

# Licensing Sub Committee

## Agenda

**Tuesday, 12 October 2021 6.30 p.m.**

**Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG**

### Contact for further enquiries:

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020 7364 0842 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
<http://www.towerhamlets.gov.uk/committee>

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## Licensing Sub Committee

Tuesday, 12 October 2021

6.30 p.m.

### APOLOGIES FOR ABSENCE

To receive any apologies for absence.

#### 1. **DECLARATIONS OF INTEREST (Pages 9 - 10)**

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

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

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

#### 2. **RULES OF PROCEDURE (Pages 11 - 20)**

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

#### 3. **MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 42)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on the 2<sup>nd</sup> and 14<sup>th</sup> September 2021.

	PAGE NUMBER	WARD(S) AFFECTED
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4.1 Licensing Act 2003 Application for a new Premise Licence for Caligan Limited. 459 Railway Arch, Robeson Street, London, E3 4JA</b>	<b>43 - 114</b>	<b>Mile End</b>

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)



**4.2 Licensing Act 2003 Application for a new Premise Licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ**

115 - 200

**Spitalfields  
&  
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Health

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

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

**6. EXCLUSION OF PRESS & PUBLIC**

In view of the contents of the remaining items on the agenda the Committee is

recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is

commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please post them to the Democratic Service Office, 1st Floor, Mulberry Place London E14 2BG or hold onto the papers until such time you can return to the Town Hall and dispose of the papers in the confidential bins.

**6.1 Licensing Act 2003 Variation of Designated Premises Supervisor for Curry Bazaar, 77 Brick Lane, London E1 6QL**

201 - 214

**Spitalfields  
&  
Banglatown**

Representations by:

- Metropolitan Police

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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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the 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 THURSDAY, 2 SEPTEMBER 2021

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Shad Chowdhury  
Councillor Ayas Miah

**Officers Present:**

Kathy Driver	– (Principal Licensing Officer)	
Jonathan Melnick	– (Principal Enforcement Lawyer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

Representing applicants	Item Number	Role
Alun Thomas	3.1	(Legal Representative)
Ian Hart	3.1	(Applicant)
Hilary Hart	3.1	(Applicant)
Siobhan Feeley	3.1	(Designated Premises Supervisor)
Jesse Liston	3.2	(Applicant)
James Daghish	3.3	(Legal Representative)
Timothy Gray	3.3	(Applicant)
Richard Vivian	3.3	(Acoustic Engineer)

Representing objectors	Item Number	Role
Nicola Cadzow	3.1/3.2/3.3	(Environmental Health Officer)
Corinne Holland	3.1/3.2	(Licensing Officer)

**Apologies**

None

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 2. RULES OF PROCEDURE

The rules of procedure were noted.

## 3. ITEMS FOR CONSIDERATION

### 3.1 Application for a New Premises Licence for EMS Ltd 149 Commercial Street, London E1 6BJ

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for EMS, 149 Commercial Street, London E1 6BJ. It was noted that objections had been received by responsible authorities representing the Licensing Authority and Environmental Health and local residents. It was noted that following consultation with residents a number of them had withdrawn their objections. It was also noted the hours originally applied for had been reduced and further conditions offered.

At the request of the Chair, Mr Alun Thomas, Legal Representative on behalf of the Applicant, gave a brief background of the Applicants, the company and its style of operation. He explained that it was a bespoke application and that licensable activities had been revised and on sales would only be for tasting sessions and off sales alcohol would only be sold in sealed containers. Mr Thomas said that when the nature of the business and its style of operation was explained to the objectors, more than half of them withdrew their objections. Mr Thomas went on to explain that the premises specialised in premium gins, wines and ciders and spirits, and brands that are not sold on the high street.

Mr Ian Hart, Applicant, briefly explained how wines and gins were produced, and his experiences to date. He also explained that it was a family business with 10 employees. There would be a pre-booking policy only and would operate the Challenge 25 policy. Mr Thomas highlighted that the premises had a capacity of 40 people and believed that it ought to be considered as an exception to Cumulative Impact Policy (CIZ).

Members then heard from Ms Corinne Holland, Licensing Officer. She explained that the premises was in the CIZ and therefore the onus was on the applicants to show that they would not negatively impact on the area.

Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 70 of the agenda and explained that the original application had insufficient information in the operating schedule to show how the premises would not negatively impact on the area and how the applicant would promote the licensing objectives. Ms Cadzow did acknowledge the reduction in hours and the conditions proposed.

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

In response to questions the following was noted;

- That this premises was not like any other premises and was selling premium alcohol. These would be purchases for special occasions and gifts rather than street drinking or used to fuel alcohol related crime and disorder or public nuisance.
- That there would be 2-3 tasting sessions a week where drinks would be consumed on the premises.
- Drinks would be served at tables during tasting sessions.
- That off sales would be for drinks that would be taken away from the premises as gifts or to take home for meals or special occasions.
- The applicant agreed to add a condition, if members were minded to grant the application, to limit the sale of alcohol to premium gins and wines, ciders and spirits only.
- That the capacity of the premises could be reduced to 30 people.
- That noise nuisance would be kept to a minimum as the Applicants know the area well and staff will have been trained to deal with any issues sensitively.

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**

The application originally sought authorisation for the sale by retail of alcohol from 10:00 hours to 23:00 hours Monday to Sunday and encompassed both on and off-sales. The Premises are located within the Brick Lane Cumulative Impact Zone (CIZ). Representations against the application were received from the Licensing Authority and the Environmental Health Service based on the potential impact upon the CIZ, particularly with regard to public nuisance later at night. A number of local residents also made representations against the application.

The Sub-Committee heard from Alun Thomas on behalf of the Applicant, as well as from Ian Hart and Hilary Jones, the directors of the company, and Siobhan Freely, the proposed designated premises supervisor. The Sub-Committee heard that there had been some confusion over the nature of the

Premises, with some member of the public having understood it to be a gentleman's club. Clarification had been provided to those objectors by the applicant. In addition, the opening hours had been amended to 09:00 hours to 21:00 hours, the hours for sale by retail of alcohol had been amended to 09:00 hours to 20:00 hours for on-sales, with off-sales ceasing at 20:30 hours. A number of conditions had been proposed and the result of these amendments was that some of the residents had withdrawn their objections.

The representatives on behalf of the applicant explained the nature of the Premises, which was predominantly a gin shop although some other items would be sold. It would not and could not become a pub, not least because one of the conditions permitted on-sales only to persons attending a pre-booked demonstration or tasting. Much of what was sold for consumption off the Premises was in the form of gift boxes. Further, the items sold were not inexpensive (prices ranging from around £30.00 to £90.00) and were not the sort of product one would purchase for immediate consumption. They did not tend to sell products that could be found on supermarket shelves. The Sub-Committee was told that tastings and demonstrations would not be held particularly often; two or three sessions per week with eight in a party for a tasting session was usual and they would not expect to have forty at any one time. The applicant was willing to reduce that if the Sub-Committee considered that to be necessary and indicated that a maximum of thirty patrons would suffice.

Ms Holland, on behalf of the Licensing Authority, and Ms. Cadzow, on behalf of the Environmental Health Service, maintained their objections. They noted the reduction in hours and the additional conditions but reminded the Sub-Committee that the CIZ had been put in place to deal with the problems caused by the proliferation of licensed premises within a relatively small area.

None of the residential objectors attended to address their representations. The Sub-Committee had nonetheless read these and taken them into account when making its decision. Several of those referred to the application as originally proposed, including the operation to 23:00 hours, and the reduction in hours and other conditions proposed addressed those concerns.

The main concern of the responsible authorities and the Sub-Committee was the potential impact on the CIZ, particularly later at night, when patrons might attend the Premises, purchase alcohol and then drink that on the street, which would inevitably impact on the CIZ. During the course of the hearing further conditions and amendments to the proposed conditions, to address this problem and help to alleviate the Sub-Committee's concerns, were explored. These included:

- an amendment to condition 9 in the supplemental pack so that it applied to the emptying of bottle banks and bins rather than general waste;
- a restriction in the numbers of patrons on site to thirty at any one time;
- a restriction in the types of alcohol that could be sold.

The Sub-Committee considered that, in light of the amendments to the application and the proposed conditions, as well as those additional and discussed at the hearing, and given the nature of the Premises, that the applicant ought to be treated as justifying an exception to the policy. In addition, the Premises were small, the emphasis was not on the venue being a drinking establishment, and the hours sought were within the Council's policy hours. The Sub-Committee also noted that some of those objecting who had withdrawn their objections had also indicated some support for the Premises. The Sub-Committee was satisfied that the grant of the licence would not adversely impact on the CIZ.

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 EMS Ltd, 149 Commercial Street, London E1 6BJ be **GRANTED with conditions.**

#### Sale of Alcohol (On Sales)

Monday to Sunday from 09:00 hours to 20:00 hours

#### Sale of Alcohol (Off Sales)

Monday to Sunday from 09:00 hours to 20:30 hours

#### Hours open to the public

Monday to Sunday from 09:00 hours to 21:00 hours

### Conditions

1. The sale of alcohol shall be ancillary to the retail use of the premises as a Sacred Gin Shop
2. 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.
3. 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.

4. 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;
  - a. b) all ejections of patrons;
  - b. c) any complaints received concerning crime and disorder
  - c. d) any incidents of disorder;
  - d. e) all seizures of drugs or offensive weapons;
  - e. f) any faults in the CCTV system,
  - f. g) any visit by a relevant authority or emergency service.
5. Alcohol shall only be sold for consumption on the premises to persons attending a pre-booked demonstration or tasting.
6. The supply and consumption of alcohol on the premises shall only be to a person seated by waiter or waitress service only.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
8. Deliveries to the premises shall only take place between 08:00 and 20:00 Monday to Sunday.
9. Bottle bins or banks shall only be emptied between 08:00 hours and 21:00 hours Monday to Saturday and between 09:00 hours and 21:00 hours on Sundays.
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. 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.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
14. The number of persons accommodated on the premises at any time excluding staff shall not exceed 30.



15. There shall be no licensable activity in the rear courtyard.

16. No beers or lagers are to be sold or supplied.

17. Alcohol products shall be limited to premium spirits, champagnes, wines and craft ciders.

### **3.2 Application for a New Premises Licence for JL Coffee Ltd 178a Brick Lane London E1 6SA**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for JL Coffee Ltd, 178a Brick Lane, London E1 6SA. It was noted that objections had been received on behalf of officers representing the Licensing Authority and Environmental Health.

At the request of the Chair Mr Jesse Liston, Applicant, briefly explained that he was aware of the CIZ and the need for such a policy in the area to help protect resident. He explained that the hours applied for were within the Council's framework hours, that it was a coffee shop and there was no provisions for on-sales at the premises. He said he wanted a licence to be able to showcase craft beers and ciders from independent businesses. Mr Liston said that he would operate a Challenge 25 policy and all alcoholic drinks would be stored safely and securely behind the serving area. He strongly believed that this was a real opportunity to showcase products from small businesses, particularly local ones, and welcomed conditions from responsible authorities.

Members then heard Ms Corinne Holland, Licensing Officer. She explained that the premises was in the CIZ, an area which was already saturated. She did note that it was a small premises and that the hours applied for were within the council's framework hours and an initiative in supporting independent businesses. However, Ms Holland highlighted that there was no mention of CIZ being addressed in the application. She also said that a 11pm closing time could lead to street drinking and the Applicant needed to demonstrate that an additional premises selling alcohol would not negatively impact on the area.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who explained that there was insufficient information in the operating schedule. She explained that whilst the application is for earlier hours than the council's framework hours, there was insufficient information in the operating schedule to explain how the applicant would promote the four licensing objectives. She also explained that there was no consideration of the impact on public nuisance from people accessing and egressing the premises and people loitering outside whilst the premises is in operation especially when the premises is in the CIZ.

In response to questions the following was noted;

- That notices would be displayed asking customers to leave quietly and to respect the needs of local residents.
- Staff would be trained regularly for the responsible sale of alcohol.
- That the premises would help showcase products for independent businesses rather than to predominantly sell alcohol.
- That there would be no consumption of alcohol on the premises.
- The premises had a capacity of 4-5 persons at any one time
- It was a small coffee shop and not expecting big rowdy groups of customers.
- The premises have the right to refuse sales if persons were intoxicated or causing anti-social behaviour.
- That the applicant had no plans to offer seating inside the premises.
- That the applicant was happy to agree to conditions relating to online deliveries.
- The applicant agreed to have off-sales to persons attending the premises until 8pm and then delivery only until 11pm.

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**

The application sought authorisation for the sale by retail of alcohol from 11:00 hours to 23:00 hours Monday to Sunday. The Premises are located within the Brick Lane Cumulative Impact Zone (CIZ). Representations against the application were received from the Licensing Authority and the Environmental Health Service based on the potential impact upon the CIZ, particularly with regard to public nuisance later at night.

The Sub-Committee heard from Jesse Liston, the director of the company, who explained his intention. He told the Sub-Committee that he did not want to add to the problems within the CIZ and that the focus of the premises would be on coffee, which was their speciality. The intention was to be able to sell small quantities of locally produced craft beers and which would assist other local businesses to showcase their products. There was no intention for the Premises to become alcohol-led.

Mr. Liston explained that the Premises were very small and could only accommodate four or five people comfortably. There was no seating indoors and so the Premises could only operate as a takeaway.

The main concern of the responsible authorities and the Sub-Committee was the potential impact on the CIZ, particularly later at night, when patrons might attend the Premises, purchase alcohol and then drink that on the street, which would inevitably impact on the CIZ. Mr. Liston confirmed that he would be willing to accept a condition that meant alcohol sales would be by delivery after a particular time. This was explored with the officers representing the responsible authorities. They confirmed that this would go some way to allaying their concerns about the impact that there might otherwise be on the CIZ. Ms. Holland, on behalf of the Licensing Authority, suggested that if the Sub-Committee was minded to restrict alcohol sales to delivery-only after a certain time, there would need to be appropriate conditions allied to that, such as age-verification policies and a prohibition on delivery to public spaces. These conditions were summarised for Mr. Liston's benefit and he indicated that he was content to accept those if the Sub-Committee was so minded. Ms. Cadzow indicated that she would also wish for a condition on the licence for notices to be displayed reminding patrons of the need to respect local residents and to leave the Premises quietly.

The Sub-Committee considered that this was a modest application. The onus was on the applicant to show that the grant would not negatively impact on the CIZ. The Sub-Committee was satisfied, having heard from the applicant, that the application, with the amendments and conditions discussed, justified an exception to the policy. In particular, the Premises were very small, with no indoor seating; they would not be predominantly selling alcohol; the hours sought were within the Council's policy hours; the conditions consistent with the operating schedule and the agreement to the conditions discussed at the hearing satisfied the Sub-Committee that there would be no adverse impact on the CIZ.

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 JL Coffee Ltd, 178a Brick Lane London E1 6SA be **GRANTED with conditions.**

#### Sale of Alcohol (Off Sales only)

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

#### Sale of Alcohol (online delivery only)

Monday to Sunday from 11:00 hours to 23:00 hours

#### Hours open to the public

Monday to Sunday from 06:00 hours to 23:00 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. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
5. All sales of alcohol shall be in sealed containers only, and shall not be consumed on the premises.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

8. A record of all staff training in the Challenge 25 policy, including dates that each member of staff is trained and retained for no less than 12 months, shall be maintained and made available within one hour on request by a Police officer or an authorised officer of the Licensing Authority.

#### **Online delivery**

9. From 20:00 hours Monday to Sunday all sales of alcohol shall be by way of a delivery service only. Alcohol will not be sold to customers attending the premises in person.
10. A standard age verification check shall be undertaken on entering the website. A name and signature at the point of delivery must be obtained. No delivery shall be left without a name and signature. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
11. Alcohol shall only be delivered to a residential or business address and not to a public place.
12. All off sales to be in sealed containers.
13. A warning shall be displayed on the digital platform 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. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld
14. The Licence holder shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.

### **3.3 Application for a New Premise Licence for The East London Wineworks, Unit 5 (Ground Floor), The Huntingdon Estate, Ebor Street, London E1 6JU**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a time limited premises licence for The East London Wineworks, Unit 5 Ground Floor, The Huntingdon Estate, Ebor Street, London E1 6JU. It was noted that objections had been made by officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Mr James Daglish, Legal Representative, explained that although Planning was a separate regime it was important to note that planning permission was being sought for the premises. It was noted that subject to outcome of this hearing it was more appropriate for the application to be for a time limited premises for a maximum of 2 years. He explained that the Applicant was a small independent business looking to sell

bespoke set of wines and non-alcoholic wines. Mr Daglish said the applicant would be focusing on events for private and corporate groups. They would be sampling different wines with food and then offering the option for them to purchase drinks as takeaway. He explained that the style of operation was very focussed and for a niche market and would not negatively impact on the area.

Members heard from Mr Richard Vivan, Acoustic Engineer, he referred to his findings and stated that this premises would be low impact on the area and was in line with the exceptional circumstances described in 19.8 of the Tower Hamlets Special Cumulative Impact Policy, as the hours were within council's framework hours and had a small capacity of 45 and had good practices in place. He referred Members to page 216 of the agenda which detailed conditions offered to help promote the licensing objectives for smokers, deliveries and collections and other good practices.

Mr Daglish emphasised that 19.8 of the Special Cumulative Impact Policy stated that exceptional circumstances applied to this premises as it had a capacity of under 50, and the hours applied for were within the framework hours. He also stated that the applicant would be willing to reduce the hours by 1 hour every evening and was also in agreement of the condition on page 251 of the agenda, which restricts the sale of alcohol ancillary to a meal or for pre-booked wine tasting events. Therefore, customers could not just walk in and use the premises as a drinking establishment.

Members then heard from Ms Kathy Driver, Licensing Officer, objecting to the application who explained that the premises was within the CIZ. She expressed concerns that the premises could turn into a bar in the future if a licence was to be granted. Ms Driver highlighted that the premises was on the border of Bethnal Green behind boundary estate where the highest levels of anti-social behaviour are reported. She suggested that if Members were minded to grant the application then they should consider the outdoor area to be closed by 9pm. Ms Driver also suggested that more detail should be given on where smokers would be situated and further conditions specifically for online deliveries should be considered.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer explained that although there are many conditions on the operating schedule including for the prevention of public nuisance it was unclear whether the premises could potentially become a wine bar and have an impact on the CIZ.

In response to questions the following was noted;

- That the Applicant would consider a reduced capacity of 40 persons at the premises.
- Agreed to limit 5 smokers to smoke outside at any one time.
- That the applicant would consider closing the external area for licensable activities by 9pm.
- That the lease doesn't allow the premises to turn into a bar.
- That there was no bar area inside the premises.
- There would be no music other than background music.

- There would be no speakers outside the premises.

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**

The application sought authorisation for the sale by retail of alcohol from 12:00 noon every day and finishing at 23:00 hours Monday to Thursday, 23:30 hours Friday and Saturday, and 22:00 hours on Sunday. The Premises are located within the Brick Lane Cumulative Impact Zone (CIZ) as defined within the Council's Statement of Licensing Policy (2018-2023). Representations were received from responsible authorities, the Licensing Authority and the Environmental Health Service, against the application. The representations referred to the CIZ and were concerned that the applicant had failed to demonstrate that they should be an exception to the Policy.

The Sub-Committee heard from Mr. Daghish, the applicant's solicitor. He informed the Sub-Committee that planning permission had yet to be granted in respect of the Premises and that the lease of the Premises would be a short one. The result of planning permission would be that the unit would cease to exist in the future and, for that reason, he amended the application to seek a premises licence limited to two years.

Mr. Daghish explained that the emphasis would be on wine-tasting events but this would not be the primary use and, for that reason, they had offered a condition that all on-sales be limited to patrons attending for wine-tasting or to learn about wine production and would otherwise be ancillary to food. This would prevent the Premises from operating as a bar and, in any case, it did not have planning permission to operate as a bar.

Mr. Daghish suggested that the small number of patrons as well as the proposed hours, which were also within Policy, justified an exception. He also confirmed that the applicant would be willing to reduce the closing time and terminal hour for licensable activity by one hour, if that would assist and a condition that it could only operate as an East London Wineworks.

The Sub-Committee also heard from Richard Vivian of Big Sky Acoustics, who told Members that this was a low impact business in terms of noise and that there were various conditions proposed to address the public nuisance licensing objective, such as dispersal and limits on the number of smokers.

Ms. Driver, on behalf of the Licensing Authority, and Ms. Cadzow on behalf of the Environmental Health Service, maintained their objections because of the potential impact on the CIZ. Ms. Driver noted that patrons could still walk in off the street and consume alcohol and that it could nonetheless turn into a bar. The Premises themselves were on the border of Bethnal Green and opposite Box Park; this area had one of the highest rates of reported crime and disorder and anti-social behaviour within the CIZ.

Both also commented that permitting ten people outside to smoke at any one time, given that the capacity would be 45 patrons at any time, seemed very high, and suggested that this be reduced to four or five if the Sub-Committee was minded to grant the application. Both also suggested that the outside area not be permitted to be used after 21:00 hours. There was no objection to either of these from the applicant. As to the Premises becoming a bar, Mr. Daghish re-stated that the Premises did not have planning permission to operate as such and that the additional condition restricting on-sales would be sufficient. It was suggested that this could be restricted further by only allowing on on-sales to customers who had pre-booked a wine tasting or demonstration. Members also explored other matters such as a condition prohibiting vertical drinking and reducing numbers. Mr. Gray, the director of the applicant company, indicated that he did not expect that people would be drinking at the bar and that he would be amenable to a maximum capacity of forty persons.

The Sub-Committee carefully considered the application. The onus was on the applicant to rebut the presumption against grant of the licence. The Policy, at Paragraph 19.8, states that it will be strictly applied. It gives examples of factors that the authority may consider exceptional, such as small premises only operating during framework hours. However, these are not matters that the authority will consider to be exceptional in every case.

Notwithstanding the offer to reduce the permitted hours slightly, the Sub-Committee remained concerned that the Premises would still be operating reasonably late into the night and which gave rise to a risk of some impact on the CIZ, especially given that once patrons leave they would be outside of the Premises' control. As patrons leave and disperse it is entirely conceivable and, in the Sub-Committee's view, very likely, that there would be some additional noise impact on the CIZ. There would also be the additional footfall within the CIZ. The Sub-Committee noted also that the particular part of the CIZ in which the Premises were located was one of the worst areas for crime and disorder and anti-social behaviour.

In addition, the Sub-Committee was concerned that patrons not attending a pre-booked wine tasting or demonstration could still enter the Premises and order alcohol to consume on the Premises. The applicant had offered a condition that alcohol sales would be ancillary to food. However, the email in



which this was offered referred to the fact that there was no kitchen and the only food that could be offered would be cold platters. This would be very different to a restaurant, for example, where the emphasis would clearly be on the food offering.

The Sub-Committee also carefully considered the fact that the application had been amended so that any licence granted would be time-limited. Whilst superficially attractive, the fact remained that there would still be an impact. The Sub-Committee was not satisfied, having regard to everything that it had heard and read, that the application justified an exception to the Policy. The Sub-Committee's decision is therefore to refuse the application.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a Time Limited Premises Licence for The East London Wineworks, Unit 5 (Ground Floor), The Huntingdon Estate, Ebor Street, London E1 6JU be **REFUSED**.

#### **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.

<b>Premises</b>	<b>Extended to:</b>
Vish Convenience, 59 Commercial Street, London E1 6BD (MA)	<b>30/11</b>
Hackney Wick Underground Unit 2-3 66-78 White Post Lane (LMJ)	<b>30/11</b>
Caligan Limited, Railway Arch, 459 Robeson Street, London, E3 4JA (CH)	<b>30/11</b>
True Italian Taste, 54 Middlesex Street, London, E1 7EZ (CH)	<b>30/11</b>
Pasha's Peri Peri, 637 Commercial Road, London E14 7NT (MA)	<b>30/11</b>
The Qube, Unit D1.4, 9 Water Street, London, E14 (CH)	<b>30/11</b>
Curry Bazaar, 77 Brick Lane, London, E1 6QL (CH)	<b>30/11</b>
Oval Space, 29-32 The Oval, London E2 (KD)	<b>30/11</b>
Nilly's Café, 16 Bell Lane, London, E1 7LA (CH)	<b>30/11</b>
Amigos Burgers & Shakes, 156 Commercial Road, London, E1 1NL (CH)	<b>30/11</b>
Toynbee Hall, 28 Commercial Street, London E1 6LS (CH)	<b>30/11</b>

The meeting ended at 9.20 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 TUESDAY, 14 SEPTEMBER 2021****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Shah Ameen (Chair)

Councillor Zenith Rahman  
Councillor Rajib Ahmed**Officers Present:**

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

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Jack Speigler	4.1	(Legal Representative)
Augustin Brosse	4.1	(Applicant)

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Duncan Campbell	4.1	(Resident)

<b>Representing supporters</b>	<b>Item Number</b>	<b>Role</b>
Sara Dixon	4.1	(Resident)
David Batchelor	4.1	(Resident)
John Moore	4.1	(Resident)
Isla Haigh	4.1	(Resident)
Corinna Juines	4.1	(Resident)

**Apologies**

None.

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meetings held on 29<sup>th</sup> June, 15<sup>th</sup> and 27<sup>th</sup> July and 2<sup>nd</sup> August were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION****4.1 Application for Variation of a Premises Licence for Printers and Stationers, 21a Ezra Street, London E2 7RH**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Printers and Stationers, 21a Ezra Street, London E2 7RH. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Jack Speigler, Legal Representative on behalf of the Applicant, briefly explained that the application was to remove an existing condition on the licence that 'no drinks are to be taken outside the premises'. He said that the premises was currently offering food and drinks safely to customers and had been operating with temporary event notices to serve drinks outside the premises without any problems or complaints.

Mr Augustin Brosse, Applicant, explained that the premises was a small business in a vibrant community. His clientele were local residents who were in support of the application. He said that he sympathised with objectors but believed that offering tables and chairs would help alleviate the concerns objectors have about customers drinking outside on Ezra Street. He concluded by saying that it was a small premises which was trying to survive in this current climate.

Mr Speigler explained that there were 36 residents in support of the application, there were no responsible authorities objecting to the application and no serious concerns or complaints had been raised about the premises. He noted that the concerns raised by objectors related to public nuisance and anti-social behaviour in the area in general and were not specific to the premises. He noted that residents felt safer when the premises was open, the premises was not in the cumulative impact zone and the applicant was a responsible applicant who will promote the licensing objectives and improve and contribute to the area.

Members then heard from Mr Duncan Campbell, resident objector, who confirmed that he had met with the applicant during a couple of mediation meetings. He stated that he does not object to Printers and Stationers having a licence but he was concerned that the removal of the condition would result in more people drinking on the streets. He explained that many residents were unaware of the application and others were unclear about the nature of the application; hence, not many had objected. He said that he had lived in Ezra street for many years. It was once a quiet street but now it was a noisy and crowded place, especially on Sundays. Mr Campbell said that there was a busker attracted to the area who caused noise nuisance on a regular basis. Mr Campbell also noted that people were frequently eating and drinking on the street. He said that he would compromise by agreeing to the applicant having two tables outside with no more than 10 people sitting outside the premises at any one time. He believed that when people see a crowded area, it encourages them to come and join with their own drinks. This can result in public nuisance.

Members then heard from Ms Sara Dixon, Mr David Batchelor, Mr John Moore, Ms Isla Haigh and Ms Corinna Juines, local residents in support of the application. All expressed similar views in support of the premises. The supporters noted the applicant's good nature, his responsible operation of the premises and the way he looks after his customers and the local area. It was further noted how the premises was an integral part of the local community, keeping the area safe, clean and well-lit. The supporters stated that they feel safer when the premises is operating. The supporters expressed their love for the premises and emphasised the personal touch the applicant provided. They described how the applicant went above and beyond to take care of the surroundings and the local community.

In response to questions the following was noted:

- The premises had a capacity of 25.
- The busker was not related to the premises.
- Noise nuisance, littering and public urination were experienced by residents as a result of people drinking outside on the streets.
- The objector suggested that signs should be put up asking customers to respect the needs of local residents and leave the area quietly.
- Customers of the premises would be supervised by the applicant and staff.
- litter around the premises was collected daily.
- the premises had been operating since 2008.
- One of the supporters said it would impact on the resident if the premises was to close down, there would be no sense of community safety and no meeting point for local people.
- there have been no complaints or problems during the temporary event notices.
- There was no designated smoking area as it was not a late night venue.

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 carefully considered all of the evidence before them, including written and verbal representations from the Applicant and his Legal Representative, and from residents in support and in objection to the application with particular regard to the prevention of public nuisance.

The Sub-Committee noted the representations made by the residents in objection to the application regarding the existing levels of public nuisance and the likely disturbance to residents nearby if a variation was to be granted. Emphasis was made on the saturation of licensed premises in the area and the increase in street drinking as a result of licensed premises. Members were of the view that there was insufficient evidence to suggest that the public nuisance and anti-social behaviour described in the area was specifically related to the premises.

The Sub-Committee noted the strong support from many local residents for the premises and the applicant, which demonstrated that the applicant was a strong and responsible premises licence holder. The Sub-Committee noted that during the past months of trading there had been no complaints regarding the premises.

The Sub-Committee was satisfied that the measures put in place, as detailed in the External Area Management Procedures contained in the supplemental agenda, together with the condition agreed with the Licensing Authority, would alleviate the concerns raised by the objectors and uphold the licensing objectives. Members were satisfied that the variation, if granted, would not result in additional public nuisance and that the applicant would successfully promote the licensing objectives.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a variation of the Premises Licence for Printers and Stationers, 21a Ezra Street, London E2 7RH be **GRANTED with conditions**.

Removal of Condition 2 – Annex 2

'No drinks are to be taken outside the premises'

Additional Conditions to be added to the premises licence

1. 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.

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

This item was adjourned to the next meeting of the Licensing Sub Committee 28<sup>th</sup> September 2021.

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

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

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

Nil items.

The meeting ended at 8.00 p.m.

Chair, Councillor Shah Ameen  
Licensing Sub Committee

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# Agenda Item 4.1

Committee: <b>Licensing Sub Committee</b>	Date 12/10/21	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Caligan Limited. 459 Railway Arch, Robeson Street, London, E3 4JA</b>
Originating Officer: <b>Corinne Holland Licensing Officer</b>	Ward affected: <b>Mile End</b>

## 1.0 Summary

Applicant:	<b>Caligan Limited</b>
Name and Address of Premises:	<b>Caligan Limited Railway Arch 459 Robeson Street London E3 4JA</b>
Licence sought:	<b>Licensing Act 2003 Sale by retail of Alcohol</b>
Objectors:	<b>Resident Petition</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for  
register

If not supplied, name and telephone  
number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Railway Arch 459, Robeson Street, London, E3 4JA
- 3.2 The applicant has described the premises as: Fulfilling orders for e-commerce platforms for consumption off the premises. Despatch to take place between 07:00 – 23:00 hours daily.
- 3.3 **Petition** – This was received after the close of the 28 day consultation period, but the Licensing Authority had moved addresses and the re-direction of post had ceased. The blue notice displayed at the premises had the Licensing Authorities old address on it, but at the time this was the notice on the councils website, so the applicant was not at fault. Evidence that the petition had been posted prior to the end of the consultation period (1<sup>st</sup> class signed for) was provided to the Licensing Authority. Therefore the petition was accepted as valid.
- 3.4 A copy of the application is shown in **Appendix 1**.
- 3.5 The hours applied for are as follows:

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

Monday – Sunday 07:00 – 23:00 hours

#### **Opening Hours:**

Monday – Sunday 06:00 – 23:00 hours

**Premises are not open to the public**

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

- 4.1 The site plan of the venue is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Photographs of the premises are included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

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

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- Resident petition - **Appendix 7**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority

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

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

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

6.11 The objections relate to:

- Public nuisance
- Crime & disorder

6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

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

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

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

1. No access to the public.
2. The supply of alcohol shall be by way of delivery only.
3. The Applicant shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.

4. No deliveries from or to the premises shall take place between 23:00 and 07:00 hours on the following day.
5. All off-sales are to be in sealed containers.
6. Alcohol shall only be delivered to a residential or business address and not to a public place.
7. A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and be of evidential quality. Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this.
8. A warning shall be displayed on the digital platform 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 person executing the delivery will carry out age verification on delivery.
9. The customer will be required to declare that he or she aged 18 or over. If the person executing the delivery is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
10. A signature at the point of delivery must be obtained. No delivery shall be left without a signature.
11. Every third party courier delivery box shall be labelled with the words "Age Restricted Product" or be readily identifiable as an age restricted product to the person delivering it.
12. The applicant and his agents shall adopt a "Challenge 25" policy where all customers accepting deliveries who appear to be under the age of 25 will be asked for proof of their age before that delivery can take place. The following proofs of age are the only ones to be accepted :
  - Proof of age cards bearing the "Pass" hologram symbol
  - UK Photo Driving licence
  - Passport.
13. The licensee shall keep a log of all refused sales. The log will contain the details of the time and date, personal details provided by the attempting purchaser, description of the products they attempted to purchase and the reason why the sale was refused. The refusals log is to be made available for inspection by any responsible authority.

#### **8.0 Conditions Agreed/Requested by Responsible Authority**

Conditions agreed with the Noise Team – **Appendix – 8**

1. No idling of vehicles, being delivery vehicles outside the premise whilst premise is in operation.
2. 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.

## 9.0 Licensing Officer Comments

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

### 9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and

their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

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

9.9 In **Appendices 9 - 14** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

11.1 There are no financial implications in this report.



## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from Resident Petition
<b>Appendix 8</b>	Conditions agreed with Environmental Protection
<b>Appendix 9</b>	Licensing Officer comments on public nuisance
<b>Appendix 10</b>	S182 advice on public nuisance
<b>Appendix 11</b>	Licensing Officers comments for crime & disorder
<b>Appendix 12</b>	S182 advice on crime & disorder
<b>Appendix 13</b>	Licensing Policy relating to hours of trading
<b>Appendix 14</b>	Planning

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# Appendix 1

**Section 1 of 21**

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

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

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

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

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Is the applicant:

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

Applying as an individual

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

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No

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

Registration number

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

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

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

District

City or town

County or administrative area

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

*Continued from previous page...*

On-line business where alcohol can be purchased and delivered to customers.

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number   
\* Date of birth  /  /   
dd mm yyyy  
\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises is an industrial unit contained within a railway arch on the ground floor. It will be fulfilling orders for e-commerce platforms supplying alcohol for consumption off the premises. Although on-line purchases make take place at any time, the supply of alcohol (picking, packing, dispatch and delivery) from the premises will only take place between 07.00 and 23.00 daily.



*Continued from previous page...*

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

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

**Name**

First name

Family name

Date of birth

*Continued from previous page...*

**Enter the contact's address**

Building number or name	<input type="text" value="[REDACTED]"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text" value="[REDACTED]"/>
	<input type="text" value="[REDACTED]"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="[REDACTED]"/>
Issuing licensing authority (if known)	<input type="text" value="[REDACTED]"/>

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

n/a

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Please note that these premises are not open to the public at any time.

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

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

Please note that these premises are not open to the public at any time.

*Continued from previous page...*

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

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

The premises is an industrial unit contained within a railway arch. It will be fulfilling orders for an e-commerce platform supplying alcohol for consumption off the premises.

There will be no walk-in trade and all transactions will be carried out on-line.

Although on-line purchases make take place at any time, the supply of alcohol from the premises will only take place between 07.00 and 23.00 daily. These hours are in-line with the Local Authority's Framework Hours.

The vast majority of deliveries will be by post, leaving the premises once a day.

Purchases will be made via the applicant's website: [fridaymoodstore.co.uk](http://fridaymoodstore.co.uk)

It is anticipated that in purchases will also be possible through third party digital platforms such as deliveroo, amazon and uber eats.

Appropriate safeguards will be in place to ensure that purchases are only made by those 18 years of age and over.

Appropriate safeguards will be in place to ensure that purchases are only delivered to those who are 18 years of age and over.

The applicant will only contract with companies that have established Challenge 25 policies and age verification procedures in this enterprise.

b) The prevention of crime and disorder

A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 31 days and be made available to the Police or officers of the Council upon request and be of evidential quality. Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this.

c) Public safety

The general public will not be granted access to the premises.

There will be no walk-in trade.

The supply of alcohol shall be by way of delivery only.

All off-sales are to be in sealed containers.

d) The prevention of public nuisance

No deliveries from the premises shall take place between 23:00 and 07:00 hours on the following day.

No deliveries to the premises shall take place between 23:00 and 07:00 hours on the following day.

Alcohol shall only be delivered to a residential or business address and not to a public place.

*Continued from previous page...*

e) The protection of children from harm

All customers making purchases will be required to confirm that they are 18 years of age or over.

A standard age verification process will be undertaken.

There will be no supply of alcohol to the customer until the age verification process has taken place.

A warning shall be displayed on the digital platform 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 person executing the delivery will carry out age verification on delivery.

The customer will be required to declare that he or she aged 18 or over. If the person executing the delivery is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.

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" or be readily identifiable as an age restricted product to the person delivering it.

The licensee shall keep a log of all refused sales. The log will contain the details of the time and date, personal details provided by the attempting purchaser, description of the products they attempted to purchase and the reason why the sale was refused. The refusals log is to be made available for inspection by any responsible authority.

The applicant and his agents shall adopt a "Challenge 25" policy where all customers accepting deliveries who appear to be under the age of 25 will be asked for proof of their age before that delivery can take place.

The following proofs of age are the only ones to be accepted :

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport

The Applicant shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.

## **Section 19 of 21**

### **NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

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

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

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

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

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

### **Documents which demonstrate entitlement to work in the UK**

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



*Continued from previous page...*

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

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

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

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

*Continued from previous page...*

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

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

### **Home Office online right to work checking service**

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

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

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

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

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

*Continued from previous page...*

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

## **Section 21 of 21**

### **PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

190.00

## DECLARATION

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

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

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

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

\* Full name

Julian Overton

\* Capacity

Legal representative

\* Date

30 / 06 / 2021  
dd mm yyyy

Add another signatory

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

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

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

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

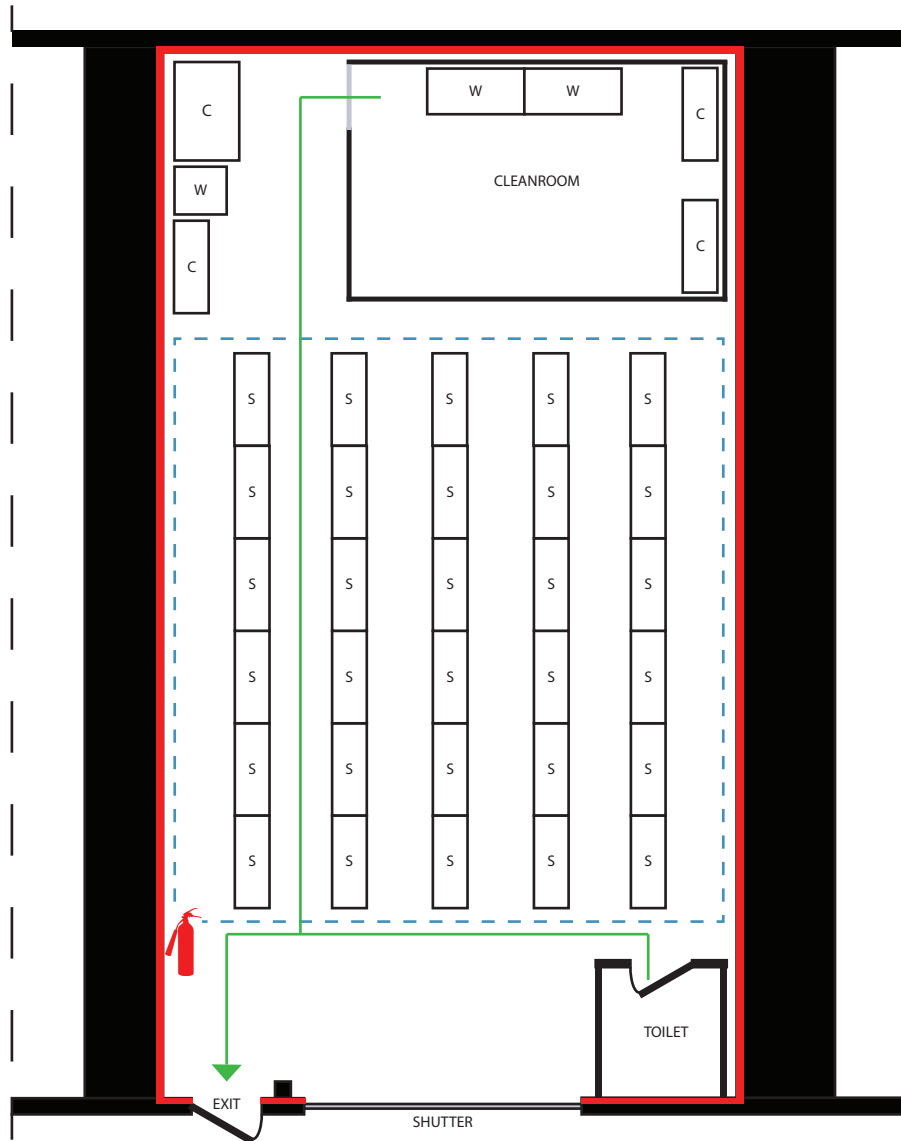
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

**OFFICE USE ONLY**

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

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

# Appendix 2



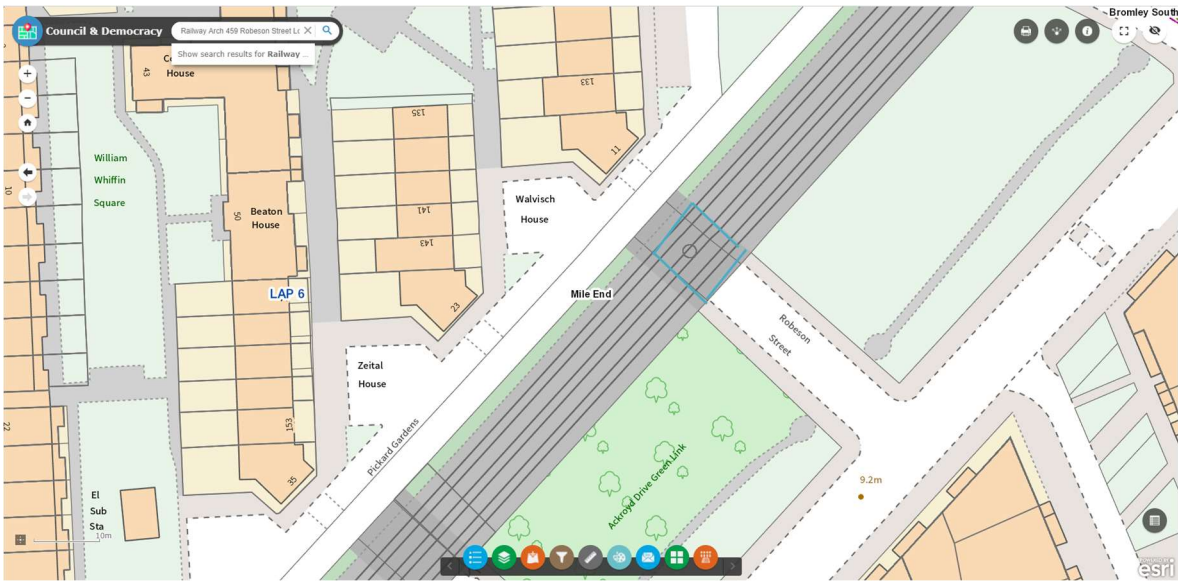
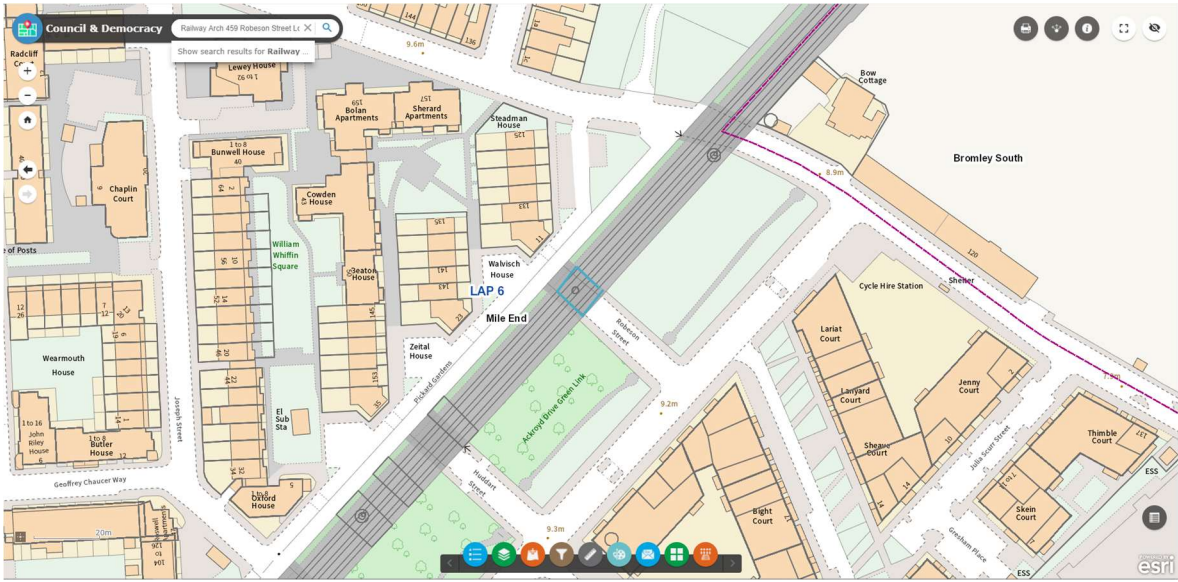
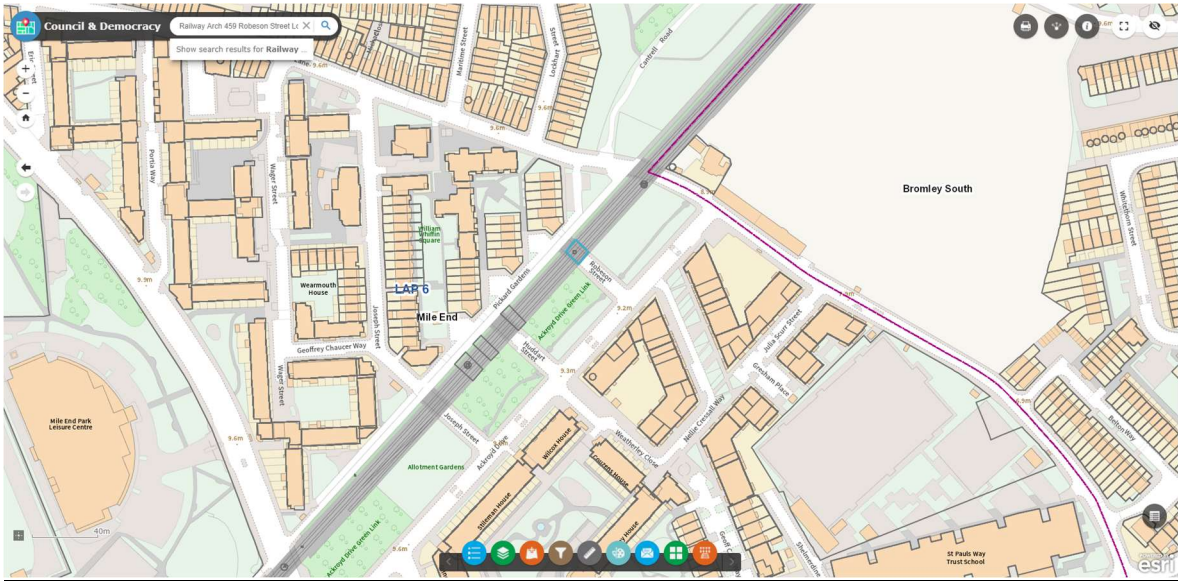
**LEGEND**

- S - shelving Unit
- C - cupboard
- W - work station
- - escape routes
- - premises boundary
- 🔥 - fire extinguishers
- - - area for storage of alcohol



# Appendix 3

# MAPS - Arch 459 Robeson Street

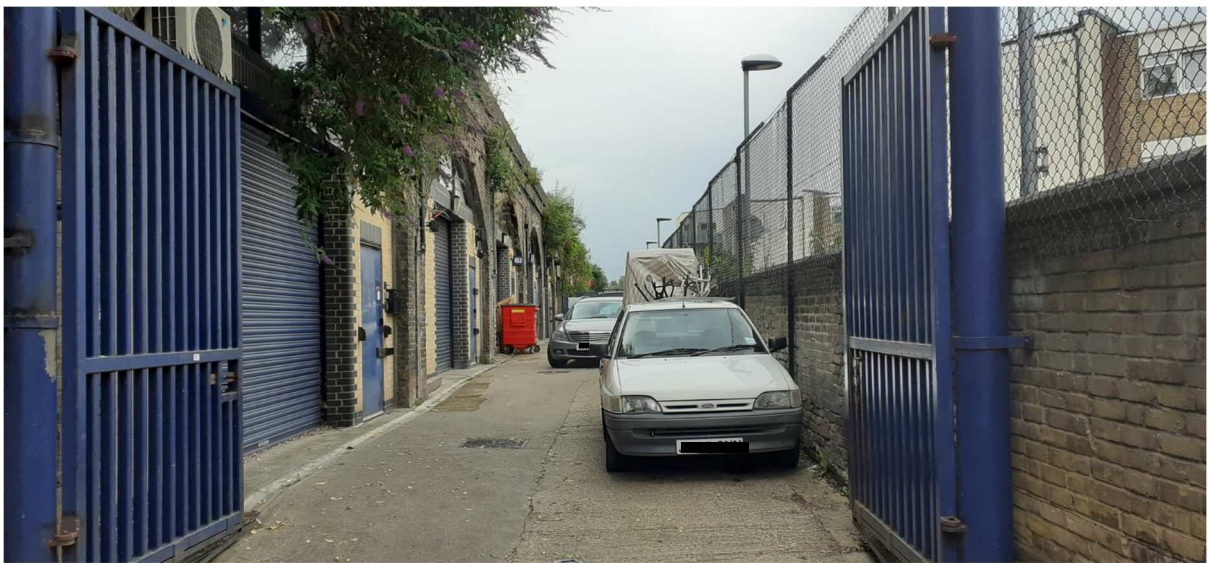
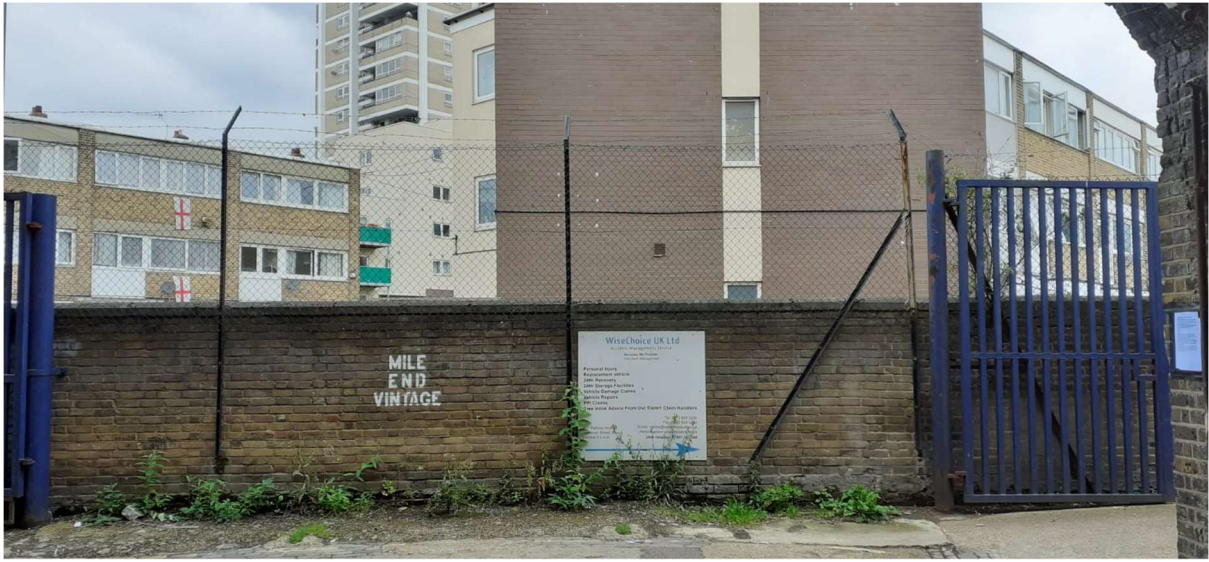
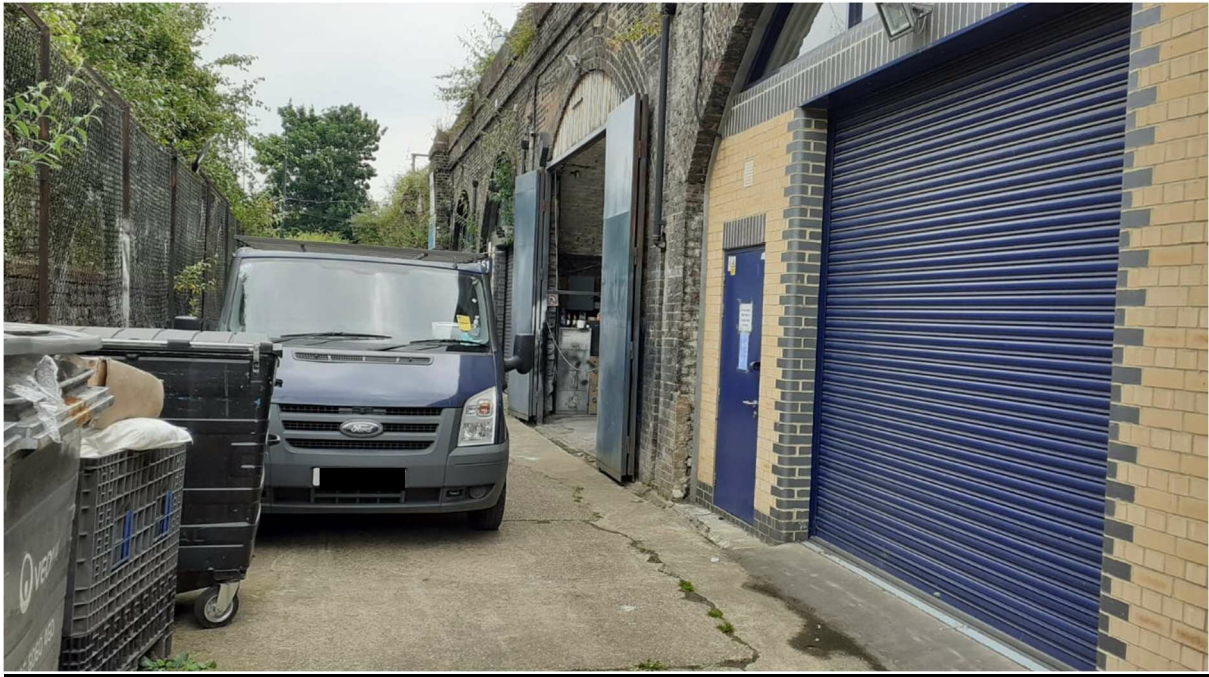


# Appendix 4

Photos

Arch 459 Robeson Street







# Appendix 5

**Railway arch 459, Robeson Street**

<b>Name and address</b>	<b>Licensable activities and hours</b>	<b>Opening hours</b>
152 Bow Common Lane London	<b><u>The sale by retail of alcohol (off sales)</u></b> Monday - Sunday 09:00 hours to 23:00 hours	Monday - Sunday 09:00 hours to 23:00 hours



# Appendix 6

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

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

# Appendix 7

Residence & tenants of the E3 area (Bow Common Lane/Ackroyd Drive)

Main Admin Phone contact: [REDACTED]

Date: 23.07.2021

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

**RE: Supply of alcohol (off premises): Arch Unit 459 Railway Arched, Robeson Street.**

Dear The Licensing Section:

This letter has been organized collectively by the residents and tenants of the E3 Bow Common Lane & Ackroyd drive area.

We residents & tenants would like to officially make representation against the proposed supply of Alcohol off premises 459 Arch Unit Robeson Street.

As residents & tenants we are aware of the ongoing and ever-growing anti-social behaviors in and around our streets directly related to drug & alcohol abuse. The continues wave after wave of vandalism & anti-social behavior has led to thousands of pounds worth of property damage, rubbish dumping & violent acts of crime against residents and tenants.

The local police are aware of this issue and over the years residents/tenants & police have and continue to work together to fight this crime.

The allowance of alcohol supply in the heart of this issue is not only a dangerous choice but if granted will be a massive back lash towards the collective effort the community and the police have been struggling to achieve thus far. There is no added value for the above proposed in this area what so ever and we the residents and tenant stand firm with our decision.

Please find attached list of names, address and contact details with signatures of those officially against the intended & proposed of alcohol supply off Arch unit 459 Robeson Street.

Please note a copy of this will also be passed to our local councilors.

The Licensing Section  
Date 23-07-21  
Page 3

Name	Address
DANIEL GODDARD	[REDACTED]
Name	
Munde Bevezul.	[REDACTED]
Name	
ELIO ANTONIO MONTAÑO WOFFE	[REDACTED]
Name	
VORTER .H	[REDACTED]
Name	
SALL MOTORS	[REDACTED]
Name	
SHUHAYB MIAH	[REDACTED]
Name	
Shaan	[REDACTED]

The Licensing Section  
Date 23.07.21  
Page 4

Name	Address	Contact no.	e mail
Janeira Paganis	[REDACTED]	[REDACTED]	[REDACTED]
Joseph Frouin	[REDACTED]	[REDACTED]	[REDACTED]
STEFANO ROMAOLINI	[REDACTED]	[REDACTED]	[REDACTED]
Salma Beguin	[REDACTED]	[REDACTED]	[REDACTED]
MARK SOULI	[REDACTED]	[REDACTED]	[REDACTED]
MUJAHIDAK	[REDACTED]	[REDACTED]	[REDACTED]
A.SABOUNJJI	[REDACTED]	[REDACTED]	[REDACTED]
Name	Address	Contact no.	e mail





## Corinne Holland

---

**From:** Abid Rahman [REDACTED]  
**Sent:** 02 August 2021 16:42  
**To:** Corinne Holland  
**Subject:** Fwd: Residence of E3  
**Attachments:** Residence.pdf

Regards,  
ABID

[REDACTED]  
[REDACTED]

Begin forwarded message:

**From:** Abid | [REDACTED]  
**Date:** 2 August 2021 at 16:40:27 BST  
**To:** [REDACTED]  
**Subject:** FW: Residence of E3

Dear Corinne,

As per our telephone conversation this morning;

Please find attached copy letter .pdf originally sent out to you on the 27.07.2021 via RM 1<sup>st</sup> class signed for.

If you wish I can send you the hard copy with the completed names, addresses and contact numbers of those residents whom signed this petition.

As discussed on the phone we was provided with the wrong/invalid address as per seen on the letter attached IMG\_6182

Also please find attached returned letter from Royal Mail with reason stated please see attached IMG\_6193

Ultimately we feel another letter needs to be erected around the neighbourhood allowing time for those concerned to write in.

We feel many have written to you without recorded mail and those letters would have got lost or destroyed.

With the wrong information provided on the notice letter, there is no way of determining exact representations made and reasons.

Luckily you reached out to us so that's 1 out of a possible 100 saved?

Lastly I would like to point out the resistant letter was drafted with the limited information provided on the notice.

The general consensus is not to permit another alcohol supplier direct or indirect in the area due to an already overwhelming amount of antisocial behaviour in the area.

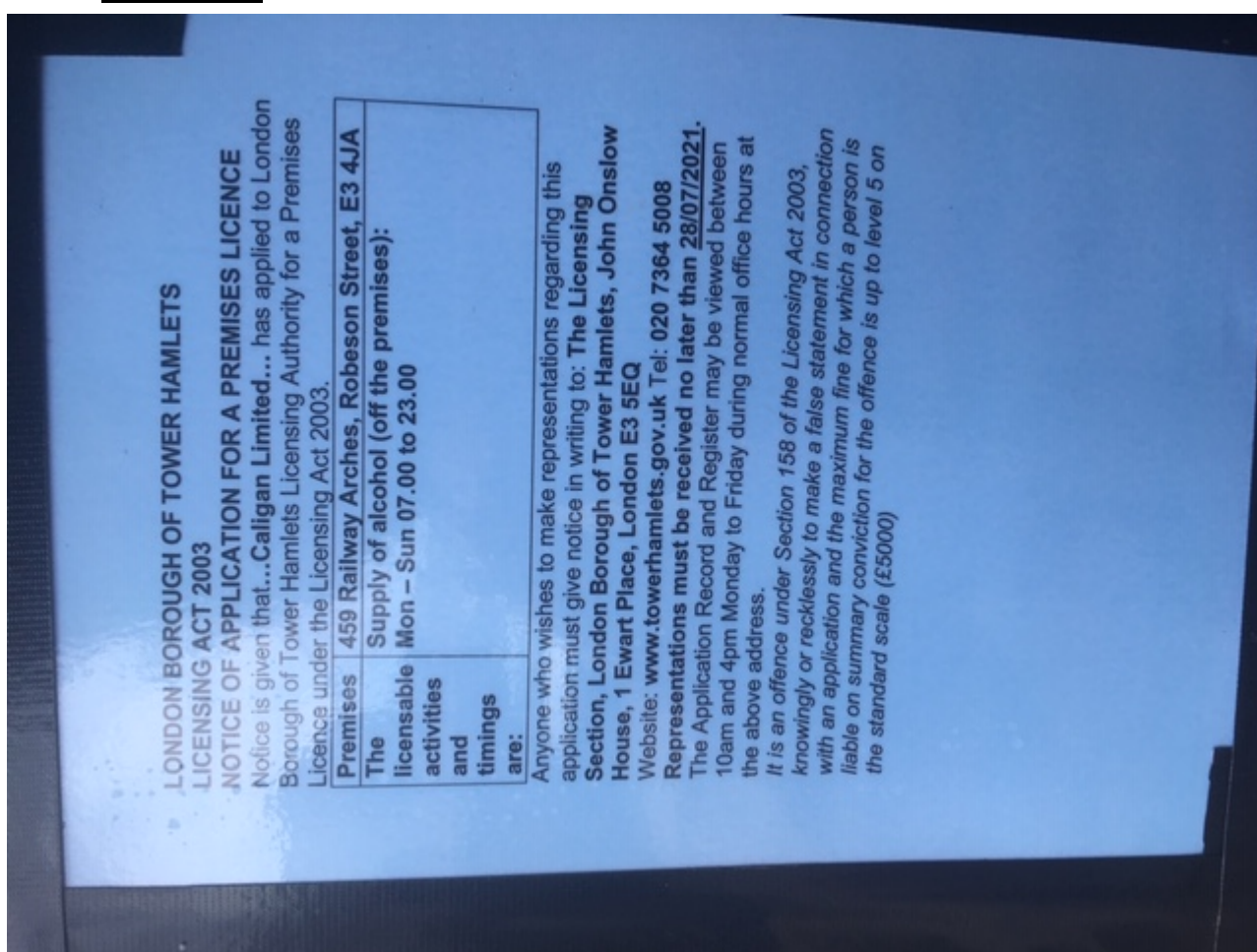
And while we are on that subject, I would like for you to see attached screen shot of CCTV footage taken today of police/security detaining another anti-social behaviouring participant. This individual was apparently drunk and littered the area with broken glass shouting he is from the future.

The broken glass on the floor will need to be dealt with quickly in order to prevent passing by vehicles damage.

P.S. this incident took place today 30.07.2021 at Robeson street and the red arrow shows where the proposed new alcohol vendor is situated.

Finally, as we was provided with the working address and many representations now lost in the post, please explain what the next procedure is.

Abid



**LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003**

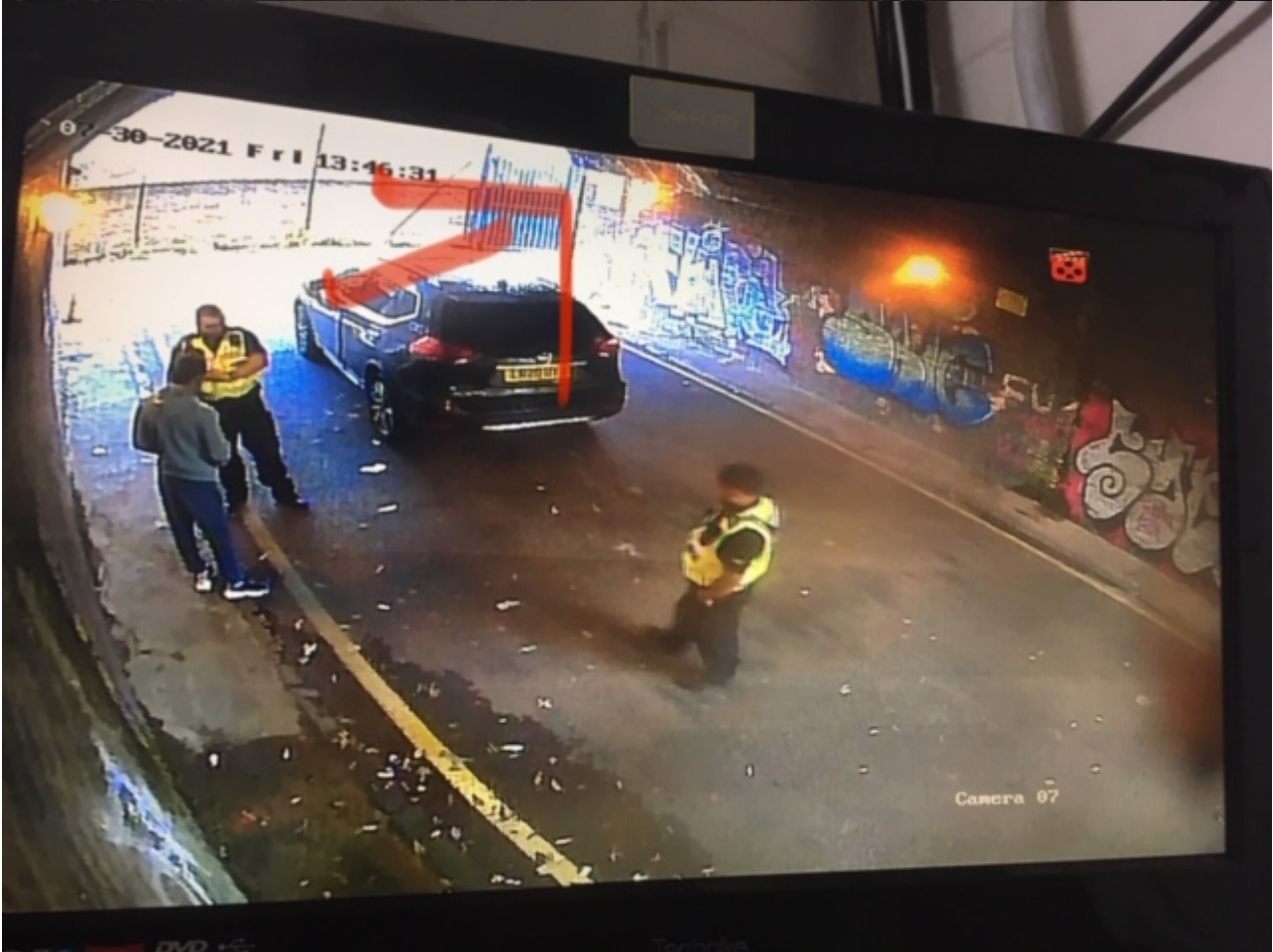
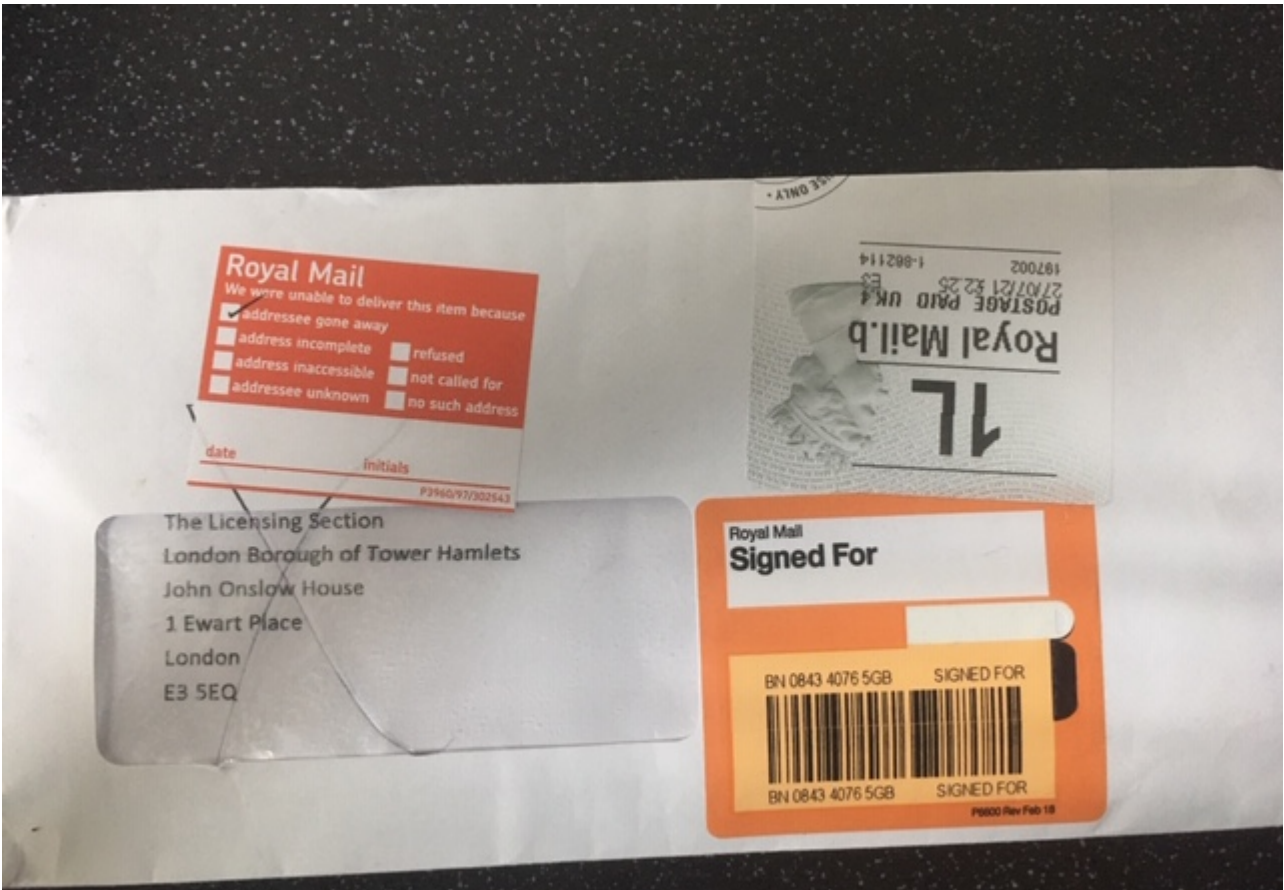
**NOTICE OF APPLICATION FOR A PREMISES LICENCE**

Notice is given that...Caligan Limited... has applied to London Borough of Tower Hamlets Licensing Authority for a Premises Licence under the Licensing Act 2003.

<b>Premises</b>	<b>459 Railway Arches, Robeson Street, E3 4JA</b>
<b>The licensable activities and timings are:</b>	<b>Supply of alcohol (off the premises): Mon - Sun 07.00 to 23.00</b>

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Section, London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place, London E3 5EQ**  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: **020 7364 5008**  
**Representations must be received no later than 28/07/2021.**  
The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

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



# Appendix 8

## Corinne Holland

---

**From:** Licensing  
**Sent:** 28 July 2021 13:24  
**To:** Corinne Holland  
**Subject:** FW: 139260 New premise license application Caligan Limited Railway Arch, 459 Robeson Street, London

---

**From:** Nicola Cadzow <[REDACTED]>  
**Sent:** 27 July 2021 18:12  
**To:** Licensing <[REDACTED]>  
**Cc:** MARK.J.Perry <[REDACTED]>; Julian Overton <[REDACTED]>  
**Subject:** 139260 New premise license application Caligan Limited Railway Arch, 459 Robeson Street, London

Hi Licensing,

I have no objections to the new premise license application for Caligan Limited Railway Arch, 459 Robeson Street, London, following agreement by the applicant to the following noise conditions (see also email trail):-

1. No idling of vehicles, being delivery vehicles outside the premise whilst premise is in operation.
2. 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.

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

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

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---

**From:** Julian Overton [REDACTED] >  
**Sent:** 27 July 2021 15:11  
**To:** Nicola Cadzow <[REDACTED]>  
**Cc:** Licensing [REDACTED]  
**Subject:** RE: 139260 New premise license application Caligan Limited Railway Arch, 459 Robeson Street, London

Nicola,





Thanks for your email.

I can confirm that my client is content for these conditions to be added to the operating schedule.

Many thanks.

Julian.

Julian Overton  
Managing Partner  
t: [REDACTED]  
35-37 Mile End Road, London, E1 4TP  
DX: 300700 Tower Hamlets



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**Important Cyber Crime Alert:** Online fraud is a REAL threat. Our bank details will be provided to you at the beginning of your transaction and will NOT CHANGE. If you receive a communication asking you to make payment to bank details which differ from those already provided, DO NOT transfer any money and speak to us as soon as possible. DO NOT transfer any money to us without first calling to confirm the transaction. We can accept NO LIABILITY for monies transferred to incorrect bank accounts.

---

**From:** Nicola Cadzow [REDACTED]  
**Sent:** 27 July 2021 13:38

To: Julian Overton <[REDACTED]>

Subject: 139260 New premise license application Caligan Limited Railway Arch, 459 Robeson Street, London

**CAUTION:** This email originated from outside of the organisation. Do **NOT** click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Overton,

I am reviewing your client's premise license application for Caligan Limited Railway Arch, 459 Robeson Street, London, with particular attention to the licensing objective for the prevention of public nuisance and I would ask that the following noise conditions apply as following:

1. No idling of vehicles, being delivery vehicles outside the premise whilst premise is in operation.
2. 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.

Await your confirmation

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 9



## 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 10

# 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 11

## 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 12

# 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 co-operate 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 13

## **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 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 of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.



# Agenda Item 4.2

Committee: <b>Licensing Sub Committee</b>	Date 12/10/21	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
--	------------------	---------------------------------------	------------	-----------------

Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ</b>  Ward affected: <b>Spitalfields and Banglatown</b>
--	---

## 1.0 Summary

Applicant: **VoV London Limited**

Name and Address of Premises: **True Italian Taste  
Ground/Basement Floor  
54 Middlesex Street  
London  
E1 7EZ**

Licence sought: **Licensing Act 2003  
Sale by retail of Alcohol**

Objectors: **Licensing Authority  
Environmental Protection**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

3.1 This is an application for a new Premise Licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ.

3.2 The applicant has described the premises as: A pizzeria and cafeteria where customers can enjoy a glass of wine and/or an Italian aperitif in a cosy and homely environment.

3.3 A copy of the application is shown in **Appendix 1**.

3.4 The hours applied for are as follows:

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

Monday – Sunday 12:00 – 22:30 hours

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

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

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

4.3 Photographs of the premises are included in **Appendix 4**.

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

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

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2018.

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

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

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

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- Licensing Authority - **Appendix 7**
  - Environmental Protection – **Appendix 8**
- 6.9 Correspondence from applicant to Environmental Protection– **Appendix 9**
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health

- Home office (Immigration Enforcement)
- 6.11 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
- 6.12 The objections relate to:
- Public nuisance
  - Noise
  - CIZ
- 6.13 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.14 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.
- 6.15 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

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

1. Drinks will be served in plastic or toughened glass.
2. Customers carrying open or sealed bottles or glasses will not be admitted to the premises.
3. All-inclusive or irresponsible other drink promotions will not be permitted.
4. The DPS or a Premises Licence holder will be in charge of the premises when any drinks promotions are taking place.
5. Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

6. Crime prevention notices will be displayed warning customers of the possibility of crime.
7. To operate an anti-drugs policy
8. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

## 8.0 Conditions Agreed/Requested by Responsible Authority

### Conditions agreed with the police – **Appendix 10**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any visit by a relevant authority or emergency service.

4. 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.
5. The premises shall only operate as a restaurant:
  - a) in which customers are shown to their table;
  - b) where the supply of alcohol is by waiter or waitress service only;
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery;
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

## 9.0 Licensing Officer Comments

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

## 9.3 Guidance issued under section 182 of the Licensing Act 2003

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

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

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 11 - 17** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.



## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from Licensing Authority
<b>Appendix 8</b>	Representations from Environmental Protection
<b>Appendix 9</b>	Correspondence from applicant
<b>Appendix 10</b>	Conditions agreed with police
<b>Appendix 11</b>	Licensing Officer comments on public nuisance
<b>Appendix 12</b>	S182 advice on public nuisance
<b>Appendix 13</b>	Noise when the premises is in use
<b>Appendix 14</b>	ASB when leaving the premises
<b>Appendix 15</b>	CIZ
<b>Appendix 16</b>	Licensing Policy relating to hours of trading
<b>Appendix 17</b>	Planning

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# Appendix 1



This form should be completed and forwarded to: Licensing Section, John Onslow House, 1 Ewart Place, London E3 5EQ with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/W** VoV London Ltd

**e** -----  
*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
54 Middlesex street			
<b>Post town</b>		<b>Postcode</b>	E1 7EZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£ 19750</b>

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as	Please tick as appropriate
a) an individual or individuals *	please complete section (A)
b) a person other than an individual *	
i as a limited company/limited liability partnership	please complete section (B)
ii as a partnership (other than limited liability)	please complete section (B)
iii as an unincorporated association or	please complete section (B)
iv other (for example a statutory corporation)	please complete section (B)
c) a recognised club	please complete section (B)
d) a charity	please complete section (B)
e) the proprietor of an educational establishment	please complete section (B)
f) a health service body	please complete section (B)
g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h) the chief officer of police of a police force in England and Wales	please complete section (B)

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

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

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

**(B) OTHER APPLICANTS**

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

Name VOV London Ltd
Address Ground floor and Basement 54 Middlesex Street, London E1 7EZ
Registered number (where applicable) 13418242
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	0	07 2021

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises is distributed over two floors. Ground floor and basement.

The concept proposed includes pizzeria and cafeteria using the best ingredients in the market and delivering excellent customer service.

The idea is to create an alternative Italian concept where office workers can enjoy a glass of wine and an autnrica italian aperitif in a cozuzy and homy enviroment until eralyt eveving. A real touch of Italy inside the City.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

a) plays (if ticking yes, fill in box A)

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

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

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

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



**A**

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

**B**

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

**C**

Indoor sporting events Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)	
Day	Start	Finish		
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)	
Tue				
Wed				
Thur				<b>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</b> (please read guidance note 6)
Fri				
Sat				
Sun				

D

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**F**

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

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><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></b> (please read guidance note 6)		
Sun					



I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	
				Both	X
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Mon	12.00	22.30			
Tue	12.00	22.30			
Wed	12.00	22.30			
Thur	12.00	22.30			
Fri	12.00	22.30			
Sat	12.00	22.30			
Sun	12.00	22.30			

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

<b>Name</b> Girolamo Federico Piccione	
<b>Date of birth</b>	██████████
<b>Address</b>  ████████████████████  	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> ██████████	
<b>Issuing licensing authority (if known)</b> ██████████	

K

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

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon			<b>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</b> (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**M**

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

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

The Designated Premises Supervisor or a Personal Licence holder will be in charge of the premises when any drinks promotions are taking place.

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

Alcohol and soft drinks will be served in plastic or toughened glasses.  
Customers carrying open or sealed bottles or glasses will not be admitted to the premises at any time.  
We will have a capacity limit to prevent overcrowding which could lead to crime and disorder.  
We have a proof of age policy  
All-inclusive nights or other irresponsible drinks promotions will not be permitted.  
The Designated Premises Supervisor or a Personal Licence holder will be in charge of the premises when any drinks promotions are taking place.  
We have an anti-drugs policy  
Crime prevention notices are displayed warning customers of the possibility of crime which may target them, e.g. "Bags should not be left unattended", "Watch out for Pickpockets".

**c) Public safety**

We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures.  
Exit doors are regularly checked to ensure they function satisfactorily.  
Adequate and appropriate First Aid equipment and materials are available on the premises.  
First Aiders are trained to deal with drug and alcohol related problems.  
A "No Smoking" sign will be displayed

**d) The prevention of public nuisance**

Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

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

Alcohol is not available on the premises when only under 18's are permitted.  
The premises operate a proof of age policy that has been agreed by the police.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X

I understand that I must now advertise my application. X

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


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

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

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

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

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

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li></ul>
Signature	
Date	17 06 2021
Capacity	Designated premises supervisor and owner of the company

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. 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.
  8. 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'.

9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

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

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

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

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

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

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or



has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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

- (i) working e.g. employment contract, wage slips, letter from the employer,
- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

#### **Home Office online right to work checking service**





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

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

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



# Appendix 2

-  Water mist fire extinguisher
-  Escape route
-  Kitchen area
-  Fire call point




PLAN 1  
(Ground Floor)



10/10/19 RLS  
 10/10/19

Drawing Title  
**Existing Ground Floor**

ell House

-  Fire call point
-  Escape route
-  Water mist fire extinguisher

Plan 1  
(Lower Ground)

WANCE  
RCS

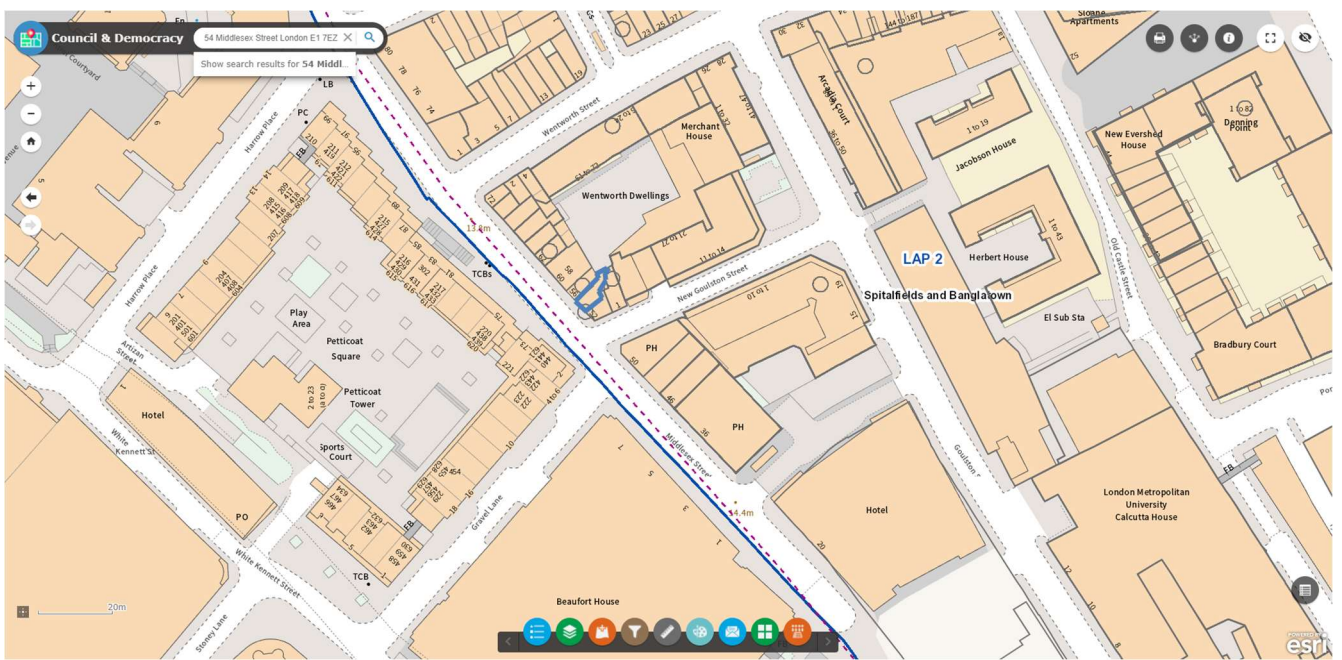


Existing Lower Ground

Well House

# Appendix 3

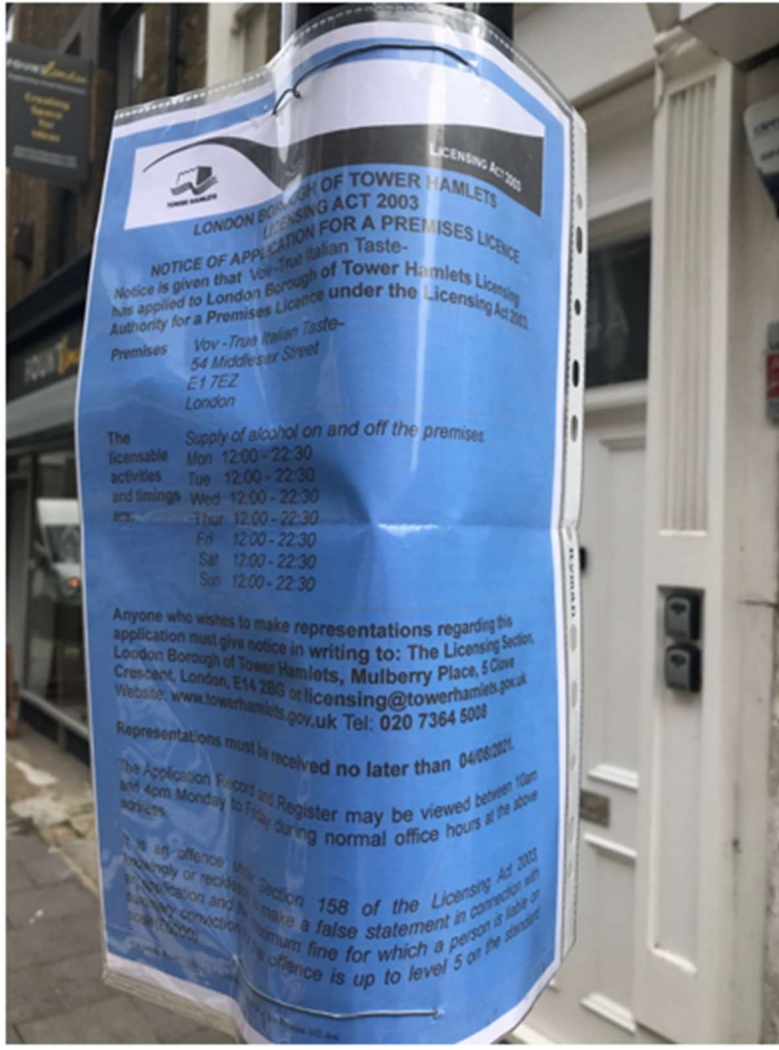
# Maps 54 Middlesex Street



# Appendix 4



**Photos – 54 Middlesex Street**







# Appendix 5

## 54 Middlesex Street – Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p><b>(The Bell)</b> 50 Middlesex Street</p>	<p><b><u>The sale by retail of alcohol</u></b>  <b><u>The provision of regulated entertainment</u></b>            consisting of:  <u>Recorded music, Live Music, Films, facilities for making music, facilities for dancing.</u>  <b><u>The provision of late night refreshment</u></b></p> <p>Monday to Saturday from 10:00 hours to midnight            Sunday from 08:00 hours to midnight</p> <p>New Years Eve throughout the night until start of permitted hours on New Years Day</p>	<ul style="list-style-type: none"> <li>• Monday to Saturday from 10:00 hours to 01:00 hours</li> <li>• Sunday from 08:00 hours to 01:00 hours</li> </ul> <p>New Years Eve throughout the night until start of permitted hours on New Years Day</p>
<p><b>(3 Mien)</b> 64 Middlesex Street</p>	<p><b>Provision of Recorded Music (indoors):</b>            Monday to Friday from 09:00 hours to 22:00 hours            Saturday from 17:00 hours to 22:00 hours            Sunday from 09:00 hours to 22:00 hours</p> <p><b>Supply of Alcohol (on and off sales):</b>            Monday to Friday from 12:00 hours to 22:00 hours            Saturday from 12:00 hours to 22:00 hours            Sunday from 12:00 hours to 22:00 hours</p>	<ul style="list-style-type: none"> <li>• Monday to Friday from 08:00 hours to 22:00 hours</li> <li>• Saturday from 12:00 hours to 22:00 hours</li> <li>• Sunday from 09:00 hour to 22:00 hours</li> </ul>
<p><b>(Food Court Ltd)</b> 38 Middlesex Street</p>	<ul style="list-style-type: none"> <li>• <b>Recorded Music (Indoors)</b> Monday to Thursday from 06:00 hours to 23:30 Friday to Saturday 06:00 hours to 00:00 (midnight) Sunday 06:00 hours to 22:30</li> <li>• <b>Late Night refreshment (Indoors)</b> - Monday to Thursday from 06:00 hours to 23:30 Friday to Saturday 06:00 hours to 00:00 (midnight) Sunday 06:00 hours to 22:30</li> <li>• <b>Supply of Alcohol (On and off sales)</b> - Monday to Thursday from 06:00 hours to 23:30 Friday to Saturday 06:00 hours to 00:00 (midnight) Sunday 06:00 hours to 22:30</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Thursday from 06:00 hours to 23:30</li> <li>• Friday to Saturday 06:00 hours to 00:00 (midnight)</li> <li>• Sunday 06:00 hours to 22:30</li> </ul>
<p><b>(Hohaki)</b> 68 Middlesex Street</p>	<p><b><u>The sale by retail of alcohol (on sales)</u></b>            Monday to Friday from 11:00 hours to 22:00 hours</p>	<ul style="list-style-type: none"> <li>• Monday to Friday from 11:00 hours to 22:00 hours</li> </ul>
<p><b>(Moo Grill)</b> 40 - 42 Middlesex Street</p>	<p><b><u>The sale by retail of alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 23:00 hours</li> </ul> <p><b><u>The provision of regulated entertainment - Indoors</u></b>  <u>(Recorded music only)</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 09:00 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 06:30 hours to 23:00 hours</li> </ul>

# Appendix 6

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

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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



# Appendix 7

## Place Directorate Public Realm

Licensing Authority  
Place Directorate  
London Borough of Tower Hamlets  
2nd Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Email: [REDACTED]

4<sup>th</sup> August 2021

My reference: LIC/139179

Dear Sir/Madam,

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

Licensing Section  
2nd Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Tel [REDACTED]

Fax [REDACTED]

Enquiries to **Lavine Miller-Johnson**

Email [REDACTED]

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

### **Licensing Act 2003**

#### New Premises Licence Application: VOV London Ltd Ground Floor and Basement 54 Middlesex Street London E1 7EZ

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

- Prevention of Public Nuisance

#### Cumulative Impact Policy

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

The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Bethnal Green area is having a

cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

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

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

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

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

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

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

***This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to***

***the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.***

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

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

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

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

Licensable activities and times

The applicant has applied for the following licensable activities and hours:

The licensable hours applied for are:

Supply of Alcohol (on and off sales)

Monday to Sunday from 12:00 hours to 22:30 hours

All applications have to be considered on their own merits and the Council has however adopted a set of framework hours (14.8) as follows:

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

On a balance of probability, this Authority is concerned by the addition of another premise providing “licensable activities”, potentially adding to the existing anti-social issues in the area. Although conditions have been offered in the operating schedule and the hours applied for are within the council’s framework hours, the applicant has not acknowledged that their application falls within the Brick Lane CIZ. There is also insufficient information on how the grant of this licence would not contribute to the existing issues of public nuisance within the area. The applicant has not provided sufficient conditions on how they will uphold the licensing objective of Prevention of Public Nuisance.

The Home Office guidance under Section 182 of the Licensing Act 2003 (8.42) says:

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

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

Great consideration has been given to the fact that the premise is in the Brick Lane Cumulative Impact Zone. 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, The Licensing Authority believes granting this application would undermine the licensing objectives for public nuisance and therefore does not support this application.

Yours faithfully



Lavine Miller-Johnson  
**Licensing Officer**  
**(Acting as a Responsible Authority)**

# Appendix 8

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 04 August 2021 08:49  
**To:** Licensing  
**Cc:** MARK.J.Perry [REDACTED]; Barry.D.Leban [REDACTED]; info@[REDACTED]  
**Subject:** 139179 New premises license VOV London Limited 54 Middlesex Street London

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing,

Having considered the premises license application for VOV London Limited 54 Middlesex Street London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, especially given the fact that the premises is within Bethnal Green Cumulative Impact Zone.

Whilst the application is for lesser hours than the Council's framework hours there is insufficient information in the operating schedule in the licence application to show how the applicant will promote the four licensing objectives. There is no consideration of the impact on public nuisance from people access and egressing the premises and people loitering outside whilst the premises is in operation, particularly when considering that the premises is in Brick Lane Cumulative Impact Zone.

**Noise Sensitive premises:** residential premises in close proximity to 54 Middlesex Street, London

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits

### **CONCLUSION**

Environmental Protection **does not** support the application for VOV London Limited 54 Middlesex Street London for the following reasons:

- (1) The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
- (2) The premises is in 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

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

# Appendix 9



## Corinne Holland

---

**From:** info@[REDACTED]  
**Sent:** 02 September 2021 12:44  
**To:** Nicola Cadzow  
**Cc:** MARK.J.Perry [REDACTED]; Barry.D.Leban [REDACTED]; Licensing; Lavine Miller-Johnson; Corinne Holland  
**Subject:** Re: 139179 New premises license VOV London Limited 54 Middlesex Street London

Dear Nicola

Thank you for your email and comments.

After reviewing your report we understood that the information provided in regards to the prevention of public nuisance was not sufficient and partly incomplete.

As previously mentioned, the premises license play an important role with my business because the concept we developed contemplates the idea of creating a cosy and relaxed environment where customers can enjoy a glass of good wine with food made with the best artisan ingredients.

For this reason I am improving and providing more details on how to prevent the public nuisance.

The business will run its operations entirely indoor. This means that the service (restaurant style) will take place only inside the premises with the door closed ( this is to maintain the level of nuisance low and within the limits allowed).

We do not provide any outside service. Only take away with closed containers.

We do provide table service and alcoholic drinks will always served along some snacks.

The premises capacity is 20 people, however most of the seats (75%) are located in the basement.

The music played will be lounge/chill-bar style in a cosy and relaxed environment.

Staff will be trained to contain the noise by regularly monitoring the service area and making sure that customers will be respectful towards the neighbours.

We will run a strictly policy where customers showing signs of drunkenness will be accompanied outside the premises and we will provide telephone with direct cab line.

Customers refusing to cooperate will be banned from the premises.

Prominent, clear and legible notices are displayed at all exits requiring patrons to respect the needs of local residents and to leave the premises and the area quietly.

The last drink will be served at 22:30 in order to respect the local community.

About the prevention of crime and disorder the alcohol and soft drink will be served in glass and only inside the premises.

I have also agreed with Mark J. Perry that I will take all the necessary measures to comply with the license objectives.

I hope that you will reconsider the application and please do let me know if there is any further information I should provide.

I very much looking forward to seeing all at VoV.

Sincerely

Girolamo Piccione

Owner

VOV London

mercoledì 4 agosto 2021, 08:49 +0100 da Nicola Cadzow <

Dear Licensing,

Having considered the premises license application for VOV London Limited 54 Middlesex Street London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, especially given the fact that the premises is within Bethnal Green Cumulative Impact Zone.

Whilst the application is for lesser hours than the Council's framework hours there is insufficient information in the operating schedule in the licence application to show how the applicant will promote the four licensing objectives. There is no consideration of the impact on public nuisance from people access and egressing the premises and people loitering outside whilst the premises is in operation, particularly when considering that the premises is in Brick Lane Cumulative Impact Zone.

**Noise Sensitive premises:** residential premises in close proximity to 54 Middlesex Street, London

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits

## **CONCLUSION**

Environmental Protection **does not** support the application for VOV London Limited 54 Middlesex Street London for the following reasons:

1. The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance

2. The premises is in 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 10

## Corinne Holland

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 03 August 2021 22:28  
**To:** Licensin Nicola Cadzow  
**Cc:** info@[REDACTED]  
**Subject:** Premises License Application Vov 54 Middlesex Street

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear all,

Central East Police Licensing object to the application for a premises license for 54 Middlesex Street on the grounds of preventing crime and disorder, public nuisance and protecting children from harm.

This application is for a premises in the Cumulative Impact Zone (CIZ), yet the applicant has made no reference to this in their application. Neither have they proposed sufficient conditions in the application to uphold the licensing conditions. With high levels of crime and anti-social behaviour in the area we believe that having the below conditions would mitigate the risk inherent with operating a licensed premises of the type the applicant proposes in the CIZ.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any visit by a relevant authority or emergency service.
4. 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.

5. The premises shall only operate as a restaurant:

- a) in which customers are shown to their table;
- b) where the supply of alcohol is by waiter or waitress service only;
- c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery;

6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

We do not object to the hours requested by the applicant, we do however request that the above conditions are added to the license.

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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# Appendix 11

## 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 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

## **Noise while the premise is in use**

### General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).  
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 9.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 14.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

# Appendix 14

## **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.

## Page 185

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 15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

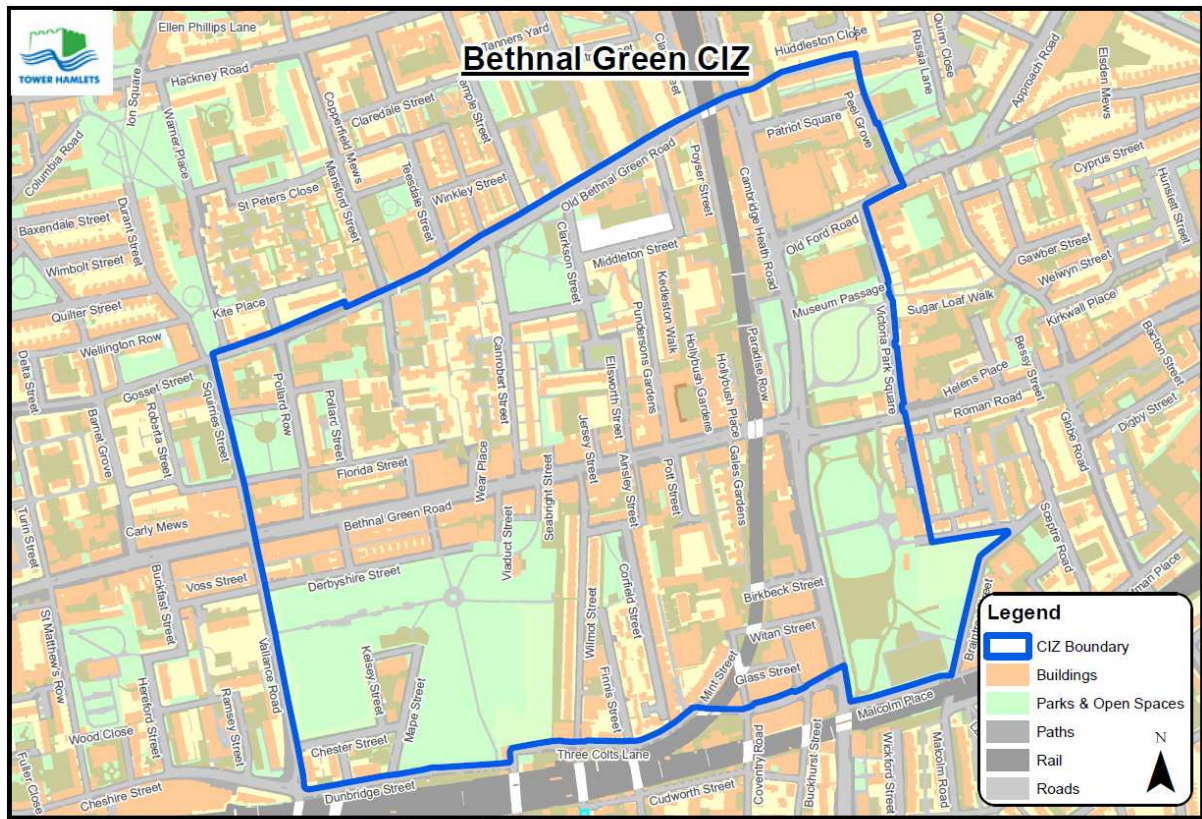
# The Cumulative Impact Zones:

## Figure One

Brick Lane area:

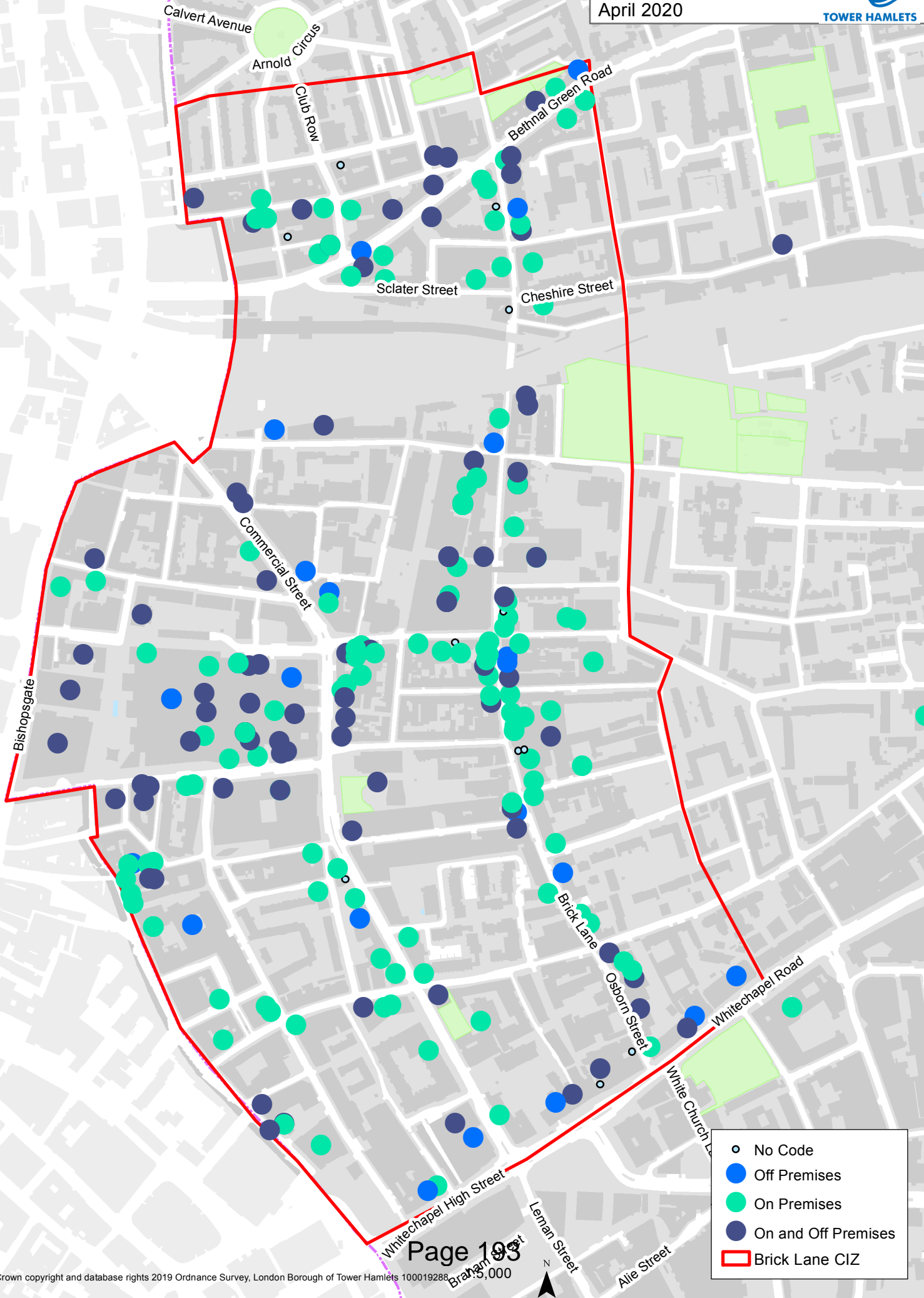


**Figure Two:**  
**Bethnal Green Area**



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- No Code
- Off Premises
- On Premises
- On and Off Premises
- ▭ Brick Lane CIZ

# Appendix 16

## **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 17

## **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.

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# Agenda Item 6.1

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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of the Local Government Act 1972.

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