only stay if I was sat down at a table.

Printers and Stationers has organised a number of community enriching events during the course of 2019 pre lock. Poetry Evening, writing course, Art exhibitions show casing the art of local artists. He kindly lent us the space for a Beauty Parlour for Mexican Day of the Dead. He also lent a local man his boat who ended up homeless after losing his job during lockdown. All in all Printers and Stationers is a great asset to the local community – reducing crime as well as enriching the local community.

Kind regards Juliette Tuke

Appendix 39

Corinne Holland

From: Liz Francis [REDACTED]
Sent: 09 July 2021 14:27
To: Licensin
Cc: [REDACTED]
Subject: Degustation 21a Ezra Street London E2 7RH - support of license variation

Dear Tower Hamlets Licensing Dept

We write in support of one of our local small business owners - Augustin at Printers and Stationers of 21a Ezra Street, E2 7RH, in his application to be able to serve alcoholic drinks outside of his premises.

In our opinion Augustin is one of the most diligent and responsible business owners in the local vicinity. We have always found him to be conscientious in his management of Printers and Stationers as he demonstrates an acute awareness of his responsibilities as a premises license holder, and in his relationship with neighbours and the local community. We wholeheartedly support his application for an outside license up until 9pm, in line with other local business in the area, such as his immediate business neighbour, Campania.

We are aware of some misrepresentations of anti social activity in Ezra Street and can only say that we have not witnessed anything remotely untoward ourselves in the time that Augustin has managed this premises.

We believe that having premises licensed for outdoor tables would assist in the control of outdoor drinking rather than hinder it, as there would be less inclination for people to obtain alcohol from nearby supermarkets and drink anywhere, as opposed to having defined, regulated outdoor seating, as is being proposed here.

Yours sincerely

Liz Francis and Marie Sleigh
[REDACTED]

Appendix 40

Lavine Miller-Johnson

From: Lily Jones [REDACTED]
Sent: 13 July 2021 14:44
To: Licensing; Lavine Miller-Johnson
Subject: Letter of support for Augustin

Hello,

I hope you are well,

I would like to write a letter in support of one of our best-loved local, community businesses.

In the 12 years I have lived in and run a business in the borough, I have known Augustin & his *Printers & Stationers* to be a key part of our neighbourhood, he has created one of the most characterful, welcoming and friendly spaces in the area.

Far from being a cause of the issue we face with littering in the area, many times I have seen him personally cleaning up out streets, beyond his area of the neighbourhood and the call of duty.

His is a family-friendly, day to night bistro-style space and I have never seen any incidence of bad behaviour, over rowdy or drunken noise or behaviour. It just isn't that kind of place.

Its saddening to hear that people have been writing in opposition of his license and seeing him somberly packing up early each night after 20 years on the street. From my understanding, the small group of people who are raising concerns have second residences outside of the borough, but hold a second property in the area used for purposes other than their primary residence.

All of the people I see on a daily basis, who actually make up the fabric of this community, value and cherish both Augustin and the friendly neighbourhood business he has built.

I'm writing in support of his licensing and hoping we can restore a well-loved place for both us residents and the wider community.

Very best wishes,

Lily

Appendix 41

Corinne Holland

From: Licensing
Sent: 14 July 2021 15:45
To: Corinne Holland; Lavine Miller-Johnson
Subject: FW: Recent Communication from Friends of Ezra Street

From: Maggie Hunt [REDACTED]
Sent: 13 July 2021 20:00
To: Licensing [REDACTED]
Subject: Re: Recent Communication from Friends of Ezra Street

Thanks for your email.

Yes, I'm happy to support the removal of this condition for Printers & Stationers.

Regards
Maggie Hunt

On 13 Jul 2021, at 11:25, Licensing [REDACTED] > wrote:

Can you clarify is this is a supporting representation to the application made by Printers and Stationers to remove the condition on his licence which states no drinks to be taken outside?

If you wish your representation to be taken into consideration you are required to provide your full name and address other wise your representation will be invalid.

Kind regards

Corinne Holland
Licensing Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets

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From: Maggie Hunt [REDACTED]
Sent: 10 July 2021 10:58

To: [REDACTED]
Cc: Licensing [REDACTED] >
Subject: Re: Recent Communication from Friends of Ezra Street

Hello again,

I sent this in a rush last night and I got my last point wrong. I do support the restaurants and would not stop supporting them, but I do think the applications to sell drink at ad hoc shops is unwelcome and not to be encouraged. I hope that makes more sense.

Regards
Maggie

On 9 Jul 2021, at 21:06, Maggie Hunt <[REDACTED]> wrote:

Hi,

I just spotted that you had put a deadline on responses to your recent flyer about the activity on Ezra Street and surrounds and I wanted to input and comment on this.

Firstly I'd like to thank you for taking the time to create a flyer and distribute it within the neighbourhood. When development of any sort is proposed I think this is a great way of involving residents. I would also suggest that if this had been done at the outset of any proposed development it might have helped explain what was proposed, how it was to be managed etc. and therefore found more support amongst residents.

I personally have complained about the proposed drinking ledge at the pub and the extension of the Birdcage drinking area across the pavement. However, I have also been concerned (but not taken action) about a stream of applications (possible well meaning and covid and margin driven) from Ezra and Columbia Road. Whilst I don't live on these streets I am impacted by the noise of people going home late at night, leaving bottles and glasses on our window sills etc.

I would look to support the restaurants if I can and I love the idea of outdoor eating and drinking if controlled and within reasonable hours. In this respect I have no issue with and support Laxeiro, Brawn, Printers and Stationers and Campania.

However I do have some massive caveats:

Do I believe drinking at tables would support the area in clearing curb side drinkers - Absolutely not, they will just coalesce round the tables.

Do I believe the owners are conscientious in cleaning up - Absolutely not - The alleyway past Campania is often full of rubbish and glasses are often left outside the pub on the window sills and pavements or worst still on our window sills.

Finally, as a resident whilst I support the flower market wholeheartedly, from my perspective **there are barely a handful of useful shops on Columbia Road that I can use. If the Friends of Ezra Street align themselves with shops that only open two days a week, sell nothing useful to the community, only take credit cards (so pensioners and the poor are excluded from using them) and then want to sell kerb side alcohol to make their margins**, well then sorry you've lost my support.

Appendix 42

Corinne Holland

From: mia krstic [REDACTED]
Sent: 08 July 2021 21:46
To: Licensing
Subject: Support for The Printer and Stationers on Ezra street

Dear Sir, Madame

I am writing in regards to the application made by The Printer and Stationers on Ezra street wishing to serve alcohol to seated customers drinking until 9pm only.

I have been living at [REDACTED] for almost 17 years now and this neighbourhood has changed beyond recognition in that time. I think small business like The Printer and Stationers are more than needed for preservation of our community here and implication that Ezra street is "urinal and antisocial area" is plain ridiculous - please leave your desk, take a walk and you will discover its a very small non residential pocket behind Columbia flower market.

I regularly get my weekend coffee from this place (i am in no other relation nor i know who is the owner of The Printer and Stationers) and they are lovely people, the cafe has an identity at least 100 times stronger than any coffee chain shop from the high street and i do believe majority of my neighbours feel the same way.

I don't understand why in this very challenging times, anyone would want to make it difficult for a small business serving community? Also, they are next door to the restaurant open until 11pm with tables outside serving drinks - they should be treated equally and i sincerely doubt 2-3 tables that would be added outside (it's a small place i can't envisage more than that) would in any way make any difference...

Please consider this place as it would be a real shame to lose it.

Thank you

Mirjana Krstic
[REDACTED]

Appendix 43

Lavine Miller-Johnson

From: Maurizio Von Trapp [REDACTED]
Sent: 12 July 2021 12:20
To: Lavine Miller-Johnson
Subject: Re: Ezra Street License Variation

Hey Lavine,

My address is [REDACTED]

Thanks,

M x

From: Lavine Miller-Johnson [REDACTED]
Date: Monday, 12 July 2021 at 12:17
To: maurizio.[REDACTED]
Subject: RE: Ezra Street License Variation

Dear supporter,

Thank you for your email of support below. In order for your support to be accepted you will need to provide a residential address. Please resent with an address added.

Kind Regards

Lavine Miller-Johnson
Licensing Officer - Licensing and Safety
Environmental Health and Trading Standards

[REDACTED]

[REDACTED]

[REDACTED]

From: Licensing [REDACTED]
Sent: 02 July 2021 13:51
To: Lavine Miller-Johnson [REDACTED]
Subject: FW: Ezra Street License Variation

From: Maurizio Von Trapp [REDACTED]
Sent: 02 July 2021 07:33

To: Licensing <[REDACTED]>

Subject: Ezra Street License Variation

Hello,

I have received a letter from some dissatisfied residents, urging me to contact the council to object the licensing variation for Printers & Stationers on Ezra street.

I am instead here to object the objectors. Enough is enough. There has never been anything unbecoming happening on Ezra Street. If a hundred people were indeed sat there drinking, I wouldn't even have noticed, because as long as I can remember this street has always had *life*, which seems to be a word these residents seem to dislike. This very life is the reason why I moved here, and I love it.

The people who come to drink here are gentil, jovial middle class types. They don't cause any disruption. The energy and life they bring is what makes this little corner so special, and so unlike any other lifeless corner in this city. Should we really be killing community just so 8 people can sit in perfect quiet at home? Shouldn't they have thought harder before moving to an area with a Sunday market and many businesses around them, pubs, restaurants, that need to thrive, even more so during a pandemic?

Just yesterday I was sat at a shop on Columbia road, below a house whose back faces Ezra street. It was 18:50. A lady was walking into her house upstairs and told us, "you do know it's my child's sleeping time in 10 minutes." Why do people like that feel they have the right to own the space, the sounds, the very life of this neighbourhood? It was a sociable hour and yet we're being told we cannot speak too loudly, lest this golden child awakens? We had a glass of wine in hand, which made this killjoy feel like she had things to kill. And yet we were 4 people, sitting inside a business with a glass of wine, minding our own business.

I put this example forward to illustrate that this is what we're having to deal with in here. The entitlement, the active search to kill any joy around them, and for what? I've known Ezra street for over a decade, and it's always been a lively place, in the most civilised of ways. People just get together, and the businesses around it thrive with this community bond. The people who love this area truly stand beside these business owners – certainly everyone I know here shares my feelings.

I truly hope P&S, a beacon of the community, is granted the license they seek. I hope the council can see past a handful of disgruntled types and beyond to a community desperate to keep going. No one is causing any harm but this tireless lot.

All the best,

Maurizio

Appendix 44

Corinne Holland

From: Becky G [REDACTED]
Sent: 09 July 2021 13:45
To: Licensing
Subject: Ezra St E2

Dear Sir/Madam

I would like to show my support to the businesses in Ezra St, E2 which are the subject of unfair and unjust rejections to their alcohol licences.

I have lived on Columbia Rd for 22 years and do not recognise the descriptions of anti social behaviour being described by some.

How is it fair to have a huge pub with a license and a restaurant but the other small businesses are refused?

I believe that there is a vexatious complainer who is inventing stories to control this area.

Having a license outside until 9pm, or for some business just on Sundays, is not an unreasonable request. It is completely unfair to these tiny businesses to be targeted like this.

I support the small businesses applying for these licenses and hope they are granted asap to enable them to benefit from the tiny summer window left.

Yours faithfully,

Miss R Griffin
[REDACTED]

Appendix 45

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 14:22
To: Lavine Miller-Johnson
Subject: FW: SUPPORT: Degustation 21a Ezra Street E2 7RH

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

From: Rebecca Williams [REDACTED]
Sent: 07 July 2021 12:32
To: Licensing [REDACTED]
Subject: SUPPORT: Degustation 21a Ezra Street E2 7RH

I am writing to express my support for the variation to the above application that has been put forward by a local resident for a business supported by the local community.

The owner lives locally and understands the neighbourhood. It has always been well run, very safe and a welcome addition to the area.

Kind regards
Rebecca Williams

[REDACTED]

Appendix 46

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 14:16
To: Lavine Miller-Johnson
Subject: FW: Reference:Degustation 21a Ezra Street E2 7RH. removal of Condition 2 in Annex 2

From: Stella Blunt [REDACTED]
Sent: 07 July 2021 10:39
To: Licensing [REDACTED]
Subject: Reference:Degustation 21a Ezra Street E2 7RH. removal of Condition 2 in Annex 2

Dear Sirs

I am writing to support Printers & Stationers application to allow them to serve drinks outside.

I am a local resident, my garden backs on to the rear of Printers & Stationers.

Printers & Stationers is a small and peaceful venue. Their terrace in the summer makes it the perfect place for local residents to meet. It closes at 9pm and as the neighbouring businesses are still operating, I feel safe for my short walk home. It is a small venue and closes earlier than the other venues in the area. There has never been any issues with disturbance.

Printers provide a quiet alternative to the pubs and restaurants. It provides great community activities such as poetry reading and small art exhibitions. It is responsibly managed and contributes to a friendly community feel for my local area.

I hope you will grant them permission to serve drinks on their terrace as it has become an integral part of the local community.

Stella Blunt.
[REDACTED]

Appendix 47

Lavine Miller-Johnson

From: Licensing
Sent: 07 July 2021 14:17
To: Lavine Miller-Johnson
Subject: FW: Reference: Degustation 21a Ezra Street E2 7RH

From: Sue Game [REDACTED]
Sent: 07 July 2021 10:12
To: Licensing [REDACTED]
Subject: Reference: Degustation 21a Ezra Street E2 7RH

Dear Sir/Madam

I am writing in support of Mr Augustin De La Brosse's application for a licence.

I have lived in the area, on [REDACTED], for over 25 years. I shop and socialize on Columbia Road and the surrounding streets. It is important to support local businesses.

With regard to Miss Kristin Perez of ARESTA, who does not live in the area, only works there. I want to address the very damaging and obnoxious attack on Mr De La Brosse that she has posted through everyone's letterbox.

The people sitting and drinking on the pavements around Ezra Street have been doing this for years, not just during lockdown. Mostly on a Saturday and Sunday during the day and in the summer early evening. They purchase their drinks from The Royal Oak pub or bring them from the supermarkets on Hackney Road. Mr De La Brosse has provided seating for his customers so that they can be comfortable and civilized. He closes at 9pm on the dot. He does not play loud music. He opens only a few days before the weekend and during the weekend.

As for Miss Perez claim of 17 venues serving alcohol and people urinating in the streets seems to be a figment of her imagination! Where are the 17 venues?!

Why Miss Perez is singling out Mr De La Brosse as the only culprit, he is not a culprit, amounts to nothing less than a witch hunt!

Mr De La Brosse is providing a calm oasis for local people. I'm sure as an authoritative body you will be impartial and not prejudice and single out one business.

It has been very difficult for small businesses to survive during lockdown. It will be a great loss to the community if Mr De La Brosse has to close.

If you would like to speak to me my number is [REDACTED]. Please can you acknowledge receipt of this email.

Kind Regards.
Susan Game.

[REDACTED]

Appendix 48

Corinne Holland

From: Simon Pearce [REDACTED]
Sent: 09 July 2021 11:26
To: Licensing
Subject: Ref: Degustation, 21A Ezra Street, London, E2 7RH - In support of licence application

To whom it may concern

Ref: Degustation, 21A Ezra Street, London, E2 7RH.

I am writing in support of the above premises to have an outside alcohol licence until 9pm. I am aware of a group called Ezra Street residents objecting to the licence on several points, however there seems little evidence on what to base these claims. The previous licence was refused on public nuisance grounds, which are at best tenuous claims, for the following reasons:

- How can you distinguish between the customers of Degustation and The Royal Oak pub, 50 metres away, who have a licence for drinkers to be outside until 9pm?
- The Birdcage public house - on the corner of Columbia Road and Gosset Street - has tables across the pavement since the new footpath was installed as part of the Liveable Streets scheme, and also operate on an outside drinking licence until 9pm.
- The Nelsons Head – 50 meters away also has an outside licence for outside drinking until 9pm

Objectors to the licence have been very selective in targeting businesses. The owner has been in situ for nearly 15 years therefore, the new residents have come to the area, knowing of the existing arrangements and are now trying to change them. The allegations that the clientele is urinating in the street etc, cannot be evidenced as most of the people drinking outside at the top of Ezra Street are from the Royal Oak public house. Degustation does not have the capacity for 100 people or would serve people who not have a table to sit at.

If other premises in the locale have licences until 9pm, then it is only fair that the smaller independent establishments are awarded them so that they can compete on the same terms as the larger bars in the area. Lockdown has affected many businesses in the area, the small independents disproportionately, and they continue to suffer due to the larger chains, having an unfair advantage in the awarding of outside licences.

In not awarding a licence, the committee should be aware that they risk discriminating against a local business. The decision seems arbitrary as the venue is on a street that is populated by eateries and has public houses at either end all which have outside licences. I urge you too favourably look upon this application, and see the objectors campaign, for what it is, that is unfairly targeting an independent business.

Kind regards

Appendix 49

Corinne Holland

From: Tom Maloney [REDACTED]
Sent: 09 July 2021 18:31
To: Licensing
Subject: Application for printers & stationers E2

Follow Up Flag: Follow up
Flag Status: Completed

Hi I'm Thomas Maloney of flat [REDACTED]

My view is I have no objections to the printers & stationers on Ezra Street for applications for outside seating. This is a lovely place which is run confidently by the owner whom runs this place in a professional manner and it's all very untrue that there is problems on this street of public disorder and people urinating in the street this is totally untrue and the place has been here many years and has been run professionally with no problems to residents or other local businesses. I don't think this will be a problem of noise or disruption to surrounding residential streets or businesses or the reputation of the area.

Many thanks

Thomas
Sent from my iPhone

Appendix 50

Lavine Miller-Johnson

From: William Brown [REDACTED]
Sent: 13 July 2021 12:18
To: Lavine Miller-Johnson
Subject: Re: SUPPORT - Degustation 21a Ezra Street E2 7RH; SUPPORT to license variation

To whom it may concern,

I strongly SUPPORT the granting of the licence to serve alcohol on Ezra Street by Degustation / Printers & Stationers.

The company is very respectful and conscientious in managing the customers at their premises, The road has in the past been a back street with little street animation which has on occasion made myself and my partner feel unsafe. The introduction of these premises on street seating has allowed for a level of passive surveillance as well as animating and bringing to life a charming street.

I STRONGLY SUPPORT this application and wish them all the luck.

Many Thanks,

William Brown
[REDACTED]

On Tue, 13 Jul 2021 at 12:12, Lavine Miller-Johnson [REDACTED] wrote:

Dear resident,

Please note that in order for your representation to be valid, you are required to provide your full name and address. Please resent you representation with your full details.

Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety

Environmental Health and Trading Standards

Place Directorate
[REDACTED]



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From: William Brown 
Sent: 06 July 2021 19:31
To: Licensing <licensing@towerhamlets.gov.uk>
Subject: SUPPORT - Degustation 21a Extra Street E2 7RH; SUPPORT to license variation

To whom it may concern,

I strongly SUPPORT the granting of the licence to serve alcohol on Ezra Street by Degustation / Printers & Stationers.

The company is very respectful and conscientious in managing the customers at their premises, The road has in the past been a back street with little street animation which has on occasion made myself and my partner feel unsafe. The introduction of these premises on street seating has allowed for a level of passive surveillance as well as animating and bringing to life a charming street.

I STRONGLY SUPPORT this application and wish them all the luck.

Many Thanks,

Will

Appendix 51

Lavine Miller-Johnson

From: grenvillelowe [REDACTED]
Sent: 13 July 2021 14:13
To: Lavine Miller-Johnson
Subject: RE: Degustation. Painters & Stationers, Ezra Street, E2. licence request

Hi

Thank you

I have already sent you my full details but I repeat for you:

Wendy Lowe
[REDACTED]

Sent from my Galaxy

----- Original message -----

From: Lavine Miller-Johnson [REDACTED]
Date: 13/07/2021 14:00 (GMT+00:00)
To: [REDACTED]
Subject: RE: Deaugustin. Painters & Stationers, Ezra Street, E2. licence request

Dear resident,

Please note that in order for your representation to be valid, you are required to provide your full name and address. Please resent you representation with your full details.

Kind Regards

Lavine Miller-Johnson

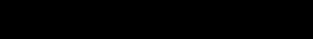

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Environmental Health and Trading Standards

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From: grenvillelowe < >
Sent: 09 July 2021 12:22
To: Licensing 
Subject: Deaugustin. Painters & Stationers, Ezra Street, E2. licence request

Dear Sirs

It has been brought to my attention that TH may turn down the above premises application to serve alcoholic drinks at their tables up to 9pm. I am writing to let you know that as a resident (of Elwin Street, E2) I support small businesses being allowed to serve alcohol at tables until 9pm. This will help curb the sprawl of drinkers on pavements outside the several large pubs in the area that, surprisingly, have been granted licence to have their drinks out on the pavements until closing time! Ezra St and it's surrounding areas of Columbia Road are full of independent, small, businesses and should be celebrated and encouraged by all ways possible in order to keep the area unique and popular. Please do the right thing and grant licences to these small businesses so they can continue to trade in the area I and millions of others love.

Thank you

Kind regard

W. Lowe

Appendix 52

Lavine Miller-Johnson

From: Petra Stelzenmuller [REDACTED]
Sent: 03 August 2021 22:04
To: Lavine Miller-Johnson
Subject: Re: Ref: Degustation, 21a Ezra Street London E2 7RH, UK

Dear Lavine,

Thank you for your response.

My address is: [REDACTED]

Kind Regards

Petra

On Tue, 13 Jul 2021 at 13:26, Lavine Miller-Johnson <[REDACTED]> wrote:

Dear resident,

Please note that in order for your representation to be valid, you are required to provide your full name and address. Please resent you representation with your full details.

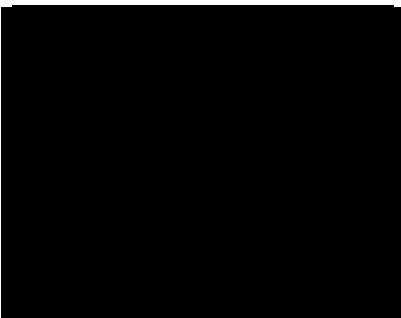
Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety

Environmental Health and Trading Standards

Place Directorate



[REDACTED]
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From: Mohshin Ali [REDACTED] **On Behalf Of** Licensing
Sent: 08 July 2021 17:17
To: Lavine Miller-Johnson <[REDACTED]>
Subject: FW: Ref: Degustation, 21a Ezra Street London E2 7RH, UK

From: Petra Stelzenmuller [REDACTED]
Sent: 08 July 2021 15:42
To: Licensing <[REDACTED]>
Subject: Ref: Degustation, 21a Ezra Street London E2 7RH, UK

To Whom it may Concern,

It has come to my attention that 'Printers & Stationers' is currently having problems reacquiring it's licence to sell alcohol outdoors but worst (and unbelievably) of all a woman named Kristin Perez, has set up a group called 'Aresta' in an attempt to vindictively stir trouble by circulating pamphlets promoting her opposition of Augustine de la Bross regaining his well deserved licence for his longstanding and very popular establishment.

This is so unfair, I was a resident of Victoria Park (Tower Hamlets) for 13 years and have nothing but positive reviews to leave for Augustine and his running of the Printers. Such a beautiful little slice of French culture and culinary delight, it was (and hopefully with your help will continue to be, as it has been for the last *fifteen* years) the perfect pitstop for a chat with friends or a quick snack.

Every time we return to London, we make a point of going there. Our friends feel the same. None of us can understand why, especially since he has, to the best of his knowledge been compliant and obliging through this whole ordeal. This is his livelihood. After the near two years we have ALL come through, please cut the man, his business and his dedicated staff (now unemployed) some slack. Please.

London in the sun is one of the nicest places on Earth, especially Columbia Road, people spill out onto the roads and curb-side from **all** of the little shops, cafes, restaurants, bakeries, pubs and enjoy each other's company.

I am struggling to comprehend (a) why Printers and Stationers is *still* experiencing such resistance to **regaining** it's licence. Considering it is such a well loved, locally respected (ask any of the residents of the street and surrounding houses and apartments who are currently trying to understand the (b) Unfounded malice on the part of One Woman (K Perez) scapegoating one small business and its owner, which I am informed has been closing at 9pm, as opposed to penalising local pubs who's patrons oft times loud, noisy, unruly and always spill out onto the residential streets long after Augustine's 9pm curfew!

Defamation of Character comes to mind, when I consider what this woman is trying to accomplish - it makes no sense, and is unfounded.

Please look favourably on his current application.

We all look forward to his safe and long overdue return to business as usual.

Yours Sincerely

Petra Stelzenmueller

Appendix 53

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 54

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 55

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 56

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 57

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

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Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 14 September 2021	Classification: UNRESTRICTED	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 to Review the Premises Licence for (Cabby's Rum Bar) Railway Arch 411, St Paul's Way, London E3 4AG Ward affected: Mile End
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1.0 Summary

Name and	Cabby's Rum Bar
Address of premises:	Railway Arch 411 St Paul's Way London E3 4AG
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none">▪ Sale by retail of alcohol▪ Provision of late night refreshment▪ The provision of regulated entertainment (Recorded music)
Review triggered by:	Metropolitan Police
Representations by:	Licensing Authority Environmental Protection Ward Councillor

2.0 Recommendations

- 2.1 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		Mohshin Ali 020 7364 5498

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for (Cabby's Rum Bar) Railway Arch 411, St Paul's Way, London E3 4AG. The review was triggered by Metropolitan Police.
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 Evidence supporting review is attached in **Appendix 2**.

4.0 The Premises

- 4.1 The premises licence was issued on 20th October 2020. The licensee is *The Taxi Spirit Company Limited*, company no.08903282. The company director is recorded as *Moses Odong*. The record on companies house status shows *active proposal to strike off*.

The licence remains active until such time the company has been struck off the register.

- 4.2 A copy of the premises licence is contained in **Appendix 3**.
- 4.3 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 4**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by the Metropolitan Police.
- 5.2 The review is supported by Licensing Authority, see **Appendix 5**.
- 5.3 The review is also supported by Environmental Protection, see **Appendix 6**.
- 5.4 The review is further supported by Councillor David Edgar (Mile End Ward) **Appendix 7**.
- 5.5 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
- 5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder and the prevention of public

safety.

6.0 Review Explained

- 6.1 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.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 8**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 6.3 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.”
- 6.4 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 also issued revised guidance about Crime and Disorder. **See Appendix 9**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 10**.
- 6.6 In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the conditions as set out in home office guidance. This is detailed in **Appendix 11**.
- 6.7 Guidance Issued by the Home Office concerning Public Nuisance **Appendix 12**.
- 6.8 London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance **Appendix 13**
- 6.9 In relation to the prevention of Public Safety the Home Office advises Licensing Authorities under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect and should therefore not seek to

impose fire safety conditions where the Order applies.

- 6.10 The Home Office has advised that in relation to reviews “ 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. ”
- 6.11 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 Licensing & Safety Team Leader 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.
- 6.12 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.

7.0 Review Advertisement

- 7.1 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.
- 7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.
- 7.3 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).

8.0 Licensing Officer Comments

- 8.1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should the DPS cease to work/be employed by the premises the Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority. (27.1 Licensing Policy)

8.2 The Governments advice in relation to reviews is contained in **Appendix 8**. Members must consider all the evidence and then decide from the following alternatives:

- 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);
- 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.

8.3 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.

8.4 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

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

8.6 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.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Police review evidence
Appendix 3	Premises Licence
Appendix 4	Maps of the premises and surrounding area
Appendix 5	Representations from Licensing Authority
Appendix 6	Representations from Environmental Protection
Appendix 7	Representations from Ward Councillor
Appendix 8	Guidance issued under Section 182 by the Home Office for reviews
Appendix 9	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 10	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 11	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Safety
Appendix 12	Guidance Issued by the Home Office concerning Public Nuisance
Appendix 13	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY**

**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 ...Pc Mark Perry 1748CE Borough Licensing Officer **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	
Cabby's Rum Bar Railway Arch 411 St Pauls Way London	
Post town Tower Hamlets	Post code (if known) E3 4AG

Name of premises licence holder or club holding club premises certificate (if known) MOSES ODONG

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

Please tick yes

I am

- 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) Y

- 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

First names

Please tick yes

I am 18 years old or over

**Current postal
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

Please tick yes

I am 18 years old or over

**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:

Pc Mark Perry 1748HT
Licensing Officer
Central East Licensing
2nd Stoke Newington Police Station
London

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 | Y |
| 2) public safety | Y |
| 3) the prevention of public nuisance | Y |
| 4) the protection of children from harm | N |

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

Central East Police Licensing formally seek the review and revocation of the premises license for Cabby's Rum Bar at Railway Arch 411, St Pauls Way London E3 4AG. This review is sought on the grounds of preventing Crime and Disorder, Public Nuisance and Public Safety. The premises only had its licence granted in September 2020, stating in the application that it was going to be a bar with no amplified music, yet we have received complaints from residents about the premises being operated as a night club. Police attending the venue have been met with hostility and a refusal to allow them on the premises. The Premises License Holder and Designated Premises Supervisor has shown a contempt for local residents, his obligations under both the premises license and the licensing act, Tower Hamlets Council and the Police. This is all detailed in the evidence included in this application.

On the 4th of April 2020, at 11:43pm, Police received a call from a member of the public about Cabby's, complaining about the venue. The details of the call to Police are below and CAD refers to it as follows:

There is a unit in a railway arch that is opposite the autos garage, at the moment there is a party that has been going on for several hours & there are lots of people coming. During the lockdown this premises had had several similar parties. Loud music also heard. Concern regarding breach of covid 19 guidelines. People going in and out to smoke and several more going in. The gate that leads into the arch is on St Pauls way. People have also come into the private carpark and left vehicles there.

At the time, the Covid regulations meant that the premises should have been closed to customers inside the venue.

On the 23rd May 2021, at 11:17, Police were again called to Cabby's by a member of the public complaining about an illegal party at the venue, stating that there were 100 people at this event, that there was loud music, and people were turning up drunk. Police arrived at the venue a short while later and reported that *There are an awful lot of people in these premises.*

PC Warrell 1262CE and PC Burgess 2322CE were two of the officers who attended the venue and their statements are included as evidence for this review. PC Warrell states that on arrival, the music from the venue was so loud that it could be heard across the street. Several vehicles were parked outside and police could not gain entry as the entrance gate was padlocked. When police called out, the music and lights were turned off, in what we believe was a deliberate attempt to hide what was going on at the venue. Locking the gates is extremely concerning as this traps those inside the venue, which is dangerous if people needed to evacuate the building in an emergency say a fire.

PC Burgess spoke to the manager, Mr Moses Odong, who said it was a private party with 50 people and refused them entry, even though they were in full uniform and had provided their names and shoulder numbers. Mr Odong called the Police on his telephone, who confirmed that the Police Officers at the venue were genuine. Mr Odong still refused to let officers inside. Throughout the visit, Mr Odong was un co-operative and failed to engage with Police or uphold his responsibilities under the licensing act by allowing Police entrance to his venue. We believe this is because the venue was failing to comply with the Covid regulations as it was acting as a nightclub.

At the time of the above visit, the Covid regulations meant that the premises should not have customers inside the venue.

On the 13th June, at 8:28pm, Tower Hamlets Council received a complaint from a local resident via e-mail, complaining that the venue had been breaching covid regulations and acting as a night club, which was causing nuisance to them. See email below:

Sent: 13 June 2021 20:28

To: Licensing <Licensing@towerhamlets.gov.uk>

Subject: Complaint Cabbie's Jerk

Hi there,

There's very loud music coming from Cabbie's Jerk restaurant. It is on all afternoon and still now.

Even with windows closed you can hear it loud!

I passed by and could see lots of people, looks like a rave party, they have big speakers outdoors and all dancing. Not to say that it is not Covid compliant at all.

The music is really loud, was on for the all day.

What does the council can do about it?

Additional evidence of the venue operating as a nightclub and breaching covid regulations is provided by another resident who has contacted Tower Hamlets Council Licensing. Their complaint is below:

From:

Sent: 26 May 2021 10:43

To:

Cc: Licensing <Licensing@towerhamlets.gov.uk>; Environmental Protection

<Environmental.Protection@towerhamlets.gov.uk>

Subject: Fwd: URGENT - ILLEGAL NIGHT CLUB

Since December 2020 a night club has opened CABBYS JERK ADDRESS IS: Arches 411 St PAULS WAYS LONDON E3 4AG. They have advertised themselves as selling FOOD upto 10 or 11pm. However after 11pm they turn it into a NIGHT CLUB. They have been playing EXTREMELY loud music! and the people coming in and out of that place are all drunk, disorderly, shouting and creating noise nuisance. They are misusing our private car park, they are also playing loud music inside their cars early hours in the morning and urinating next to my car and other residents. Celebrities such as Anthony Joshua Boxing Champion are attending this night club as he tried to misuse my car park. I called the police on Sunday 23.05.21 as it become unbearable of so much noise when my children are trying to sleep to go to school in the morning and I have work. They are not even supposed to be having a night club open due to covid restrictions. I have the police CAD no. CAD8477 originally reported on 4/12/2020 . When the police arrived they quickly locked the gates and turned the music down and didn't let the police in. I don't think they even have a licence to have a night club open especially in a residential area. If they do have a license why as residents haven't we been consulted

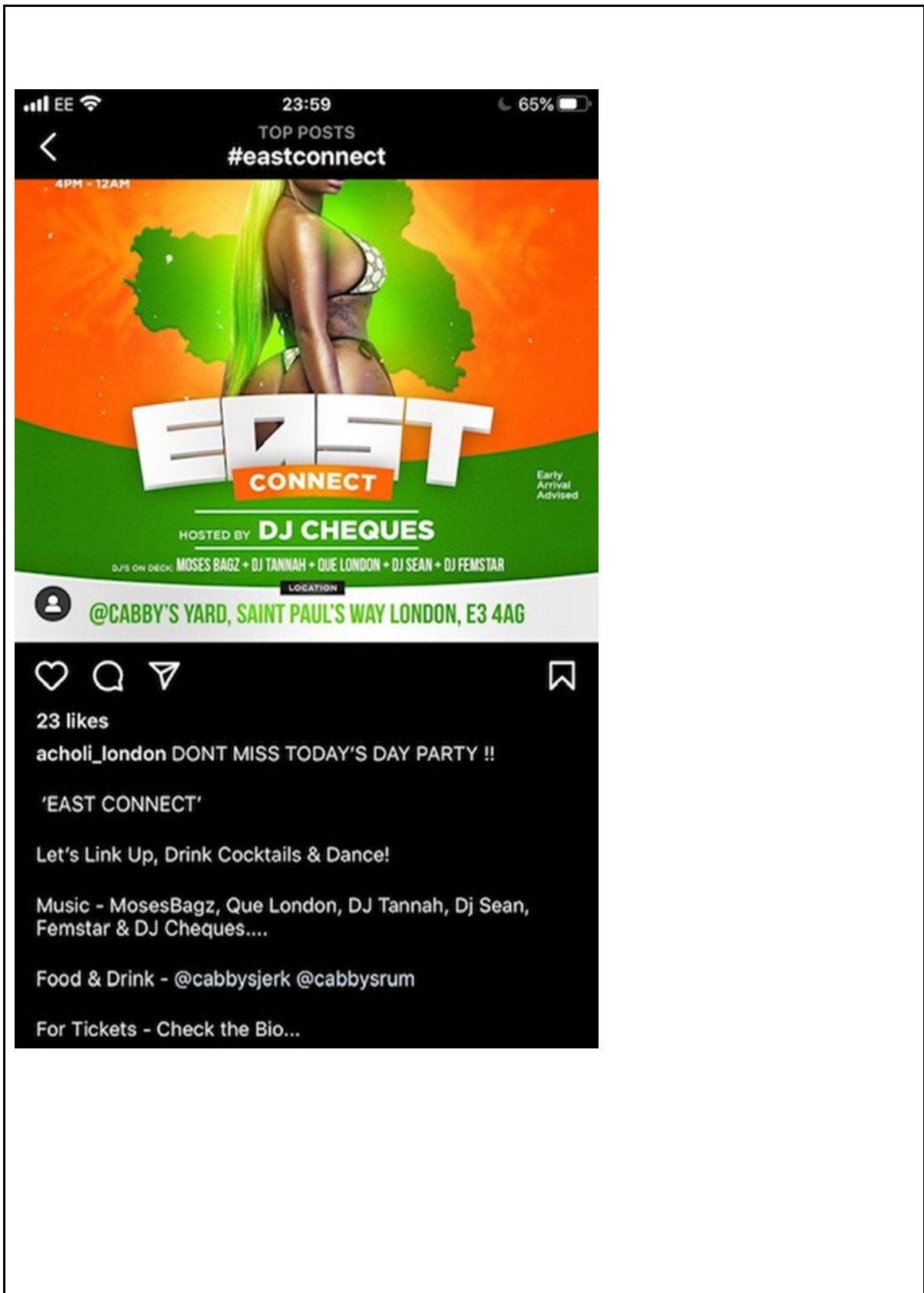
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of such night club venues being open in our neighbourhood. This isn't Leicester Square! this is our residential area. I have lived here for over 10 years and this is such a peaceful and quiet neighbourhood. Please put a stop to this as a matter of urgency as it's only going to get worse now that summer is coming up.

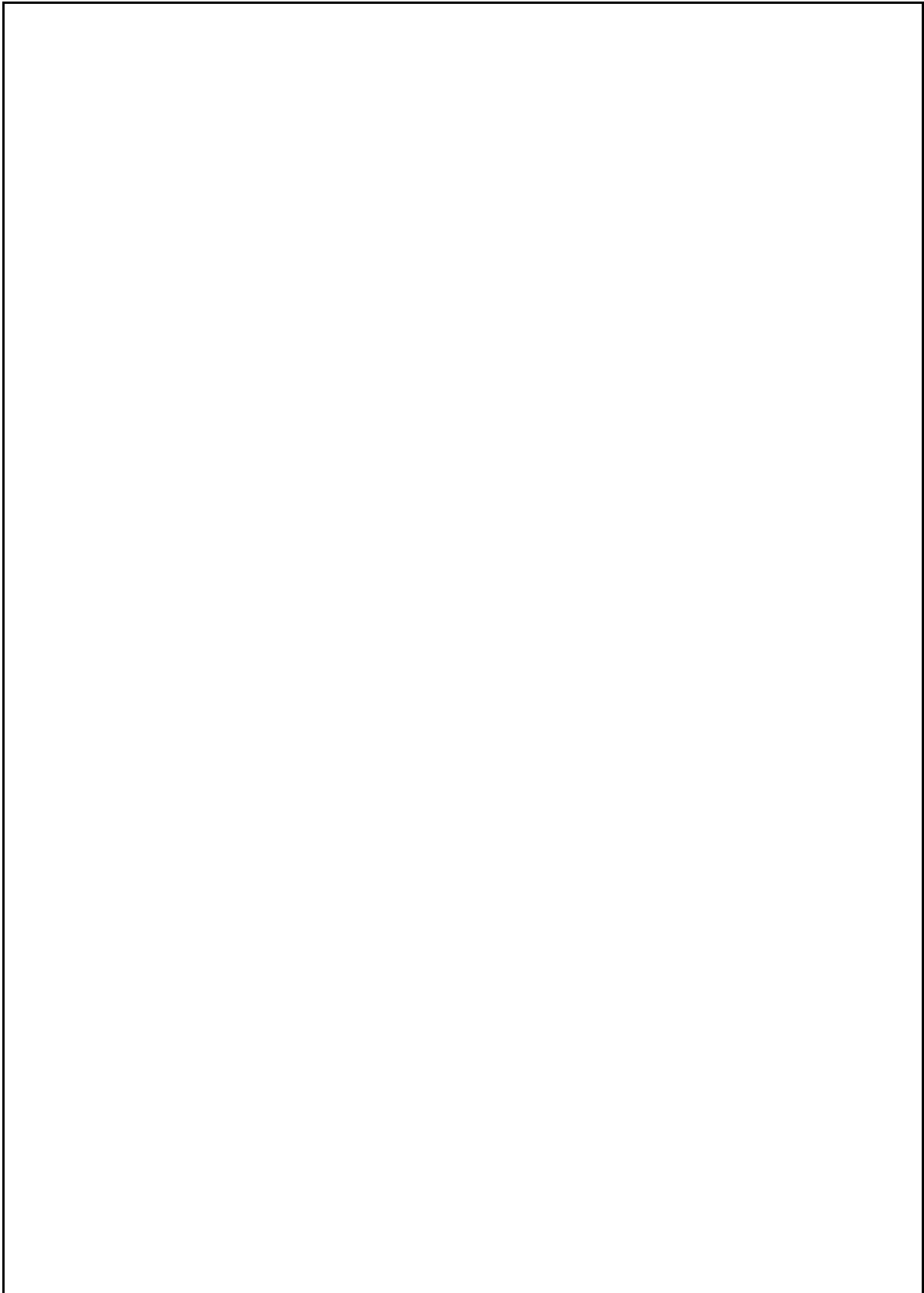
Police have tried to work with Mr Adong, on Monday the 24th May 2021 PC Leban 1485CE from Police Licensing phoned Mr Adong to ask him what was going on at the venue and explain to him why Police attended his venue and his responsibilities under the Licensing Act. However Mr Adong refused to explain what was going on at the venue, he said that the Police Officers who attended were trespassing it was the Police's fault, and refused to engage with PC Leban by constantly talking over him. PC Leban warned Mr Adong that if he failed to listen to Police then this could end up in a premises license review. Mr Adong had no regard for this replied along the lines of so what.

Clearly on the basis of the above evidence from residents, what Police have observed from their visits and the refusal of the venue management to allow Police into the premises, this is operating as a nightclub. Adverts for the venue (shown below, with others attached) also show it operating it as a nightclub, advertising dancing running from the afternoon to midnight. The venue has failed to uphold the licensing objectives of preventing crime and disorder and public safety by breaching covid regulations and has caused public nuisance to local residents.

The Premises License Holder has wilfully breached regulations and refused the Police entrance to his venue, which is a breach of the Licensing Act, in what we believe is an attempt to cover up the illegal events going on inside. Given the license has only been in operation for a few months and the lack of respect shown towards both local residents and the licensing authorities, we do not believe any conditions can be imposed that he would respect or follow. We therefore ask for this venue's premises license to be revoked.



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411.V2.doc



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Please tick ? yes

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

N

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

No

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 Y

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5

C:\Users\kathy.driver\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\C3OTUXS8\StPaulsWay26
411.V2.doc

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 PC Mark Perry 1748HT.....Police Licensing Officer

.....

Date: 01/07/ 2021

.....

Capacity Police Licensing Officer

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Appendix 2

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC L WARRELL 1262CE** **URN:**

Age if under 18 **Over 18** (if over 18 insert 'over 18') **Occupation:** **Police Officer**

This statement (consisting of: **.TWO.** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: **Date:** **27 May 2021**

Tick if witness evidence is visually recorded

At 1700hrs on 23rd May 2021 I paraded in full uniform at SHOREDITCH POLICE STATION alongside PC's D BURGESS, 2322CE, PARMENTER 1410CE, DURBIN 2345CE, LIVINGSTONE 1219CE and MARTINS 1925CE, assigned Call sign Serial 950C and tasked with COVID/UME Patrols locally on the Central East BOCU.

Around 2317hrs on Sunday 23rd May 2021 a potential UME was reported to Police. CAD 7535/23MAY21 refers. The CAD identified underneath the Railway Arches on ST PAULS WAY, E3 as the location for the event. Shortly after the call came out Serial 950C arrived in scene. On arrival officers were approached by a male we believe to be the informant. The male directed us to the location and reported that there were large groups of people, drinking going to a party and that they have parked on all the side roads causing congestion.

Serial 950C approached a set of metal gates which were locked by a chain and padlock. The music initially was very loud and heard from across the street, it appeared that at the point officers came in to sight of the location the music was then turned down. As officers come up to the gates there were clear signs of an event. There were several high range vehicles locked behind the gate with no occupants and large signs stating 'CABBY'S JERK CHICKEN'. Officers were approached by an IC3 Male, stocky build wearing a light baseball cap and dark hoody. The male was on the other side of the locked fence and remained there throughout our interaction. The male identified himself as either the organiser or owner of the venue. I cannot recall what exactly. The male was uncooperative from the start. Myself and PC BURGESS identified ourselves as Police Officers and told the male of our names and shoulder numbers to which the male talked over us and continue to demand our names. It was explained to the male that we have had reports of an unlicensed music event and are there to investigate. We

Signature: **Signature witnessed by:**

Continuation of Statement of Lucy WARRELL

appraised the male that we heard the loud music on arrival and were concerned over the amount of people inside the premises.

The male reported around 50 people for a private party. The male ensured that all the relevant paperwork was complete and we should contact the council if we had any issues. It was highlighted to the male that contacting the council will not be necessary and we wished to view said licensing agreements and that under the licensing act we can enter the premises if we believe illegal activity was taking place to which the locking of the fence and uncooperative behaviour suggested may be the case. The fence was secured shut and locked in place and very close to a parked vehicle inside the premises. Myself and PC DURBIN conducted a perimeter check and found no other exit or entrance open therefore in the event of a fire the occupants would struggle to escape. The courtyard outside the premises was packed with vehicles so it appeared that there was no outdoor areas to congregate in the event of an emergency.

The male continued to be uncooperative and failed to provide his name or any information regarding the event. He added that he had been kidnapped before and didn't believe we were police officers despite all officers being in full beat uniform including name badges and shoulder numbers. At one point the male contacted 999 to report that he didn't believe who we were. PC BURGESS gave full names and shoulder number to the controller who reported back to the male that he was a real police officer and should listen. The male continued to be obstinate and refused entry at which point A/INS PROUD arrived on scene and spoke with the male. Our guidance from there on was to monitor the situation as the male reported the party was due to finish at 0000hrs.

We remained on scene for a while after 0000hrs and there was a steady flow of individuals leaving but an equal amount if not more re-entering the premises. [REDACTED]

Signature: [REDACTED] Signature witnessed by:

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

--	--	--	--

Statement of: Constable Darren Burgess

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date: 27 May 2021

On SUNDAY 23RD MAY 2021 at 23:30 hours, I was working in full police uniform, call sign 950A, in a marked minibus together with PC PARMENTER 1410CE, PC WARRELL 1262CE, PC DURBIN 2345CE, PC LIVINGSTONE 1219CE and PC MARTINS 1925CE, tasked with carrying out UME and covid patrols in the boroughs of Hackney and Tower Hamlets. At 23:30 hours I attended CAD 7535/23MAY2021, which stated that a UME was taking place at ST PAULS WAY j/w TURNERS ROAD. I attended the location and could very loud music coming from inside a building, which could clearly be heard from the street, as well as flashing lights inside the building. I went over to where it was coming from and could see a large gate, which was padlocked with a number of cars parked behind it. I shouted across to see if anyone was there and the music quickly turned off, as did the lights. An IC3 male, with a grey beard, wearing a cap then came to the other side of the gate. I then asked the male what was going on, to which he replied "I HAVE A LICENCE TO HAVE A PARTY". He then stated that there were 50 people inside the venue and that he couldn't open the gate to let us check inside. I then asked him a number of times if we could check inside and that we could check inside the venue under the Licensing Act. The male then continued to be obstructive and uncooperative and asked me for my name and number, to which I said my name was PC BURGESS and my shoulder number was 2322CE. He then continued asking around my colleagues asking for their names and numbers, before restating that there were 50 people inside and that they were a bar. The male continued to be obstructive and said that I was trespassing, when I was standing on the pavement outside the gate. He then asked again and again for my name and number, to which I replied that I had already given it to him.

The male then moved away for a few minutes before returning and asking myself and my colleagues to move away, stating that he thought we were burglars. The male then repeated what he had done before and carried on asking officers to identify themselves, asking "WHAT'S YOUR NAME, WHATS YOUR BADGE NUMBER?". The male then moved away, however another IC3 male dressed in an orange t-shirt, wearing a cap and glasses came to the gate and said they had a licence. I then stated that we would need to look inside to which he replied "ITS A PRIVATE PARTY." The male with the grey beard then took his phone out and ran 999 and put the operator on loudspeaker, where the operator spoke to me and I confirmed the CAD number I was at and my shoulder number. Shortly after A/Inspector PROUD arrived, and the male continued to be uncooperative. A/Inspector spoke to the male, who again said that there were 50 people inside the venue, however he still refused to let us in and check. The decision was then made by A/Inspector PROUD to let the gathering continue, provide the music remained turned off. I then moved away and sat parked in a minibus, near to the gate where I continued to observe more and more people going in through the gates until 01:00 when we left the scene.

Signature: 

Signature Witnessed by:



JUL
02

Good Vibez (Lets Party)

by DJ Cheques [Follow](#)

£5.98 - £11.37



[Tickets](#)

Once you come to Cabby's Yard, you will always come back.... Once your in the yard, we are all one family.... The Key to are Success!!

About this event

"GOOD VIBEZ"

Get ready for an unforgettable event Join us on FRIDAY 2nd July,
As "GOOD VIBEZ" brings you BBQ, SHISHA, COCKTAILS, RUM&GIN, AFROBEATS, BASHMENT & MORE.....

The FOOD is Amazing!!!

The RUM&GIN is Crazy!!

Your HOST is Unforgettably!!!

ID/Passport: Mandatory

Date and time

Fri, 2 Jul 2021, 18:00 BST
[Add to calendar](#)

Location

E3 4AG
Saint Paul's Way
London
E3 4AG
[View Map](#)

Refund policy

No Refunds

party-tickets-160962648615?aff=ebdssbdestsearch

om Cabby...  Good Vibez (Lets Party) Tickets, ...  Good Vibez (Lets Pa

From £5.!

Sponsored by:

Cabby's Rum

Cabby's Jerk

DJ Cheques

Eloite Classics



CHEQUES Presents

FRIDAY
2ND
JULY
2021

6PM
TILL LATE

GOOD VIBEZ

DJ'S ON DECK
DJ FEMSTAR + DJ CHEQUES

@CABBY'S YARD SAINT PAUL'S WAY, LONDON, E3 4AG

Ladies Free On Guestlist Before 11pm

Free Cocktails For Ladies Before 9pm

EARLY ARRIVAL ADVISED

ENTRY £10 | TICKETS AVAILABLE ONLINE



From £5.98

Tickets

Tags

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- City of Westminster Events
- Things to do in London
- London Parties
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- #dance
- #networking
- #party
- #love
- #bbq
- #afrobeats
- #soca
- #friday
- #london
- #bashment

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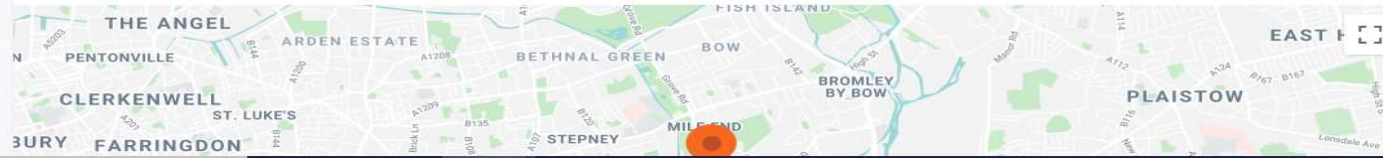


DJ Cheques

Organiser of Good Vibez (Lets Party)

Follow

Contact



Mohshin Ali

From: [REDACTED]
Sent: 19 July 2021 14:13
To: Simmi Yesmin; Kathy Driver; Licensing
Subject: Review Cabbys
Attachments: p234277_190720213590_001.pdf

Please see additional statement in support of the review for Cabbys.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 2nd Floor Shoreditch Police Station



From: Atkins Dave J - CE-CU [REDACTED] >
Sent: 19 July 2021 14:09
To: Perry Mark J - CE-CU [REDACTED] >
Subject: FW: Attached Image

From: "Atkins Dave J - CE-CU" <[REDACTED]>
Sent: 19 July 2021 14:06
To: Atkins Dave J - CE-CU <[REDACTED]>
Subject: Attached Image

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

[Empty boxes for URN]

Statement of: David Atkins

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: [Redacted] Date: 19/07/2021

On Saturday 19th June 2021 I was on duty in the company of PC Giles 1810CE conducting licensing compliance and engagement visits.

At approximately 2315hours we PC Giles received a call requesting our assistance at Cabbys Rum Bar, regarding a licensed premises that was not allowing them access to the venue.

Whilst en route we were updated that the venue had now had a padlock placed on the gate to prevent access being gained. We arrived at 2338hours where we spoke with PC Bowser before masking our way to the venue. I tried to enter the venue but as the gate was padlocked shut was unable to gain access but could see that there were a number of people inside the yard. I asked to speak with the licensee and explained that we had a power to enter the premises under section 179 of the licensing act 2003 but did not wish to exercise that power and requested to be let inside. I spoke with the licensee who I now know to be Moses ODONG and continued to explain why we were there and why we wished to enter the premises but he remained non compliant throughout the encounter refusing to grant us access stating that we could complete a licensing check from outside the gate as he had given a copy of the licence to Police colleagues and that his licence allowed him to open until 0000hours.

His stance remained that he would discuss the premises licence at meeting the following Monday morning. In order to diffuse the situation I requested that the licensee grant access to myself only stating that Police colleagues would remain outside. I remained on scene for approximately 45 in attempt to resolve situation without success. Prior to leaving the venue it was agreed that they would disperse customers from the venue. To my knowledge the locked gate is the only access to the premises and should there have been a serious incident inside such as a fire or injury to person this would have caused a serious public safety issue.

Due to the number of persons inside the venue the decision was made not to enter the premises under the licensing act I believe that do so could would have exacerbated the situation.

Witness Signature: [Redacted]

Signature Witnessed by Signature:

Mohshin Ali

From: [REDACTED]
Sent: 20 July 2021 08:12
To: Licensing; CEMailbox-.TowerHamletsLicensing@met.police.uk; Kathy Driver; Tom Lewis
Cc: Simmi Yesmin
Subject: RE: Review Cabbys

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

Please can the below be added to the Police evidence for Cabbys Rum Bar.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 2nd Floor Shoreditch Police Station



From: Licensing <Licensing@towerhamlets.gov.uk>
Sent: 19 July 2021 15:40
To: Perry Mark J - CE-CU <[REDACTED]>; CE Mailbox - Tower Hamlets Licensing <CEMailbox-.TowerHamletsLicensing@met.police.uk>; Kathy Driver <[REDACTED]>; Tom Lewis <[REDACTED]>
Cc: Licensing <Licensing@towerhamlets.gov.uk>
Subject: FW: Review Cabbys

Hi Mark/Kathy

Please find additional information attached on MS Word from the LNL police report dated 17.07.2021.

“**Cabby's rum bar** checked at 00:15 Phillip Puczka [REDACTED] Bar tender Spoke initially with a male who was hesitant to speak to police and refused all details. Had said that all persons at

location are staff having a gathering after work. It was apparent to officers that there were around 25-30 people on tables at location. Fire was alight and no music could be heard. This unknown male eventually went to get the manager after a short debate whether they were in breach of license of not.

Phillip came to speak to police. He had then stated that all persons at location were friends of them. When asked if they were colleagues he said it was a mixture. Phillip said that they already closed and padlock was in fact on the gate of the venue on police arrival. He had said that no alcohol sales were taking place and that the bar was closed. Phillip allowed police into the premises to check but only one officer. There was music playing inside but at a very low volume, advised to turn off immediately. No patrons within the venue, only outside. Some patrons had cups in their hands and clearly drinks which were still half filled or full were on the tables. It appeared to officers that drinks must have been still served or that the people drinking them were very slow.

Advised to close but Phillip was adamant that they were not in the wrong and said that he would like to speak to Tower Hamlets licensing direct about this. It was apparent that venue was padlocked up, but still a lot of people within the premises. This was captured on Body worn video.”

Kind regards

Ibrahim Hussain

Licensing Officer
Licensing and Safety Team
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG



Licensing Hotline 020 7364 5008
Licensing General Email: licensing@towerhamlets.gov.uk
Please visit our web page for application forms and guidance
at www.towerhamlets.gov.uk/licensing
www.towerhamlets.gov.uk
Follow us on:
[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)



From: [Redacted] >
Sent: 19 July 2021 14:13

To: Simmi Yesmin [REDACTED]; Kathy Driver [REDACTED];
Licensing <Licensing@towerhamlets.gov.uk>
Subject: Review Cabbys

Please see additional statement in support of the review for Cabbys.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 2nd Floor Shoreditch Police Station



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Sent: 19 July 2021 14:09
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Appendix 3



Lic No:
131323

(Cabby's Rum Bar)
Railway Arch 411
St Pauls Way
London
E3 4AG

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshments
The provision of regulated entertainment (Recorded music)

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 20th October 2020

OFFICE USE	Receipt No: 183-22161	Paid:190.00	Date:18/08/20
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Part A - Format of premises licence

Premises licence number

131323

Part 1 - Premises details

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

**(Cabby's Rum Bar)
Railway Arch 411
St Pauls Way**

Post town

London

Post code

E3 4AG

Telephone number



Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
Provision of late night refreshment
Provision of regulated entertainment (recorded music)

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on & off sales)
Monday – Sunday 09:00 hours – 23:30 hours

Late Night Refreshments (indoors & outdoors):
Monday – Sunday 23:00 hours – 23:30 hours

Provision of Regulated Entertainment (Recorded Music- indoors):
Monday – Sunday 12:00 hours – 23:30 hours

The opening hours of the premises

Monday – Sunday 09:00 hours – 00:00 hours (midnight)

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

On and off sales

Part 2

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

The Taxi Spirit Company Limited
16 Beaufort Court
Admirals Way
Canary Wharf
London
E14 9XL

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

Company Number: 08903282

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

Moses Odon

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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

Personal Licence Number: [Redacted]
Issuing authority: [Redacted]

Annex 1 - Mandatory conditions

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

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

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

1.

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

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

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$\mathbf{P = D + (D \times V)}$$
 where —
 - (i) **P** is the permitted price

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

Annex 2 - Conditions consistent with the operating Schedule

1. 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 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. 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.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. Staff training shall be provided at regular intervals on, the sales of alcohol, underage sales and Health & Safety regulations.

7. There shall be no consumption of alcohol outside the premises.
8. Off sales shall be in sealed containers only.
9. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".
10. Alcohol shall only be delivered to a residential or business address and not to a public place.
11. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.
12. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
13. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

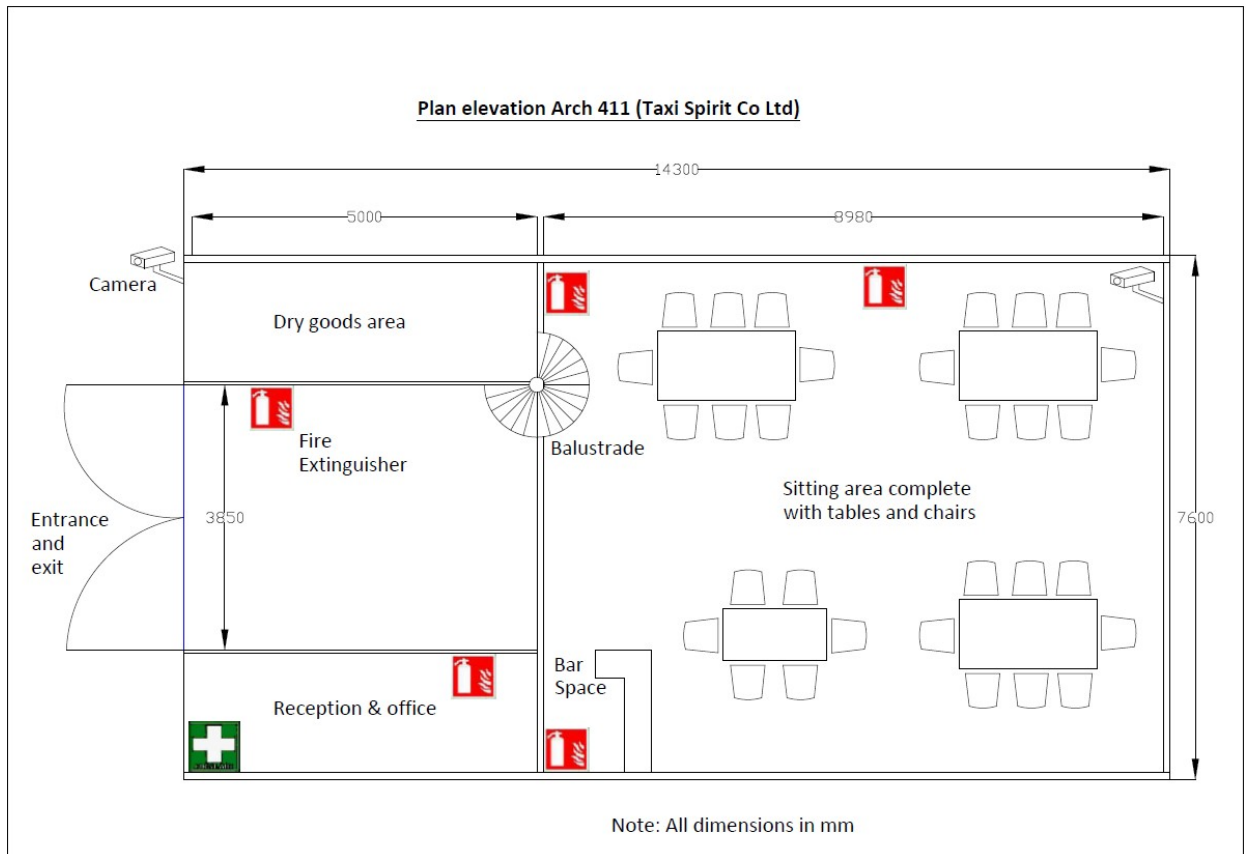
Annex 3 - Conditions attached after a hearing by the licensing authority

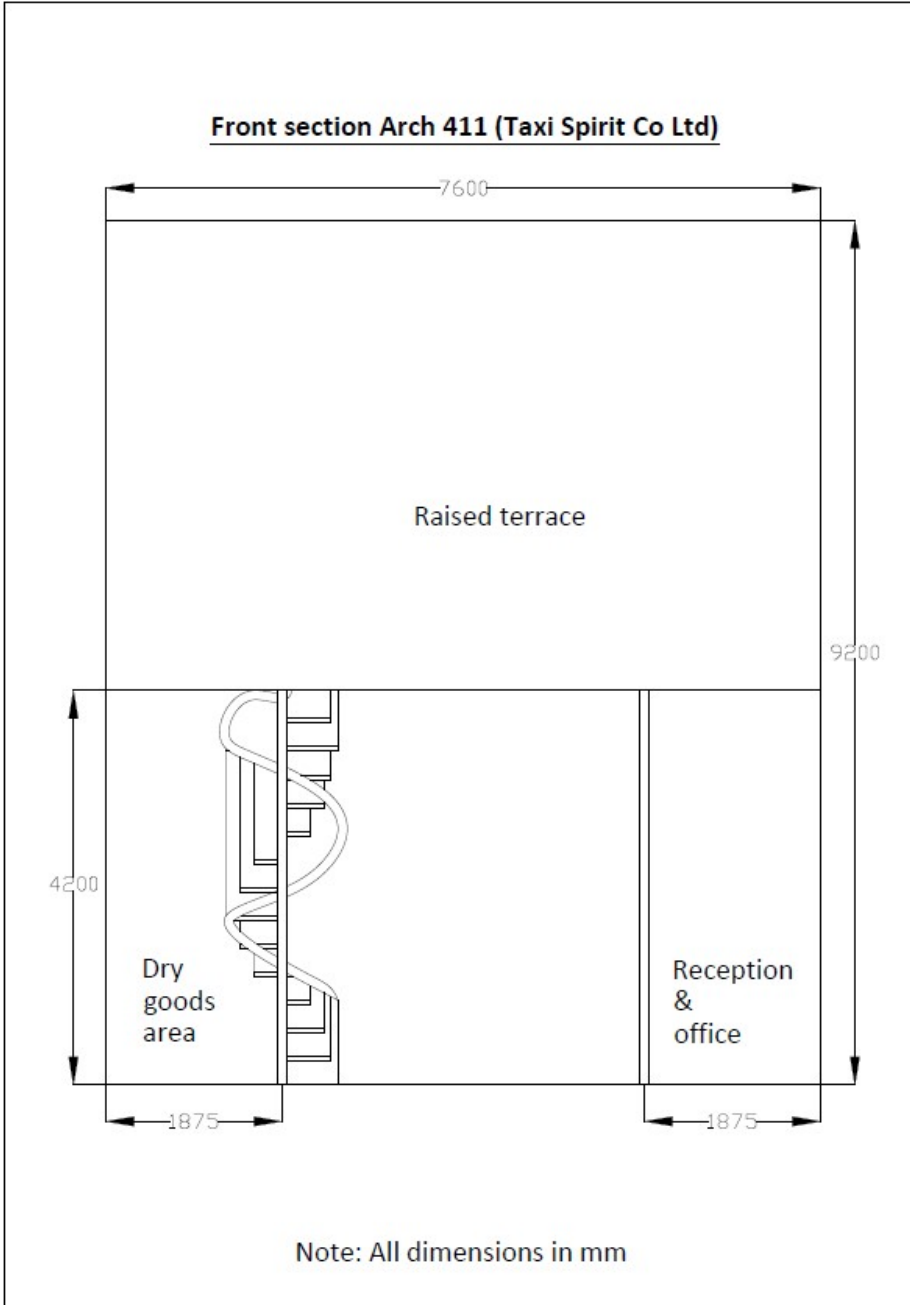
Not applicable

Annex 4 - Plans

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

16/09/20







Part B - Premises licence summary

Premises licence number

131323

Premises details

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

(Cabby's Rum Bar)
Railway Arch 411
St Pauls Way

Post town

London

Post code

E3 4AG

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
Provision of late night refreshment
Provision of regulated entertainment (recorded music)

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on & off sales)
Monday – Sunday 09:00 hours – 23:30 hours

Late Night Refreshments (indoors & outdoors):
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Provision of Regulated Entertainment (Recorded Music- indoors):
Monday – Sunday 12:00 hours – 23:30 hours

The opening hours of the premises

Monday – Sunday 09:00 – 00:00 hours (midnight)

Name, (registered) address of holder of premises licence

The Taxi Spirit Company Limited
16 Beaufort Court
Admirals Way
Canary Wharf
London
E14 9XL

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

On and off sales

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

08903282

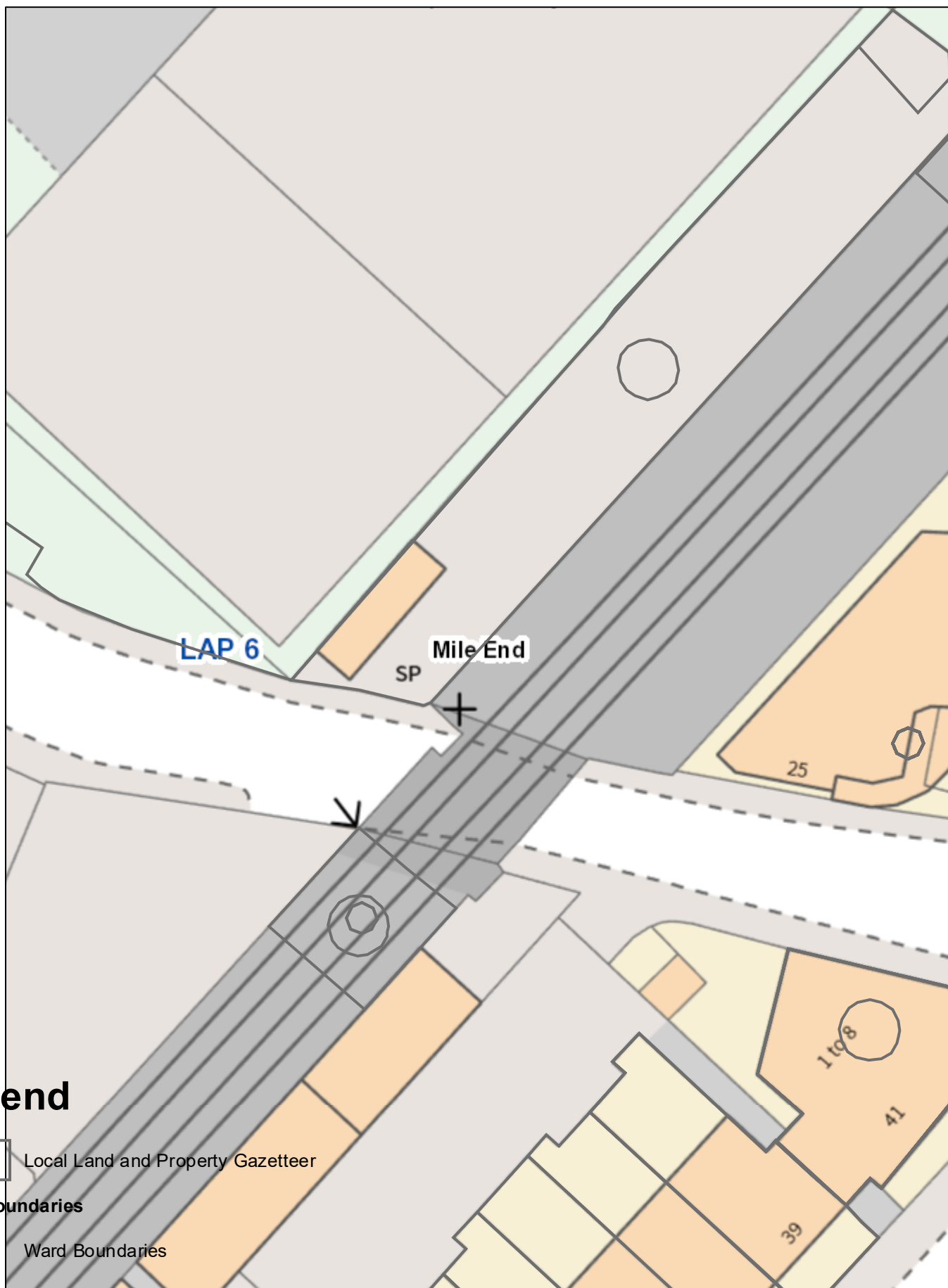
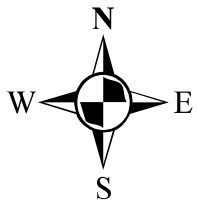
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Moses Odong

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

No restrictions

Appendix 4



Legend

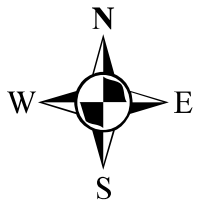
Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries



Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries

Appendix 5

London Borough Tower Hamlets
Licensing Authority
Mulberry Place
5 clove Crescent
London
E14 2BG

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

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

www.towerhamlets.gov.uk

29th July 2021

My reference: P/PR/EHTS/LIC/130238

Dear Sir/Madam,

Licensing Act 2003
Re:Cabbys Rum Bar, Arch 411 St Pauls Way, London E3 4AG

I am acting in my capacity as Responsible Authority on behalf of the Licensing Authority to support the review triggered by the Metropolitan Police.

The premises came to our attention when this Authority received a complaint from one of our local Councillor's on 25th May 2021, advising that a night club had opened and was causing noise disturbance to local residents in the area and were using residents car park. This complaint detailed the following:

"Since December 2020 a night club has opened behind my flat called CABBYS JERK ADDRESS IS: Arches 411 St PAULS WAYS LONDON E3 4AG. They have advertised themselves as selling FOOD up to 10 or 11pm. However after 11pm they turn it into a NIGHT CLUB. They have been playing EXTREMELY loud music! and the people coming in and out of that place are all drunk, disorderly, shouting and creating noise nuisance. They are misusing our private car park, they are also playing loud music inside their cars early hours in the morning and urinating next to my car and other residents....I called the police on Sunday 23.05.21 as it become unbearable of so much noise when my children are trying to sleep to go to school in the morning and I have work. They are not even supposed to be having a night club open due to covid restrictions. I have the police CAD no. CAD8477 originally reported on 4/12/2020 . When the police arrived they quickly locked the gates and turned the music down and didn't let the police in. I don't think they even have a licence to have a night club open especially in a residential area. If they do have a license why as residents haven't we been consulted of such night club venues being open in our neighbourhood. This isn't Leicester Square! this is our residential area. I have lived here for over 10 years and this is

such a peaceful and quiet neighbourhood. Please put a stop to this as a matter of urgency as it's only going to get worse now that summer is coming up."

The complaint adds : They are clearly in breach of their licence as the people were coming in after 12Am and leaving around 3am all of them drunk and disorderly. The police was turning people away who were coming in after 12. The videos I have sent have been recorded around 3am and is evidence of people leaving. Also they are having big gatherings and breaking covid restrictions.

Adverts were found on the internet advertising cocktails and DJ nights including dance which at the time was restricted by the covid regulations. I attach some examples.

On 13th June 2021 the following complaint was received:

There's very loud music coming from Cabbie's Jerk restaurant. It is on all afternoon and still now. Even with windows closed you can hear it loud!

I passed by and could see lots of people, looks like a rave party, they have big speakers outdoors and all dancing. Not to say that it is not Covid compliant at all. The music is really loud, was on for the all day.

We also received a further complaint from local resident on 13th June 2021:

Cabby's Jerk has a party every Sunday from early afternoon until gone 10pm. The music is so loud and extremely invasive. If it was a one off, not a problem, but every single Sunday is too much. It is far too loud and is driving everyone in our block mad. Please do something about it.

27th June 2021 a further resident complaint:

I would like to ask you to investigate Cabby's Jerk in Mile End (link to their business for excessive noise at anti social hours of the day. I do not know what their licensing permissions are but they have recently started hosting partys particularly late on a Sunday even going on a few weeks ago until 0100 am. They have an outdoor sound system which means we can hear music, a man on a microphone and crowds of cheering people late at night. .. we are kept awake on a Sunday night. This is a residential area and we should not have licensed venues playing loud music.

On 1st July 2021 a local resident reports to us:

This place plays music so loud that even from 0.3 miles away, other side other canal, we can hear it as if it would be next door. We cannot keep windows open as the bass and music is so loud, also we can hear the music inside when windows closed.

How can this place have a licence to have these parties everyday until 11pm or later?? I cannot sleep until they stop their party :(

Please can you do something about this?

On 2nd July 2021 the Late Night Levy Police Officers Attended the venue and reported the following:

Friday 2nd July 2021 -

Patrol Officers PC JONES 2532CE PC REID 2125CE

Officers attended CABBIES RUM BAR at 0000hrs and the venue was open with customers seated inside the venue and outside in the seating areas with no indication that customers leaving any time soon. When officers approached security, they would not let officers in the venue and called for the owner/manager. Officers were presented with Moses ODONS, who identified to be the person in charge. Officers then engaged with ODONS who was obstructive and hostile with officers who asked politely to enter the venue to conduct licensing checks by getting security staff to film officer and making references such as your only trying to come in to intimidate my customers. Officers then proceeded to enter and walk around the venue to which it became apparent that services to customers were being served to customers.

Customers were in the indoor and outdoor seating areas eating and drinking,. The kitchen was still cooking and serving food and alcohol appeared to be still being consumed by customers. ODONS continued to be obstructive whilst officer conducted checks by branding officers as being racist and telling customers what officers were doing, resulting in customers becoming hostile with officers. Security continued to film officers throughout the visit. ODONS appeared to be drinking an alcoholic drink whilst being in charge of the venue.

Officers informed ODONS that all customers are to leave the venue as it's open and within breach its licensing conditions. ODONS was told that officers will stay on scene until they witnessed the customers leave, to which they did and customers were hostile with officers when leaving.

Summary:

Officers arrived at the venue at 0000hrs and the venue was still open with customers inside. Venue was still serving alcohol and food. Venue was still playing music. Manager, Staff and security acted very unprofessional and hostile with officers.

On Saturday 3rd July 2021 the noise officer reported the following:

“We attended the location at 23:00 03/7/21 as we approached the location on foot it was noted that the traffic noise from the highway was louder than any other audible music volume however during short period times between traffic flow music could be heard from the adjacent skate board park on the opposite side of the railway arch. As we approached the subject location no loud music could be heard however there were around 30 people in the alleyway which runs parallel with the railway line. Music could be heard but was not considered at a nuisance level for a premises of this type at this time. Whilst writing this report an IC3 male who introduced himself as Masedon the DPS for the premises beckoned us to the gate seen in the picture and enquired to the reason for us being at the location, we answered as best we could that we were writing a report on behalf of Tower Hamlets Council and remained on the public footpath outside the gate at all times.

The male accused us of harassment and became agitated and annoyed and so officers explained that we were not present for any purpose other than to complete our report. We then retired to the other side of the highway once again and continued to monitor until 23:20 when we departed with no further issues to report.”

Saturday 10th July 2021 a further complaint:

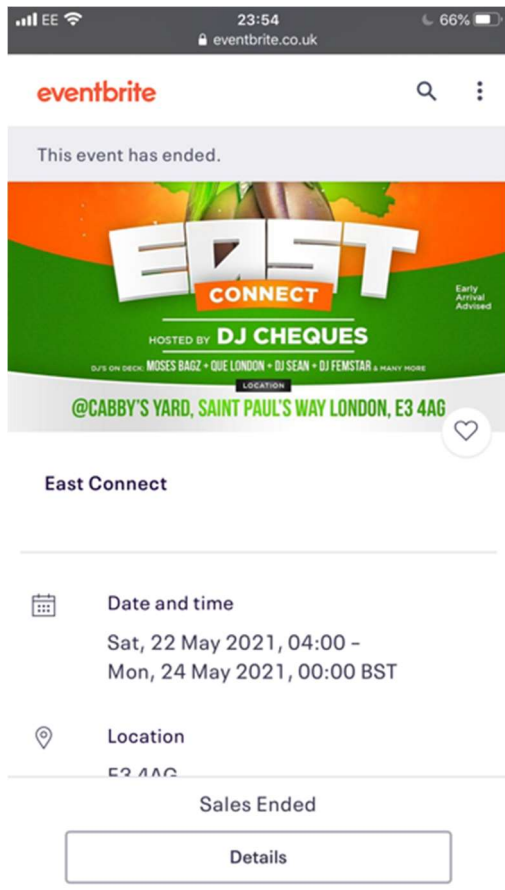
People are still coming out of the place early hours of the morning and making a lot of Noise. By you allowing a bar to be open till 12am in a residential area has invited people shouting and being drunk disorderly early hours in the morning. They continue loitering around our block drinking alcohol, shouting, playing loud music from their cars, smoking drugs and urinating next to our buildings and cars. How can the council allow this to happen? You have ruined a good neighbourhood by giving them a licence to open a bar. This is a disgrace. Police have been coming Sometimes at 12am to make sure they close. But the party continues outside our block. My children have trouble sleeping Every weekend from Friday night to Monday morning. This is so unfair.. You just gave them a licence to open a bar being inconsiderate about residents and how this would effect us. If this is not resolved I will take this matter further by reporting this to the media and tell them that this what the council have bought to our neighbourhood. I will also be starting up a petition.

In light of the above the premises has undertaken activities which were at the time restricted by the Coronavirus restrictions, the licence holder has not complied by the conditions and hours of the premises licence and restricted access by authorised officers. The licence holder has failed in its part to uphold the licensing objectives and therefore feel that adding conditions to the licence are not appropriate in this case and request revocation of the licence.

Yours sincerely,



Kathy Driver
Principal Licensing Officer



WE OUTSIDE

We've got 20 outdoor packages...
wanna join us outside?

3 MYSTERY PREMIUM RUMS | COCKTAIL INGREDIENTS | CARNIVAL CONCIERGE UK CUP

WIN A RUM BOTTLE OF YOUR CHOICE FROM OUR CLUB MENU

GO HEAD-TO-HEAD WITH OTHER GUESTS ON RUM & SOCA KNOWLEDGE!

FRI 30 APRIL
6-10 PM

PRICE: £25
VENUE: CABBY'S JERK,
ARCH 411, ST PAUL'S WAY,
BOW, E3 4AG

MUSIC BY CREDABLE & DJ TATE

TICKETS:
WWW.CARNIVALCONCIERGEUK.COM




SATURDAY 29TH MAY
5PM TO MIDNIGHT

THE Summer EDITION

LET'S MAKE SOME DRINKS TO GET READY FOR BBQS,
PARK LIMES AND BACKYARD JAMS
RUM TASTING STARTS @ 7PM

WE OUTSIDE	WE INSIDE
DOORS OPEN 5PM	VIRTUAL DOORS OPEN 6.30PM
COMPLIMENTARY COCKTAIL ON ARRIVAL	5 X 50ML PREMIUM RUMS
5 X 50ML PREMIUM RUMS	COCKTAIL INGREDIENTS
COCKTAIL INGREDIENTS	CARNIVAL CONCIERGE UK CUP
CARNIVAL CONCIERGE UK CUP	SUMMER EDITION GOODIES
SUMMER EDITION GOODIES	EARLY BIRD: £35
10% OFF FOOD ORDERED FROM CABBY'S JERK MENU	STANDARD £40
BETWEEN 5PM - 6.30PM	
EARLY BIRD: £45 STANDARD £50	
CABBY'S JERK, ARCH 411, ST PAUL'S WAY, E3 4AG	

TICKETS: WWW.CARNIVALCONCIERGEUK.COM | EMAIL: ADMIN@CARNIVALCONCIERGEUK.COM



EVERY SUNDAY
30th May - 05th Sep
3pm - 10pm

£5 Online
MORE AT THE DOOR



Backyard Jam



THE WEEKLY SOCA LIME
CABBY'S JERK
ARCH 411, ST. PAUL'S WAY, BOW, LONDON, E3 4AG



Appendix 6

Corinne Holland

From: Nicola Cadzow
Sent: 29 July 2021 11:56
To: Licensin Kath Driver
Cc: [REDACTED]
Subject: 139272 - Review of Cabby's Rum Bar 411 ST Paul's Way

Dear Licensing,

As an Environmental Health Officer in the noise team I have given due regard to the license review initiated by the Police with respect to Cabby's Rum Bar 411 ST Paul's Way and I consider the impact of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

Since 26th May 2021 there have been three noise complaints from three individual residents relating to Cabby's Rum Bar which includes:-

Two email received:-

(1) 26/5/21 An email was received on the 26/5/21 advising and I quote from complainant *"that since December 2002 a night club has opened in close proximity to their flat called Cabby's Rum bar and that whilst they had been advertising themselves as selling food till 23:00 hours and after 23:00 hours they turn it into a nightclub"* Complaint raises issues include playing extremely loud music, people accessing and egressing the premises drunk and disorderly shouting and general noise nuisance, patrons playing loud music in their cars in the early hours of the morning, and urinating close to residential cars in car park. An email was sent to the premise 2/6/21 advising of complaint of loud music and people shouting causing a noise nuisance

(2) 5/7/21 An email was received from complainant advising unreasonable loud music that comes from Cabby's Jerk restaurant, alleging and I quote from the email received *"place plays music so loud that even from 0.3 miles away, other side other canal, we can hear it as it would be next door. We cannot keep windows open as the bass and music is so loud, also we can hear the music inside when windows closed. How can this place have a licence to have these parties everyday until 11pm or later?? I cannot sleep until they stop their party. Please can you do something about this?"*

Two visits by the out of hours noise service (OOHNS)

(1) 13/6/21 The OOHNS received a report of a loud party occurring outside premises, with a marquee set up. When officers arrived in the vicinity of the subject location at 23:17 hours they heard loud "AfroBeat" music being played through amplified speakers. Officers engaged with the owner "Moses" and he accepted the complaint made against him and ordered the music to be turned off immediately. The music was then ceased instantly. Officers remained and monitored for a period of time and observed that the majority of patrons had departed into waiting taxis. All was in order on departure.

(2) 3/7/21 The OOHNS were called following a report of loud music. At 23:00 hours during short periods of time between traffic music could be heard on the other side of the railway arch. Officers approached the location and noted approximately 30 people in the alleyway parallel with the railway station, but music and I quote the officers *"was not considered to be a nuisance level"*

Due to the recent recorded history of noise complaints received, I do not believe that the licensing objective for the prevention of public nuisance or the prevention of crime and disorder is being adhered to, as evidence indicates that the premises known as Cabby's Rum Bar is playing loud bass music and patrons are causing antisocial behaviour which is being heard after 23:00 hours, causing a noise nuisance to local residents.

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

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

CONCLUSION

Environmental Protection supports the Police review of the license for Cabby's Rum Bar 411 ST Paul's Way due:- (1) Recent history of noise complaints (2) Premise does not appear to be promoting the licensing objectives for the prevention of public nuisance, and the prevention of crime and disorder.

Kind regards

Nicola Cadzow

Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
Mulberry Place Town Hall
5 Clove Crescent
London E14 2BG


www.towerhamlets.gov.uk

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Appendix 7

CABBY'S RUM BAR, RAILWAY ARCH 411, ST PAUL'S WAY

I have been approached as one of the ward councillors by residents about the operation of Cabby's Rum Bar and would like to make a representation on their behalf.

The bar is described by residents as operating as a night club with very loud music, people parking in a nearby car park for local residents, urinating in the area, noisily leaving the premises in the early hours of the morning and generally behaving in a way which does not reflect the premises' licence or respect local residents.

The police have made an application for a review of the licence and this contains more detail about the behaviour associated with the premises.

I believe that the following licensing objectives are relevant for the review:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance.

I would be grateful for an opportunity to speak on behalf of local residents when the Licensing Sub Committee considers the application from the police for a review. I understand that this is currently scheduled to be on 28 September 2021.

Councillor David Edgar
Mile End Ward
29 July 2021

Appendix 8

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 9

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 10

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 11

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 12

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

Updated April 2018

Public nuisance

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

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

Appendix 13

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.

Agenda Item 4.3

Committee: Licensing Sub-Committee	Date 14 September 2021	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (La Luna Italian Pizza & Deli) Unit E, 43a Commercial Street, London E1 6BD Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant:	J Cuisine Limited
Name and Address of Premises:	La Luna Italian Pizza & Deli Unit E 43a Commercial Street London E1 6BD
Licence sought:	Licensing Act 2003 - variation <ul style="list-style-type: none">To add and extend the times for the provision of late night refreshment
Representations:	Licensing Authority (Responsible Authority) Environmental Health Noise Team Other persons (residents)

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a variation of a variation of a premises licence for La Luna Italian Pizza & Deli which was previously known as Sakana Sushi at Unit E, 43a Commercial Street, London E1 6BD.

3.2 A copy of the existing licence is enclosed as **Appendix 1**. The timings are as follows:

The sale by retail of alcohol (on sales only)

- Sunday to Thursday from 11:30 hours to 22:30 hours
- Friday and Saturday from 11:30 hours to 23:00 hours

The opening hours of the premises

- Sunday to Thursday from 11:30 hours to 23:00 hours
- Friday and Saturday 11:30 hours to 23:30 hours

3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the variation as follows:

“We have added our take away service in our business. Therefore, we want to extend our late night refreshment hours to 02:00 hrs. Our delivery personnel, will collect the hot food for delivery only. No eating/dining, or public collection will be allowed.”

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

The sale by retail of alcohol (On sales only)

- Sunday to Thursday from 11:30 hours to 22:30 hours (No change)
- Friday and Saturday from 11:30 hours to 23:00 hours (No change)

The provision of late night refreshment (Outdoors)

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day)

The opening hours of the premises

- Sunday to Thursday, from 07:00 hrs to 23:00 hrs
- Friday and Saturday, from 07:00 hrs to 23:30 hrs

4.0 **Location and Nature of the premises**

4.1 Maps of the venue are included as **Appendix 3**.

4.2 Photographs showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues 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 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 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
 - Licensing Authority (RA) - **(Appendix 6)**
 - Environmental Health Noise Team - **(Appendix 7)**
 - Alex Gordon Shute (resident) - **(Appendix 8)**
 - John and Sandy Critchley (residents) - **(Appendix 9)**
- 6.2 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 Department
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only 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

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

7.0 **Conditions consistent with Operating Schedule**

- 7.1 The following are conditions are contained within the existing premises licence:

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

1. *The supply of alcohol at the premises shall only be to a person seated taking a meal there and for consumption by such a person as ancillary to their meal*
2. *CCTV – The CCTV system shall incorporate a recording facility and any recording 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 is open for any licensable activity. There must be someone on the premises who can download the images and present them on request by Police Officer or other Responsible Authority. Cameras will be appropriately sited throughout and at the entrance to the premises.*
3. *An incident book shall be kept at the premises, and made available to the Police or authorised Council Officers which will record:*
 - a. crimes reported,*
 - b. lost property,*
 - c. all ejections of customers,*
 - d. any complaints received,*
 - e. any incidents of disorder,*
 - f. any seizure of drugs or offensive weapons,*
 - g. any faults in the CCTV,*
 - h. any refusal in the sale of alcohol,*

- i. any visit by a Responsible Authority or Emergency Service,*
4. *Notices will be prominently displayed at entry and exit doors and point of sales advising customers:*
- a. to respect the needs of local residents and leave the area quietly*
b. to respect the needs of local residents when smoking outside and use the area quietly
5. *A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age photo identity card with an official hologram.*
6. *All staff will be trained on induction and be given refresher training to appropriately undertake the sale of alcohol and their role in the operation of Challenge 25 Scheme. Training will include identifying persons under 25 making a challenge, acceptable proof of age and checking it, making and documenting refusals, avoiding conflict and responsible alcohol retailing;*
7. *Records of staff training are to be kept and provided to the Police or Responsible Authorities upon request.*
- 8.0 Conditions in consultation with the responsible authorities/other person**
- 8.1 No additional conditions
- 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.

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>

- 9.2 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.
- 9.3 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 (See 6.2). 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.
- 9.4 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)
- 9.5 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.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 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.
- 9.8 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)

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

9.10 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 existing licence
Appendix 2	A copy of the variation application
Appendix 3	Maps of the venue
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Representation of Licensing Authority (RA)
Appendix 7	Representation of Environmental Health Noise Team
Appendix 8	Representation of Alex Gordon Shute
Appendix 9	Representation of John and Sandy Critchley
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress problems
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading
Appendix 16	Tower Hamlets Cumulative Impact Zone

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Appendix 1

**(Sakana Sushi)
Unit E
43a Commercial Street
London
E1 6BD**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 27th April 2017



Part A - Format of premises licence

Premises licence number

27347

Part 1 - Premises details

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

Unit E
43a Commercial Street

Post town

London

Post code

E1 6BD

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday from 11:30 hours to 22:30 hours

Friday and Saturday from 11:30 hours to 23:00 hours

The opening hours of the premises

Sunday to Thursday from 11:30 hours to 23:00 hours

Friday and Saturday 11:30 hours to 23:30 hours

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

J Cuisine Limited
43a Commercial Street
Unit E
London
E1 6BD

Shibli Alam/Mohammed Zakir Hossaion 

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

11717203

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

Shibli Alam



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



Annex 1 - Mandatory conditions

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

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

1.

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

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

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

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

Annex 2 - Conditions consistent with the operating Schedule

Not applicable

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

1. The supply of alcohol at the premises shall only be to a person seated taking a meal there and for consumption by such a person as ancillary to their meal
2. CCTV – The CCTV system shall incorporate a recording facility and any recording 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

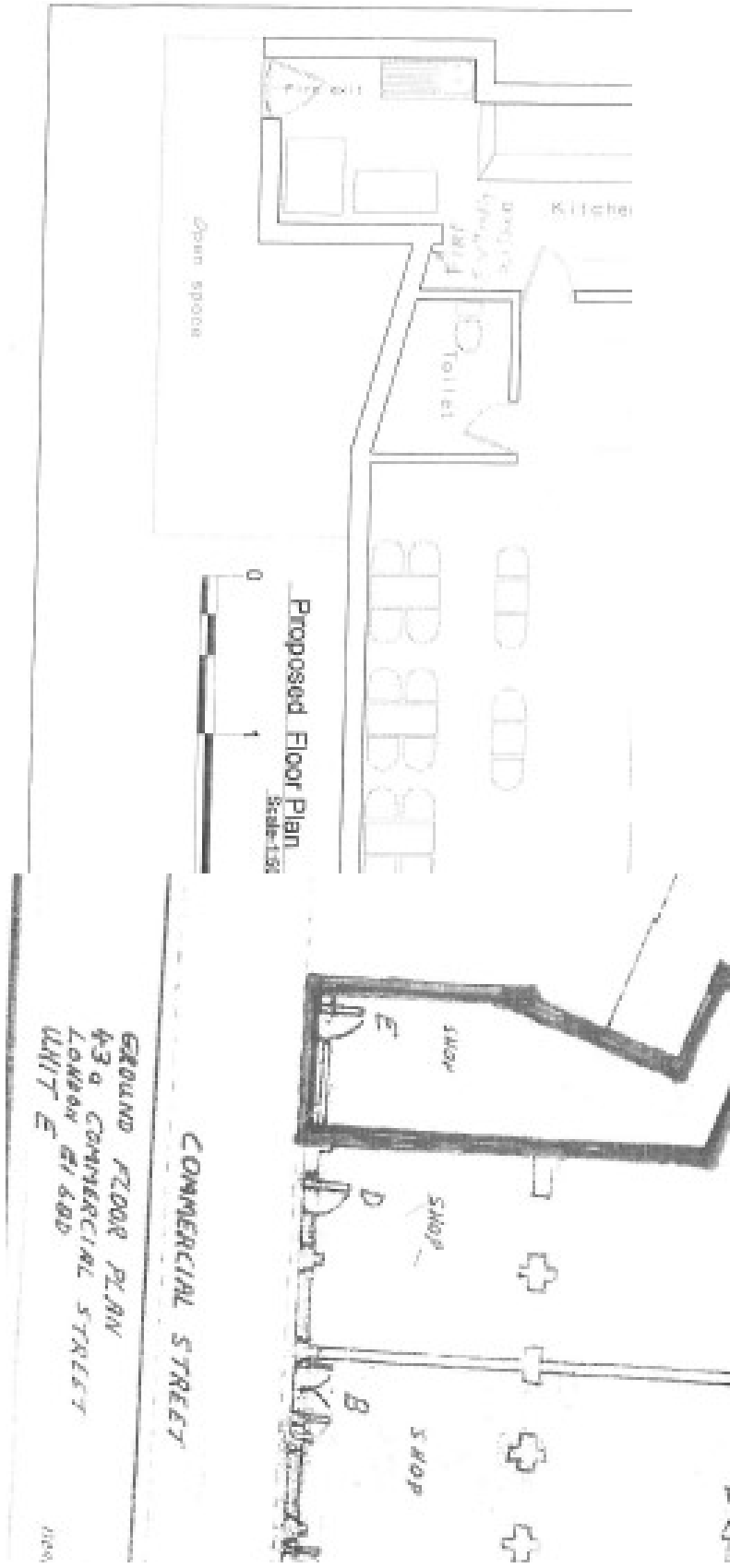
signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises is open for any licensable activity. There must be someone on the premises who can download the images and present them on request by Police Officer or other Responsible Authority. Cameras will be appropriately sited throughout and at the entrance to the premises.

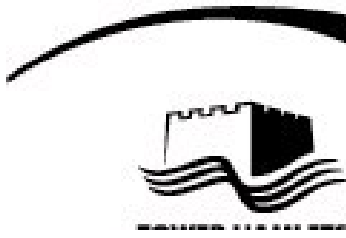
3. An incident book shall be kept at the premises, and made available to the Police or authorised Council Officers which will record:
 - a. crimes reported,
 - b. lost property,
 - c. all ejections of customers,
 - d. any complaints received,
 - e. any incidents of disorder,
 - f. any seizure of drugs or offensive weapons,
 - g. any faults in the CCTV,
 - h. any refusal in the sale of alcohol,
 - i. any visit by a Responsible Authority or Emergency Service,
4. Notices will be prominently displayed at entry and exit doors and point of sales advising customers:
 - a. to respect the needs of local residents and leave the area quietly
 - b. to respect the needs of local residents when smoking outside and use the area quietly
5. A Challenge 21 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age photo identity card with an official hologram.
6. All staff will be trained on induction and be given refresher training to appropriately undertake the sale of alcohol and their role in the operation of Challenge 21 Scheme. Training will include identifying persons under 21 making a challenge, acceptable proof of age and checking it, making and documenting refusals, avoiding conflict and responsible alcohol retailing;
7. Records of staff training are to be kept and provided to the Police or Responsible Authorities upon request.

Annex 4 - Plans

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

20th December 2017





Part B - Premises licence summary

Premises licence number

27347

Premises details

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

Unit E
43a Commercial Street

Post town

London

Post code

E1 6BD

Telephone number

0208617 8181

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sunday to Thursday from 11:30 hrs to 22:30 hrs
Friday and Saturday from 11:30 hrs to 23:00 hrs

The opening hours of the premises

Sunday to Thursday from 11:30 hrs to 23:00 hrs
Friday and Saturday 11:30 hrs to 23:30 hrs

Name, (registered) address of holder of premises licence

J Cuisine Limited
43a Commercial Street
Unit E
London
E1 6BD

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)

11717203

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

Shibli Alam

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Mr AT Mazharul Haque**
(Insert name(s) of applicant)

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

Premises licence number 27347

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description La Luna Italian Pizza & Deli, Unit E, 43a Commercial Street London			
Post town	London	Postcode	E1 6BD

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£23500.00

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	London	Postcode	[REDACTED]

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect? DD MM YYYY
[][] [][] [][][][]

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
Currently, we are licensed to sell Alcohol: Sunday to Thursday 11:30 Hours to 22:30 Hours, Friday & Saturday 11:30 Hours to 23:30 Hours. Late Refreshment Friday & Saturday 23:00 Hours to 23:30 Hours.
We have added our take away service in our business. Therefore, we want to extend our late night refreshments hours to 2:00 hours.
Our delivery personal will collect the hot food for delivery only. No eating/ dining, or public collection will be allowed.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

B

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

Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainments at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

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

Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Sat			
Sun			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					

Tue			State any seasonal variations for the performance of dance (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat			
Sun			

H

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

			at different times to those listed in the column on the left, please list (please read guidance note 7)
Sun			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	23:00	2:00			
Tue	23:00	2:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed	23:00	2:00			
Thur	23:00	2:00			
Fri	23:00	2:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	23:00	2:00			
Sun	23:00	2:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri								
Sat								
Sun								

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	7:00	23:00	
Tue	7:00	23:00	
Wed	7:00	23:00	
Thur	7:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	7:00	23:30	
Sat	7:00	23:30	
Sun	7:00	23:00	

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

We want to extend our late night refreshments hours to 2:00 hours.

Our delivery personal will collect the hot food for delivery only. No eating/ dining, or public collection will be allowed.

- Please tick as appropriate
- I have enclosed the premises licence
 - I have enclosed the relevant part of the premises licence

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

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

M.

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

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

Currently, we are licensed to sell Alcohol till Sunday to Thursday 11:30 Hours to 22:30 Hours, Friday & Saturday 11:30 Hours to 23:30 Hours. Late Refreshment Friday & Saturday 23:00 Hours to 23:30 Hours.

We have added our take away service in our business. Therefore, we want to extend our late night refreshments hours to 2:00 hours.

Our delivery personal will collect the hot food for delivery only. No eating/ dining, or public collection will be allowed.

b) The prevention of crime and disorder

Training will be provided to all staff to ensure a good knowledge and awareness of the prevention of crime and disorder. CCTV will be installed and the recorded materials shall be retained and stored in a suitable/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 relevant legislation. CCTV will be operational during opening hours. Recordings and images will be available on request for the police and other responsible authorities.

c) Public safety

Compliance with Health & Safety Law.

All staff will have sufficient knowledge on how to prevent accidents, incidents and follow fire safety procedures without harming themselves. Fire extinguishers will be in place and regularly serviced in accordance with fire safety regulations and fire authority guidelines. All fire escapes routes will be clearly marked and kept free from obstructions at all times. There will be a Fire Alarm in place.

License Holder/ DPS will control the premises or any persons concerned in the management of the premises will not cause or permit a drunk person/street drinker to purchase alcohol at the premises.

d) The prevention of public nuisance

No children will be allowed to gather around the premises. We will keep outside of the premises tidy; all spillages will be cleaned. I.e. Bottles, glass, litter, etc. No drinks, bottled drinks, or food will be allowed to be consumed in front of the shop.

We will take ZERO TOLERANCE on drunk and drug matters. If any drunken person intends to purchase drinks he/she will be refused to be served politely and asked to leave quietly. If we cannot control them as a last resort, we will call the police and request assistance.

No early morning or late delivery will take place.

e) The protection of children from harm

We will adopt the 'Challenge 25' policy in our premises and ask for identification to be provided as and when we suspect. Staff will accept a Driving Licence Photo Card, Passport or PASS accredited card when checking the age and identification of persons believed to be under 25. The DPS/Premises Licence Holder will ensure signs are displayed at prominent locations in the premises highlighting the 'Challenge 25' and ID policy. The DPS/ Premises Licence Holder will ensure that signs are displayed at prominent locations in the premises highlighting that sales of alcohol will not be made to persons under 18 years of age or persons purchasing alcohol on behalf of persons under 18 years of age. DPS/Premises Licence Holder will instigate ongoing training for all staff in relation to the legislation governing underage sales, proxy

Checklist:

Please tick to indicate agreement

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

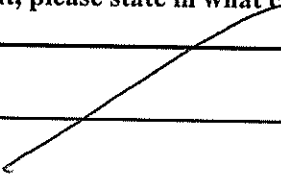
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)


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

Signature	HAQUE) [REDACTED]	(MR AT MAZHARUL
Date	14.06.2021	
Capacity	Owner	

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

Signature	
Date	

Capacity	
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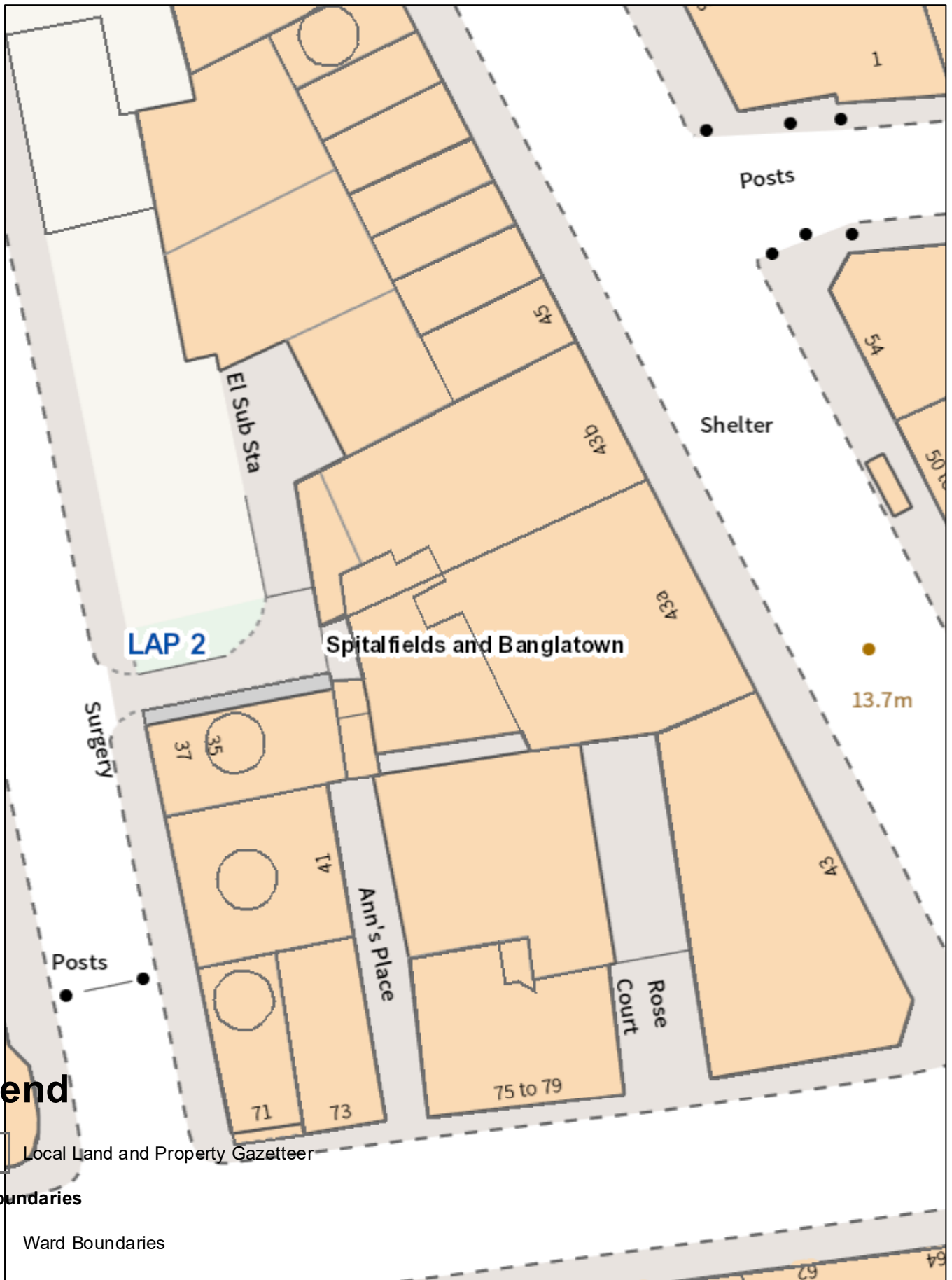
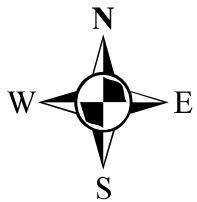
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) 
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Post town		Post code	
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Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Appendix 3



Legend

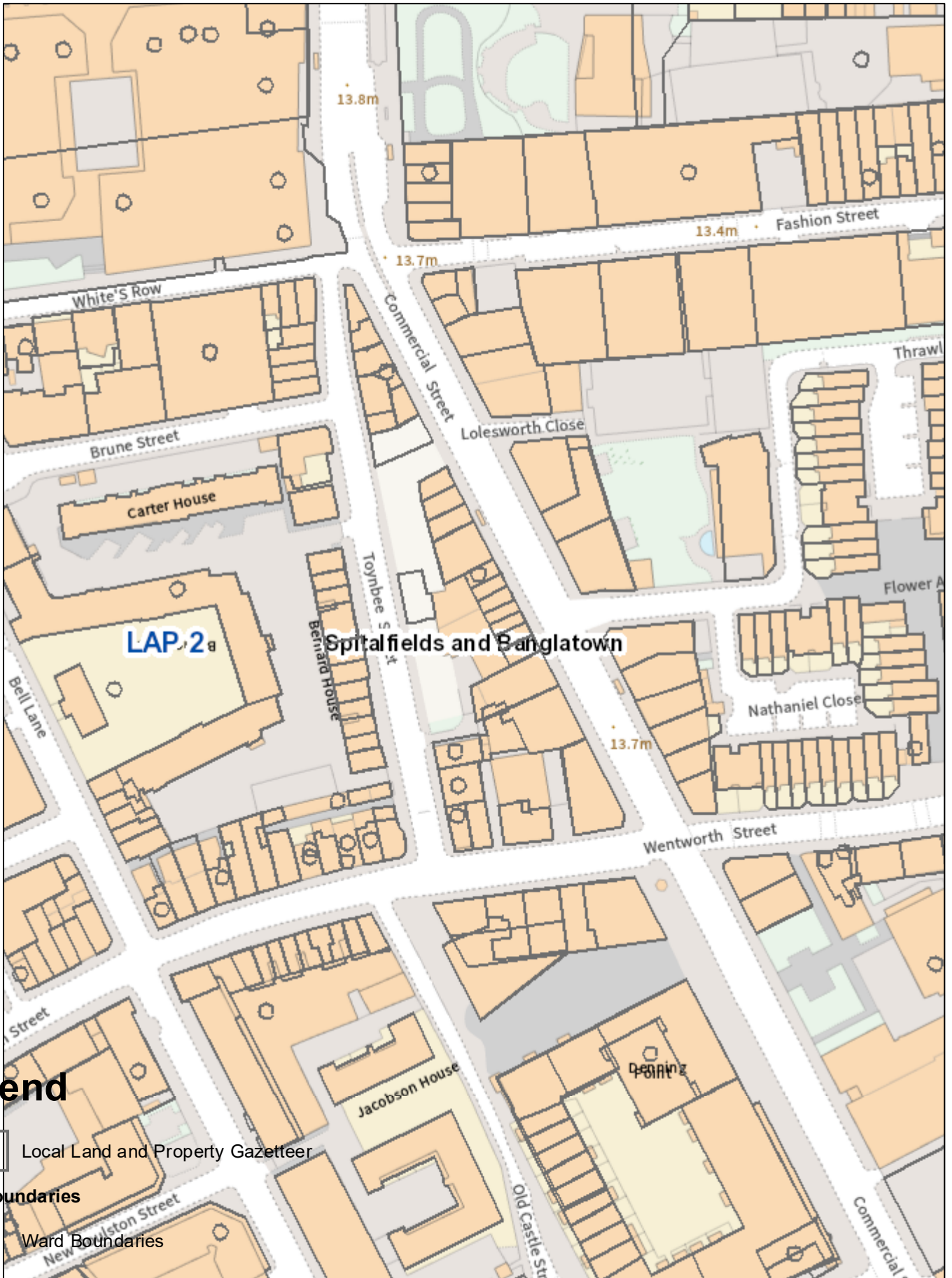
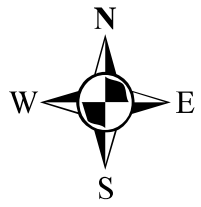
Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries



Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries

Appendix 4





Appendix 5

Name and address	Licensable activities and hours	Opening hours
<p>(Mambow Ltd) 75 Commercial Street London E1 6BD</p>	<p>The sale by retail of alcohol (On Sale Only)</p> <ul style="list-style-type: none"> Monday to Sunday 12:00 – 22:30 	<p>Monday to Sunday 11:30 to 23:00</p>
<p>(Hotbox) 46 - 48 Commercial Street London E1 6LT</p>	<p>Sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Wednesday, from 11:00 hours to 23:30 hours Thursday to Saturday, from 11:00 hours to 00:30 hours Sunday, from 11:00 hours to 22:30 hours <p>The provision of late night refreshment - Indoors</p> <ul style="list-style-type: none"> Monday to Wednesday, from 23:00 hours to 23:30 hours Thursday to Saturday, from 23:00 hours to 00:30 hours <p>The provision of regulated entertainment - Indoors <u>(Live Music)</u></p> <ul style="list-style-type: none"> Monday to Wednesday, from 23:00 hours to 23:30 hours Thursday to Saturday, from 23:00 hours to 00:30 hours <p><u>(Recorded Music)</u></p> <ul style="list-style-type: none"> Monday to Wednesday, from 11:00 hours to 23:30 hours Thursday to Saturday, from 11:00 hours to 00:30 hours Sunday, from 11:00 hours to 22:30 hours <p><u>Provision of anything of a similar description to Live Music , Recorded Music or Performance of Dance</u></p> <ul style="list-style-type: none"> Monday to Wednesday, from 11:00 hours to 23:30 hours Thursday to Saturday, from 11:00 hours to 00:30 hours Sunday, from 11:00 hours to 22:30 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> To extend the times for all the licensable activities from the end of the permitted 	<ul style="list-style-type: none"> Monday to Wednesday, from 11:00 hours to 00:00 hours Thursday to Saturday, from 11:00 hours to 01:00 hours Sunday, from 11:00 hours to 23:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> To extend the times for all the licensable activities from the end of the permitted hours on New Years' Eve to 03:30 hours on New Year's Day.

La Luna - Nearest licences

	hours on New Years' Eve to 03:00 hours on New Year's Day.	
(Absurd Bird) 54 Commercial Street London E1 6LT	<p><u>The sale by retail of alcohol (on sales only):</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 11:00hrs to 23:00hrs • Thursday to Saturday from 11:00hrs to 00:00hrs (midnight) <p><u>The provision of late night refreshment (both indoors and outdoors):</u></p> <ul style="list-style-type: none"> • Thursday to Saturday from 23:00hrs to 00:00hrs (midnight) 	<ul style="list-style-type: none"> • Sunday to Wednesday from 09:00hrs to 23:30hrs • Thursday to Saturday from 09:00hrs to 00:30hrs (the following day)
(Gul & Sepoy Ltd) 65 Commercial Street London E1 6BD	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 11:00 hours to 23:00 hours • Sunday, from 11:00 to 22:30 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 08:00 hours to 23:30 hours • Sunday, from 08:00 to 23:00 hours
(Agah Turkish Restaurant) 43 Commercial Street London E1 6BD	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 00:30hrs the following day • Sunday from 12:00hrs (midday) to 23:00hrs <p>The Provision of Late Night Refreshment - indoors</p> <ul style="list-style-type: none"> • (Monday to Thursday – None) • Friday and Saturday from 23:00hrs to 00:30hrs the following day • (Sunday – None) <p>The Provision of Regulated Entertainment - Indoors (in the form of Recorded Music)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 23:30hrs • Sunday from 12:00hrs (midday) to 22:00hrs <p><u>(Anything of a Similar Description to Live Music, Record Music or Performances of Dance)</u></p>	<ul style="list-style-type: none"> • Monday to Thursday from 07:00hrs to 23:30hrs • Friday and Saturday from 07:00hrs to 01:00hrs the following day • Sunday from 07:00hrs to 23:30hrs

La Luna - Nearest licences

	<ul style="list-style-type: none"> Friday to Sunday from 12:00hrs (midday) to 22:00hrs 	
<p>(The Space Spitalfields) 44 Commercial Street London E1 6LT</p>	<p>Sale of alcohol (On sales)</p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 23:30 hours <p>Provision of late night refreshment – Indoor and outdoor</p> <ul style="list-style-type: none"> Monday to Sunday, from 23:00 hours to 23:30 hours <p>Provision of regulated Entertainment - Indoor <u>Live music, recorded music, performance of dance and anything of a similar description.</u> <u>Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 23:30 hours <p><u>Licensable activities non-standard timings:</u></p> <ul style="list-style-type: none"> New Year's Eve, from 11:00 hours to 01:30 hours the following day 	<ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"> New Year's Eve, from 11:00 hours to 02:00 hours the following day
<p>Trade Commercial Street 47 Commercial Street London E1 6BD</p>	<p><u>Sale of Alcohol (on sales only)</u></p> <p>Monday to Saturday from 09:00 hours to 23:30 hours Sunday from 09:00 hours to 21:00 hours</p>	<p>Monday to Saturday from 07:00 hours to 23:30 hours Sunday from 09:00 hours to 21:00 hours</p>
<p>(Som Saa) 43a Commercial Street London E1 6BD</p>	<p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 23:30 hours Friday and Saturday, from 10:00 hours to midnight Sunday, from 12:00 hours to 22:30 hours <p>The provision of late night refreshment (Indoors only)</p> <ul style="list-style-type: none"> Monday to Thursday until 23:30 hours Friday and Saturday until midnight 	<ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 23:30 hours Friday and Saturday, from 10:00 hours to midnight Sunday, from 12:00 hours to 22:30 hours

Appendix 6

**Place Directorate
Public Realm**

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

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

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

My reference: P/EHTS/LIC/138848

Tel [REDACTED]
Fax **020 7364 0863**
Enquiries to **Lavine Miller- Johnson**

Date 13th July 2021

Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

**Variation- Licence application for La Luna Italian Pizza & Deli Unit E 43a
Commercial Street London E1 6BD**

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 Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).*

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

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

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

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

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

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

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

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

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

Licensable activities and times

The applicant has applied for the following licensable activities and hours:

The Provision of Late Night Refreshment

- **Monday- Sunday from 23::00 hours to 02:00 hours (for deliveries only between 23:00 hours – 02:00 hours)**

Opening Hours to the Public

Monday to Sunday from 07:00 hours to 23:00 hours

On a balance of probability, this Authority is concerned by the addition of another premise providing extended hours for “licensable activities”, potentially adding to the existing anti-social issues in the area.

The Home Office guidance under Section 182 of the Licensing Act2003 (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 additional late hours will have within the CIZ.

Great consideration has been given to the fact that the premise is in the Brick Lane Cumulative Impact Zone and although the applicant has offered a few conditions in the application, there is no supporting evidence as to how 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 7

Mohshin Ali

From: Licensing
Sent: 07 July 2021 12:31
To: Mohshin Ali
Subject: FW: 138848 Variation of License application for La Luna Italian Pizza & Deli Unit E 43a Commercial Street London

From: Nicola Cadzow [REDACTED]
Sent: 07 July 2021 08:12
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: [REDACTED]; [REDACTED]@lalunapizza [REDACTED]
Subject: 138848 Variation of License application for La Luna Italian Pizza & Deli Unit E 43a Commercial Street London

Dear Licensing,

Having considered the variation application for La Luna Italian Pizza & Deli Unit E 43a Commercial Street London I have to consider the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, consideration has to be given to the fact the premise is in the Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend the hours for licensable activities (late night refreshment) on existing license as follows :-

Monday to Thursdays from 23.30 hours until 02:00 hours (an extension of two and a half hours)
Fridays and Saturdays from Midnight until 02:00 hours (an extension of two hours)
Sundays at present no late night refreshment (LNR) as close at 22:30, but to include LNR until 02:00 hours (being from 23:00 hours an increase of three hours + extension of half hour on existing hours from 22.30 hours.)

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. Whilst the applicant has included a *condition "no early morning or late night deliveries will take place"* there is no information with regards to mitigating public nuisance from delivery vehicles arriving and leaving the premises at noise sensitive times of night sought, particularly when consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone (CIZ)

Noise Sensitive premises: residential premises in close proximity 43a Commercial Street London

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of delivery vehicles; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for La Luna Italian Pizza & Deli Unit E 43a Commercial Street London, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought,

from delivery vehicles coming and going from the premises at the late hours applied for and particularly as the premises is in the Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow

Environmental Health Officer
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
Mulberry Place Town Hall
5 Clove Crescent
London E14 2BG



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Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 29 June 2021 12:23
To: Mohshin Ali
Subject: FW: La Luna, 43 Commercial Street - licensing application

Follow Up Flag: Follow up
Flag Status: Flagged

From: Alex Gordon Shute <[REDACTED]>
Sent: 28 June 2021 20:10
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: La Luna, 43 Commercial Street - licensing application

Dear Licensing Team

I write to object to the off-sales licence extension from 11pm to 2am which this takeaway has applied for. The premises are in the CIZ and so the 'one in, one out' rule should apply – we should not be granting any more licences for more alcohol to be sold in such an alcohol-saturated area. The area already has too much ASB and small crime, aggravated by alcohol consumption. Off sales also increases public nuisance, because inebriated individuals are in the street, rather than in a restaurant – so it would prevent more public nuisance if off sales extended hours were not granted. The area does not need more off sales (there's plenty already, including at this time of night). Please refuse this application.

Best wishes

Alex Gordon Shute
[REDACTED]

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Appendix 9

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 07 July 2021 09:41
To: Mohshin Ali
Subject: FW: Licencing application for La Luna Pizza & Deli, Unit E, 43a Commercial Street, London, E1 6BD

From: John and Sandy Critchley [REDACTED]
Sent: 06 July 2021 18:56
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: 'Critchley' [REDACTED]
Subject: RE: Licencing application for La Luna Pizza & Deli, Unit E, 43a Commercial Street, London, E1 6BD

Dear Licensing Department,

We wish to object to this new licensing application on the grounds of its potential public nuisance – there are significant numbers of residents in the surrounding buildings who will be disturbed by the constant arrival and departure of delivery drivers.

We feel that allowing alcohol to be served, they claim as part of their pizza delivery service, until 2am seven days a week flies against the aims of the CIZ. We can only think that the majority of deliveries of food and particularly alcohol so late at night, rather than being to families and small groups, will be to noisy parties and will exacerbate their disturbance of neighbours.

We ask you to refuse this application.

Yours sincerely,

John and Sandy Critchley

(Mr & Mrs H J Critchley)

[REDACTED]

Appendix 10

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 11

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 12

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 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 14

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 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 frame work hours to any particular application regard should be had to the following

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 16

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:

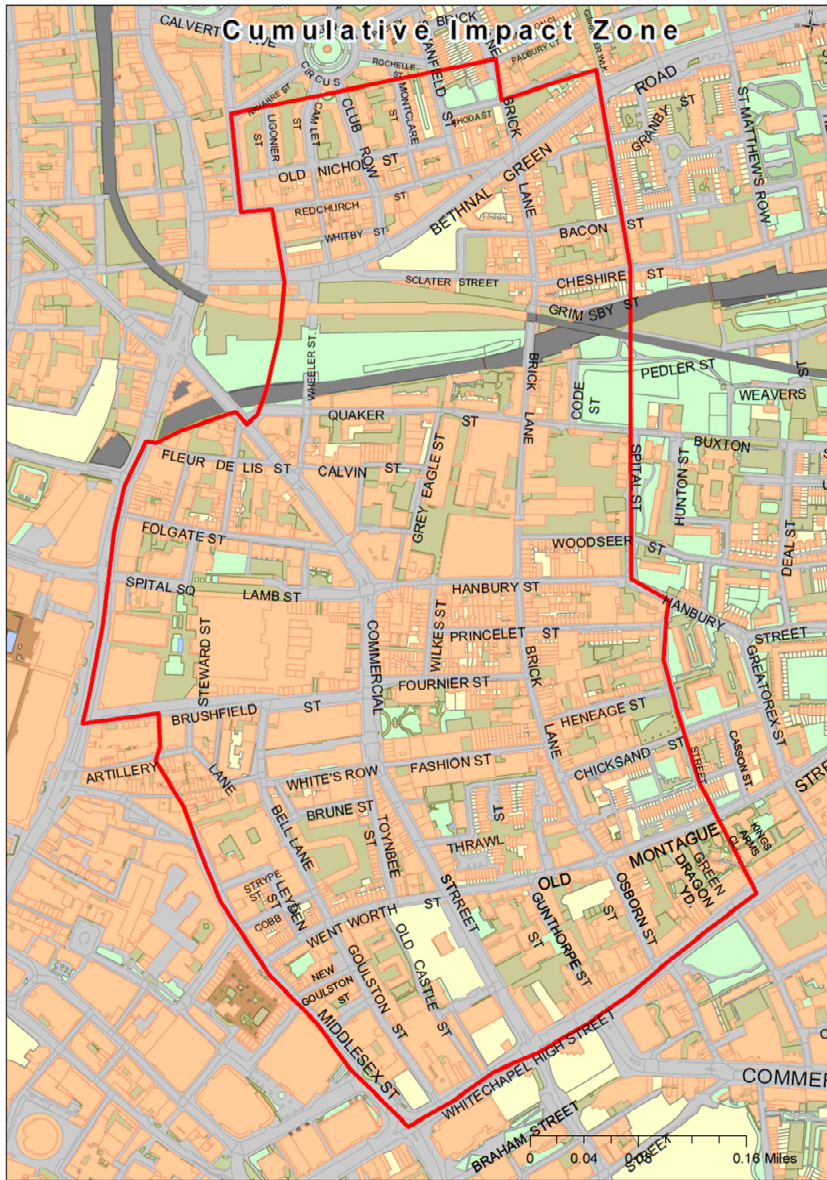
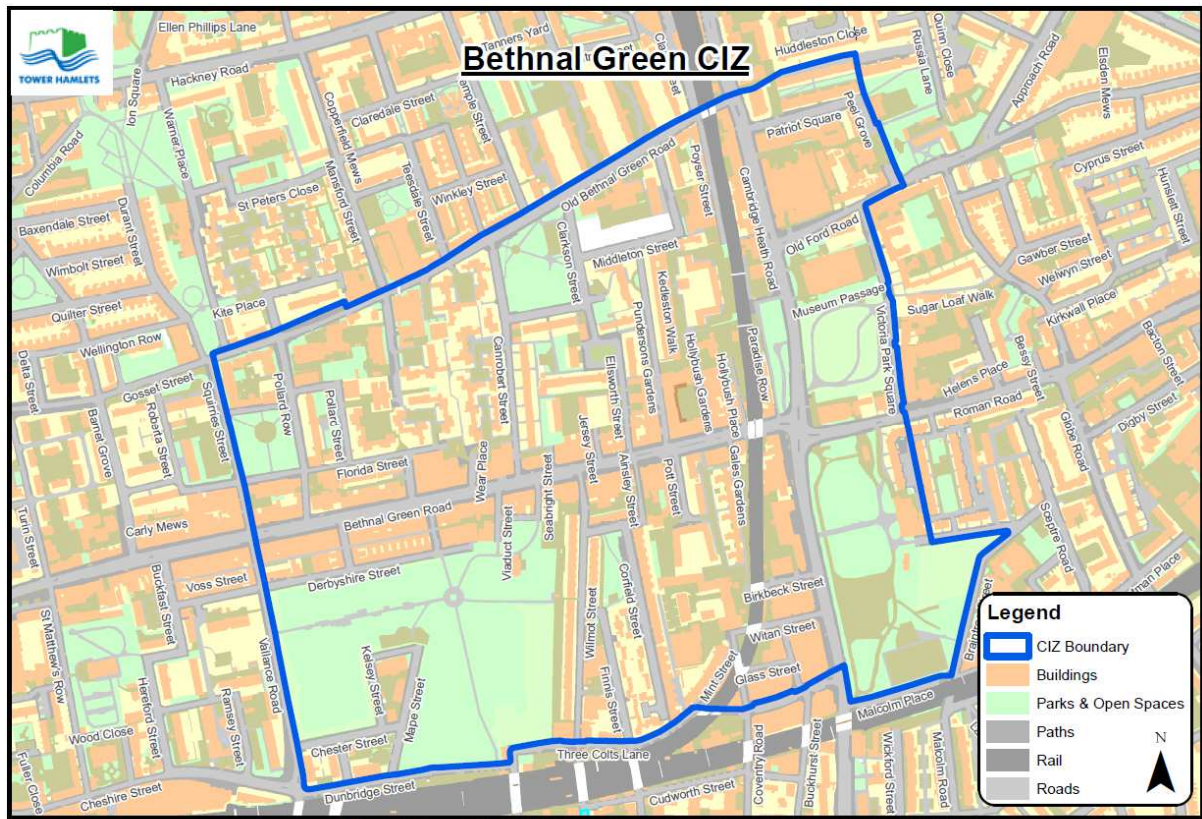


Figure Two:
Bethnal Green Area



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Cumulative Impact Zone

