

Licensing Sub Committee

Agenda

Tuesday, 9 November 2021 6.30 p.m.
**The Council Chamber, Town Hall, Mulberry
Place, 5 Clove Crescent, London, E14 2BG**

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer,
simmi.yesmin@towerhamlets.gov.uk 020 7364 4120 1st Floor, Town Hall, Mulberry
Place, 5 Clove Crescent, E14 2BG <http://www.towerhamlets.gov.uk/committee>

Public Information

Viewing or Participating in Committee Meetings

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

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers will be extremely limited due to the Covid 19 pandemic restrictions. You must contact the Democratic Services Officer to reserve a place, this will be allocated on a first come first served basis. No one will be admitted unless they have registered in advance.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.
<http://towerhamlets.public-i.tv/core/portal/home>

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available on the Modern.Gov, Windows, iPad and Android apps.





TOWER HAMLETS



The best of London in one borough

Tower Hamlets Council

Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 9 November 2021

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 7 - 8)

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

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

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

2. RULES OF PROCEDURE (Pages 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 50)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 2nd & 14th September and 12th October 2021.

	PAGE NUMBER	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4.1 Application to Review the Premises Licence for Oval Space, 29-32 The Oval, London E2 9DT	51 - 190	St Peter's
4.2 Application for a New Premise Licence for Nilly's Café, 16 Bell Lane, London, E1 7LA	191 - 282	Spitalfields & Banglatown

Tower Hamlets Council
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

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.



This page is intentionally left blank

Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

Further Advice contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

This page is intentionally left blank

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 Daghish, 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. Daglish, 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. Daglish 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. Daglish 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.

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

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,

Representing applicants	Item Number	Role
Jack Speigler	4.1	(Legal Representative)
Augustin Brosse	4.1	(Applicant)

Representing objectors	Item Number	Role
Duncan Campbell	4.1	(Resident)

Representing supporters	Item Number	Role
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 29th June, 15th and 27th July and 2nd 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 28th 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

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 12 OCTOBER 2021****COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Amina Ali (Chair)

Councillor Victoria Obaze

Councillor Rajib Ahmed

Officers Present:

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

Representing applicants	Item Number	Role
Mr Adam Shaw	4.1	Applicant's Solicitor
Mr Sviatoslav Seliviorstov - Caligan Limited	4.1	Applicant
Mr Girolamo Piccione* – Vov Limited	4.2	Applicant
Mr Andrea Soriente*	4.2	Applicant's friend

Representing objectors	Item Number	Role
Mr Abid Rahman	4.1	Lead Petitioner – Objector
Mr A Saboundji	4.1	Objector
Mr Skandar	4.1	Objector
Mr R Miah	4.1	Objector
Mr K Mubarok	4.1	Objector
Ms Nicola Cadzow*	4.2	Environmental Health
Ms Kathy Driver*	4.2	Licensing Authority

*Attended Virtually -Online

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rule of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 2nd and 14th September were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Licensing Act 2003 Application for a new Premises Licence for Caligan Limited. 459 Railway Arch, Robeson Street, London, E3 4JA**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Caligan Limited, 459 Railway Arch, Robeson Street, London E3 4JA. It was noted that objections had been received on behalf of local residents in a form of a petition.

At the request of the Chair, the Applicant's Solicitor, Mr Adam Shaw stated that Caligan Limited was an e-commerce business who was seeking a sale of alcohol licence to supply and deliver alcohol directly to customers at residential or businesses addresses. He referred members to the supplemental agenda which set out their additional submissions. Mr Shaw said the objection lodged by the residents was out of time, regardless of which council office address the petition was sent to, and therefore should not be allowed as evidence and the objectors' representations were therefore out of time. However, if Members were minded to accept the objectors' representations as being made in time then Mr Shaw submitted that the objectors had misunderstood the nature of the application. This was an e-commerce business which would not be selling alcohol directly to members of the public. The sales would be strictly off-sales, with no member of the public able to gain access to the premises. Mr Shaw stated his client had agreed to all the conditions put forward by the responsible authorities and did not believe the business would not attract crime or disorder or give rise to public nuisance.

The Sub-Committee then heard from Mr Abid Rahman, the lead petitioner and objector, who described the anti-social behaviour experienced in the area, and stated the objectors were not against the new business but the use of third-party delivery companies that were going to be used for the despatch and delivery of alcohol to customers. Mr Rahman stated it could not always be guaranteed that delivery drivers carried out Challenge 25 checks or delivered only to residential or business addresses. He described how the Apps second guess the area or location for delivery and how orders can be intercepted before reaching their intended destination. Mr Rahman said anti-social

behaviour and crime and disorder was a daily occurrence in the area and local businesses had a moral obligation to ensure safety and prevention of public nuisance.

In response to questions from Members the following was noted:

- Third-party delivery companies and postal services were the intended method of delivery for the sale of alcohol.
- Challenge 25 would be applied at the point of delivery, and age verification checks would be undertaken.
- Due diligence in relation to the despatch and delivery of the alcohol by the third-party delivery services, was part of the signed contract with the companies providing those services, and therefore the onus to ensure items were delivered only to residential or business addresses and Challenge 25 applied at the point of delivery was those companies' responsibility.
- The premises is currently operating as a warehouse, for the Applicant's other business.
- Delivery drivers would be asked not to idle their engines. There will be notices displayed to state this. The business intends to operate within the framework hours of 7:00 hours and 23:00 hours.

Concluding remarks were made by all parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting made by the Applicant's solicitor and the Lead Petitioner representing the objectors.

The Sub-Committee noted the Applicant was seeking a new premises licence for the off sale of alcohol as part of their e-commerce business. The Sub-Committee noted that the premises would not be open to the public and intended to operate between 07:00 -23:00 hours, seven days a week.

The Sub-Committee noted the concerns of the objectors, whose primary concerns arose from the Applicant's proposed use of third-party delivery

services and their Apps, for the despatch and delivery of alcohol. The objectors stated this would further add to the anti-social behaviour experienced in the area, which had been a persistent problem for many years. The Sub-Committee considered that a licensing applicant's responsibilities are limited to the immediate vicinity of the premises, and for an e-commerce business, this would involve conditions to govern the sale of alcohol up to the point of delivery, but beyond that, the Applicant could not be held responsible for the actions of others, such as customers who had received delivery and third-party delivery companies. The Sub-Committee were satisfied that the conditions offered by the Applicant would support the four licensing objectives and address any concerns over noise nuisance, crime and disorder.

The Sub-Committee could only proceed on the basis of evidence before it, rather than speculative comments on what may happen following the grant of an application.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a new Premises Licence for Caligan Limited, 459 Railway Arch, Robeson Street, London E3 4JA be **GRANTED** with conditions.

Opening Hours:

Monday – Sunday 06:00 – 23:00 hours
Premises are not open to the public

Sale of Alcohol (off sales)

Monday – Sunday 07:00 – 23:00 hours

Conditions

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 hours 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. 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.
8. 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.
9. 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.
10. 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.
11. A signature at the point of delivery must be obtained. No delivery shall be left without a signature.
12. 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.
13. 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.
14. 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.
15. No idling of vehicles, being delivery vehicles outside the premise whilst premise is in operation.

16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

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

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for True Italian Taste, 54 Middlesex Street, London, E1 7EZ. It was noted that objections had been received on behalf of the Responsible Authorities, the Licensing Authority and Environmental Health.

At the request of the Chair, the Applicant's friend, Mr Andrea Soriente addressed the Sub-Committee. Mr Soriente stated the restaurant would cater for twenty covers and would adhere to the licensing objectives. He said the premises would operate within the framework hours and would not give cause noise disturbance or other nuisance. Signage requesting guests to leave quietly would be displayed and there would be a designated supervisor at the premises during operating hours.

The Sub-Committee then heard from the objectors. Ms Nicola Cadzow, from Environmental Health stated she had objected to the application on the basis that the premises is in the Brick Lane Cumulative Impact Zone (CIZ). She said the application was sparse on detail on how there would be no addition to the cumulative impact in the CIZ. She said she had particular concern relating to noise breakout as well as access and egress from the premises.

Ms Kathy Driver, representing the Licensing Authority referred members to the representation on page 162 of the agenda. She stated the premises in question was in the CIZ, and therefore the onus was on the Applicant to rebut the presumption. She said the conditions offered by the Applicant were inadequate and no plan of how the premises was to be used had been provided. She said it was essential for the DPS to be present at the premises for most of the time, rather than during the 'drinks promotion' events. She recommended that the Sub-Committee reject the application. However, if Members were minded to grant the application, then conditions as to alcohol being ancillary to a meal should be applied.

In response to questions from Members the following was noted:

- The Applicant was asked if he understood what the CIZ was and why he needed to demonstrate that there were exceptional circumstances in this case to the presumption against granting a licensing application relating to premises in a CIZ. The Applicant's friend explained they understood the CIZ, and that they understood the Council did not want lots of premises selling alcohol because this could lead to crime and disorder.

- The Applicant agreed to remove the 'off-sale' element of his application, following discussion on how third-party delivery drivers and/or other persons collecting food would be supervised.
- The premises can only accommodate a maximum of 20 covers. The basement area and the ground floor would be used for the restaurant. Background music would be played in the basement, minimising the risk of noise breakout.
- The DPS would be on duty to provide supervision, seeking to ensure patrons did not get drunk, and there would be signs asking people to leave quietly.

Concluding remarks were made by all parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representations at the meeting virtually made by the Applicant's friend and the objectors, the Licensing Authority and Environmental Health who were also in virtual attendance.

The Sub-Committee noted the application was for a new premises licence for a restaurant described as a pizzeria and cafeteria where customers can enjoy a glass of wine and/or an Italian aperitif in a cosy and homely environment. The Sub-Committee noted the Applicant was seeking a sale of alcohol licence for on and off sales.

The Sub-Committee noted the premises is in the Brick Lane Cumulative Impact Zone (CIZ). The cumulative impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that, under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if it can demonstrate exceptional circumstances and that the granting of the application would not add to the cumulative issues already experienced within the CIZ.

The Sub-Committee noted the representations made by the Licensing Authority and Environmental Health relating to the licensing objective for the prevention of noise nuisance. However, the Sub-Committee also noted the Applicant's representation that the sale of alcohol was within the framework hours and that the premises would be small, accommodating twenty covers. The Sub-Committee were assured that background music was to be played in the basement, which would not disturb the neighbours. The Sub-Committee noted the Applicant's submission to withdraw the 'off-sale' element of his application for the sale of alcohol, which the Sub-Committee was satisfied would go towards ensuring that there would be no addition to the cumulative impact in the area.

The Sub-Committee was satisfied that there were exceptional circumstances relating to the normal presumption against the grant of a licensing application regarding premises in a CIZ. The premises were small premises accommodating under 50 covers, the business would be food led, not alcohol led, and it was intended to be operated during framework hours. The Sub-Committee decided to impose additional conditions that alcohol would only be sold ancillary to a substantial meal. This aimed to ensure the business remained not alcohol led and that the risk of public nuisance and anti-social behaviour would be minimised. For the same reason, the Sub-Committee also imposed a condition that there be no vertical drinking.

The Sub-Committee was satisfied that the licensing objectives would not be undermined by the granting of the application, and that the conditions imposed in relation to alcohol being ancillary to a meal and no vertical drinking allowed, would effectively mitigate the risk of public nuisance and help alleviate the concerns raised by the Responsible Authority.

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

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a new Premises Licence for VoV Limited, True Italian Taste, 54 Middlesex Street, London, E1 7EZ be **GRANTED** with conditions.

Conditions

Sale of Alcohol (on sales only)

Monday – Sunday 12:00 – 22:30 hours

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.
9. 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.
10. 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.
11. 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.
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. 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;
14. There shall be no vertical drinking.
15. There will be no smoking outside the premises.
16. Alcohol to be served ancillary to a substantial meal.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

- Classic Football Shirts, 17 Commercial Street, London, E1 6NE
- Katsute, 147 Brick Lane, London, E1 6SB
- Globe Town Community Association, 152-156 Roman Road, London E2

6. EXCLUSION OF PRESS & PUBLIC

The press and public were not required to be excluded.

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

This application was withdrawn by the Applicant.

The meeting ended at 8.15 p.m.

Chair, Councillor Amina Ali
Licensing Sub Committee

Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 9 th November 2021	Classification: UNRESTRICTED	Report No.	Agenda Item No.
--	--	---------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Oval Space, 29-32 The Oval, London E2 9DT Ward affected: St Peters
--	--

1.0 Summary

Name and Address of premises: **Oval Space
29-32 The Oval
London
E2 9DT**

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Regulated entertainment**
- **Late night refreshment**

Representations: **Metropolitan Police
- Environmental Protection**

2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Kathy Driver 020 7364 5171

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for The Oval Space, 29-32 The Oval, London E2 9DT. The review was triggered by Metropolitan Police on 26th July 2021.
- 3.2 A copy of the review application is attached in **Appendix 1**,
- 3.3 Supplementary evidence from Police was submitted on 22nd October 2021. See **Appendix 2**.

4.0 The Premises

- 4.1 The premises licence was issued on 4th September 2012. A copy of the licence is contained in **Appendix 3**.
A transfer was submitted on 13th July 2021 to transfer the licence from Joel Hughes to Oval Venues Ltd, company number 08501737.

On 22nd October 2021 a variation of Designated Premises Supervisor was submitted for Ross Melinn, for immediate effect. The Designated Premises Supervisor previous to this was Archie McIntosh who has been in place since 9th July 2021, prior to this was Daniel Stocks from 17th October 2018.

- 4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 4**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by Metropolitan Police
- 5.2 The review is also supported by Environmental Protection. See **Appendix 5**.
- 5.3 Only representations that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder

6.0 Review Explained

- 6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 6**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder. **See Appendix 7**.
- 6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 8**.
- 6.6 The home office has also issued guidance about the prevention of public nuisance this is contained in **Appendix 9**.
- 6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 10**.
- 6.8 The Home Office has advised that in relation to reviews “ Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation. ”

6.9 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing & Safety Team Leader is the delegated officer who deals with this on behalf of the Licensing Authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.10 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 6**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so

- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Supplementary evidence from Police
Appendix 3	Current Premises Licence
Appendix 4	Maps of the premises and surrounding area
Appendix 5	Representations from Environmental Protection
Appendix 6	Guidance issued under Section 182 by the Home Office for reviews
Appendix 7	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 8	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 9	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 10	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
Appendix 11	Supporting documents submitted on behalf of the premises licence holder.

Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC Mark Perry 1748CE..... *(Insert name of applicant)*
apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Oval Space 29 – 32 The Oval	
Post town London	Post code (if known) E2 9DT

Name of premises licence holder or club holding club premises certificate (if known)

Oval Venues Limited

Number of premises licence or club premises certificate (if known)

27029

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) X
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

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

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC Mark Perry 1748CE Central East Police Licensing, Metropolitan Police 1 st Floor, Stoke Newington Police Station, 33 Stoke Newington High St, London N16 8DS
Telephone number (if any)

E-mail (optional) mark.j.perry@met.police.uk

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

Please tick one or more boxes

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

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

Central East Police Licensing request the review of Oval Space at 29 – 32 The Oval, for failing to uphold the licensing objectives of preventing crime and disorder, public nuisance, public safety protecting children from harm.

At around 2:10am on Saturday 26th June 2021 Police were called to the Oval Space venue to reports of a fight where the informant was stating that a male had been stabbed and was outside the venue in relation to CAD 949/26JUN21 refers.

Police officers attended the area where we were directed to the outside area of the Oval Space and immediately were flagged down by members of the public directing officers to a male, victim 1 who had suffered a stab wound to his left leg. A second victim later self-presented himself to officers at the scene with a stab wound to his stomach that he had also sustained in the same incident as VIW1.

Members of the public and VIW1 friends were hostile and anti-police, aggressive and preventing officers from administering first aid, officers however persevered and first aid was given. Members of public on scene did not come forward with information nor provide statements to Police when requested.

From investigation it appears that An altercation has ensued between a group of males, which escalates into a fight, fists can be seen being thrown between males, before one of them utilises a hammer and another a machete, where the two victims are stabbed by the male with a machete, one in the stomach and one in the leg.

CCTV shows the victims leaving Oval Space carrying another male who appears to be so heavily intoxicated he needs support. Later CCTV shows what appear to be the victims retrieving weapons including a hammer, in an Audi A4 vehicle parked on Emma St, and equipping themselves before returning to Oval St to others involved in the later affray where the fight takes place.

CCTV also shows the man a few minutes later who is carrying the believed machete as one of four individuals in the same group that leave the scene together. Two of these individuals get into a vehicle on Emma St before driving off from Oval St, while the individual equipped with the machete runs off with another down Emma St changing his clothing as he does so.

Given the very serious nature of the fight that took place I and Pc Barry Leban from Central East Police Licensing visited the venue and met with the manager Mr Jo Splain. When we met Mr Splain I asked him for the incident logs of the venue so we could go over them. Mr Splain appeared very uncomfortable with this request and said that the security manager had taken them home with him. I asked Mr Splain why the security manager would do this and he said he thought the manager was updating them.

We then went to the office and I asked to see the previous incident book. Mr Splain was unable to produce them, or offer an excuse as to why they were not there. Given that the venue had been open during the various lifting of restrictions I was concerned that there were no incident logs at all.

On the desk we found a box and a folder containing SIA signing in sheets which were very concerning. We examined dozens of these sheets and on all of them there were SIA signed in to work at the venue who had not put down their SIA badge numbers. On looking at the CCTV footage from several dates the venue was open, including the night of the double stabbing security could be seen operating at the venue without their SIA badges on display. We believe that this shows that the

venue is hiring staff to operate as security who are not SIA registered. This is incredibly serious and in our opinion shows that the venue is not only badly run, but also a risk to those who attend. We will be reporting this to the SIA authority for them to investigate.

On these SIA reporting in sheets we also found notes of incidents that took place at the venue. This I believe demonstrates that the venue is not keeping an incident report book, a basic tenant of their security plan agreed with Police. I challenged Mr Splain on these records and put it to him that there were no incident books and that incidents were just recorded ad hoc on these SIA signing in forms, Mr Splain admitted that this was the case.

I then asked Mr Splain if I could see the alcohol refusal logs, he said they were kept in the office somewhere. I asked him why they were not kept behind the bar where they could be used when needed. We looked for the books in the office but could not find them. Mr Splain then said a member of staff had taken them home. I did not believe this and challenged Mr Splain as to why someone would take alcohol refusal logs home, he then admitted that they were not being kept.

I challenged Mr Spain as to how his venue could demonstrate that it was looking after its customers if there is no record of them refusing the sale of alcohol, and no record offering care like calling a taxi or giving water to customers who were drunk. Mr Splain said that their venue was doing this. I challenged this by saying in the double stabbing incident that one customer was so drunk that he had to be helped from the venue by his friends, and in a sexual assault allegation a few weeks prior the victim was also drunk. Mr Splain had no answer.

We then looked at the CCTV from the double stabbing incident to observe how security were managing the venue and the area outside, especially searching of customers and dispersal of customers after the venue closed. My colleague PC Leban has many years' experience in searching people having been trained by the

Police, Prison Service and the Army in searching people and I was keen to get his opinion. We viewed the CCTV and were both appalled by the level and quality of searching which was extremely poor. I refer the committee to PC Laban's statement. But suffice to say that we both believed that customers would have no trouble in getting either weapons or drugs into the venue undetected.

Mr Splain initially defended the searching but after the failures of security were pointed out to him admitted it was poor on that night, but that this was not representative of the security. He then showed us another example of the security team in action, but again the same poor searching and security procedures were shown.

We then looked at the dispersal of customers from the venue, Security and quiet marshals should be out in sufficient numbers to ensure customers do not loiter, as there is an increased risk of violent disorder if groups are allowed to hang around where arguments and disputes can occur, as it did on the night of the double stabbing. Dispersal is also important to keep the noise down so as not to cause noise nuisance to local residents.

On watching the CCTV it was clear that security were making no effort to move people way from the area, there were no quiet marshals in operation. Security staff were not wearing high visibility jackets and some did not have any SIA badge on display. There was little interaction with customers. Our fear is that this poor level of management and security and lead to the venue becoming known as a place with poor security, where it is easy to get drugs in to the venue, and therefore attracts drug users and dealers to the venue.

I challenged Mr Splain about the shockingly bad levels of security that went against the security plan we had agreed. I reminded him that at a meeting we had in early May 2021 regarding the European Football Championships how important it was to have all the security plans in place, which we were assured would be. Mr Splain said

that he was aware that security and management was a problem, that he was overworked, and that he had tried to do something about it. I asked him what he had done but he was unable to give specific details.

I then said to Mr Splain that this was a venue in serious trouble and that it was dangerous. I said if it carries on like this there will be serious incident where someone would be injured and he agreed. I later asked him if he would feel safe letting a family member or friend attending Oval Space, Mr Splain replied he would not. This is a damning indictment of how poorly this venue is run and how it is totally incapable of running late night events.

We then asked to look at the drugs seizure book and the drugs seized. There was no drug seizure book, with only a few items of drugs seized being recorded. In the safe we found 118 bags of drugs, the vast majority of which were from the period 2020 – 2021 when the venue was only partially open due to lockdown restrictions. This is a staggering amount drugs, and in our opinion indicative of a venue where people go to take drugs. What is of even more concern is that 50 bags of drugs were found inside the venue and 42 at the door. The large numbers of drugs found inside the venue, more than was found at the door shows how poor the security and management of the venue are. The fact that some of the drugs bags were unsealed is even more concerning, why were they not sealed and why was there so few records of the seizure of drugs?

This venue has in the opinion of the Police become a place where drug taking is rife, where security and management are poor and as a result has attracted a drug using crowd that has in turn brought gangs associated with illegal drug use to the area. Sadly the management have proven that is not fit to run a late night event venue, both security and management are incompetent, and display a reckless and total disregard for their customer's safety and their responsibilities under the licensing act and premises license.

In order to remove the risk to members of the public and uphold the licensing objectives we ask that the hours of the venue are reduced to framework hours, which would allow new management to re-establish the venue as a premises not associated with crime and disorder, especially drug use. It would also allow staff, especially security to be properly trained and procedures to put in place to ensure that the venue is safe. We also ask that the following conditions are added to the license to ensure the safe running of the venue:

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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. When the designated premise 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.

5. On any occasion that regulated entertainment is provided, not less than 1 SIA registered door supervisors will be engaged per 100 customers.
6. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.
7. All persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.
8. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises.
9. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
10. In the event that a serious assault is committed on the premises (or appears

to have been committed) the management will immediately ensure that:

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

11. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and /or duty manager, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal by calling 101 and arranging collection at least once a month.

12. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

13. 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.

14. 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.

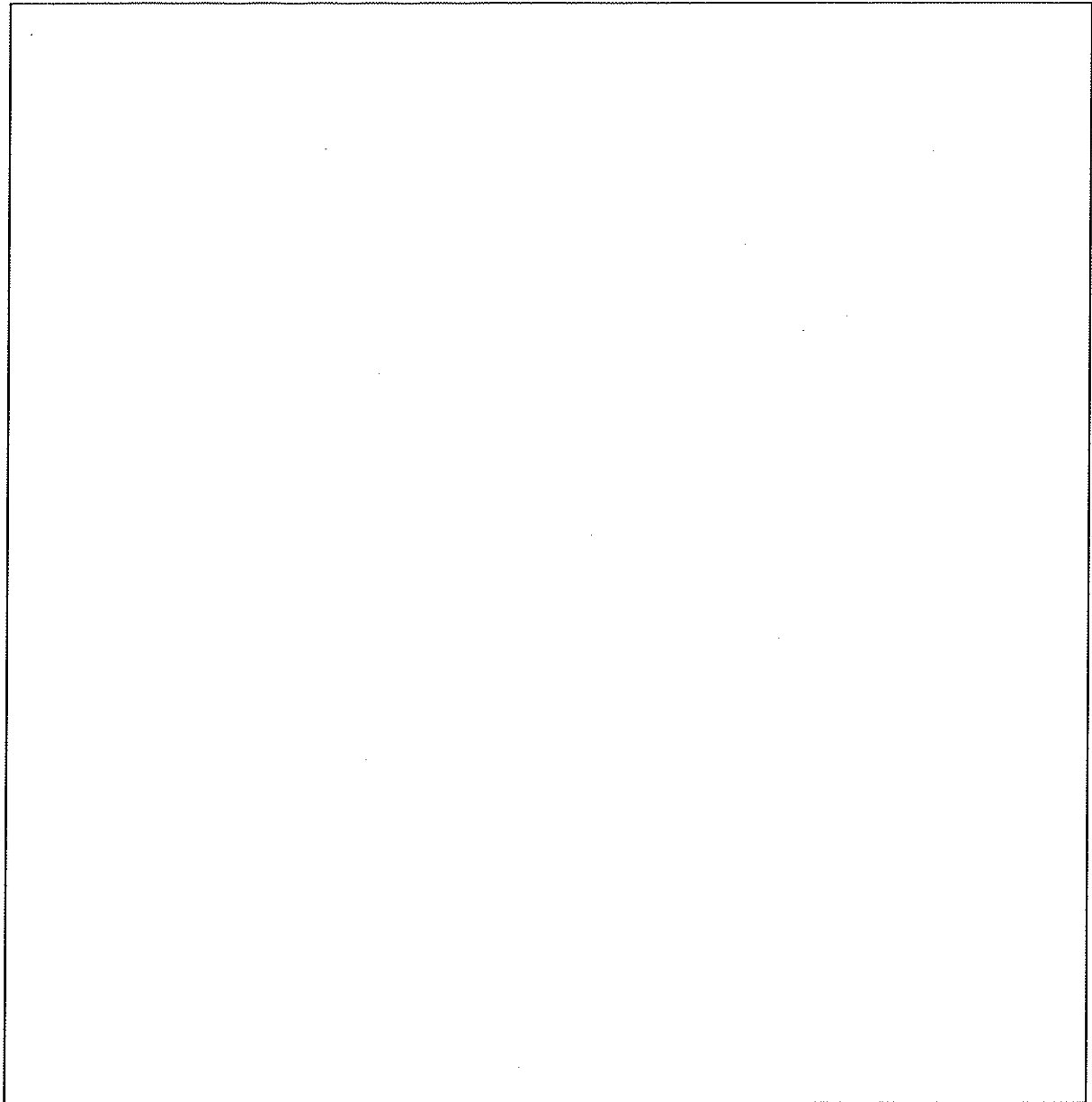
15. A written dispersal policy agreed by Central East Police Licensing annually shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

16. The premises shall adopt Central Easts Drug Policy

17. The premises management shall risk assess and plan for the safe running of each event. The risk assessments and plans shall be made available to Police upon request.

18. When running music events the venue shall operate an ID scanner for customers entering the premises.

19. All security, bar staff and management will ensure that yearly role specific industry recognised training is undertaken. Records of training to be kept and made available to Police upon request.



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

Additional evidence will be supplied to support this review.

Have you made an application for review relating to this premises before Please tick ? yes

If yes please state the date of that application

Day	Month	Year

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

N/A

Please tick yes

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

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



1761 CE

Date: 25/07/2021

Capacity: Police Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

Appendix 2

The following visits have taken place to Oval Space since the review papers were submitted:

26th September 2021

Pc Perry and Pc Leban visited at around 01:00, the venue was not at capacity, there was a Bruce Springsteen Birthday Party event taking place. As we went up the stairs into the venue we observed two drunk males, one so drunk he walked into a wall before stumbling down the stairs nearly falling over. Another male was also clearly drunk, his speech was slurred and he was unsteady on his feet and he spent 5 minutes giggling while showing PC Leban pictures of his burnt down lorry as we waited for the manager.

We asked to see alcohol refusal log which showed 4 refusals in 3 months, 3 of which were from one event on the 1st of August. We pointed out to the manager that the refusals log was unacceptable as there were so few refusals it was simply not believable they had so few drunk people, especially given the two drunk people we had seen as we entered the venue.

We also looked at incident log which showed that at some events there were significant amounts of drugs still being found on customers inside the venue, after they had been through the searching at the entrance. We also found 3 bags of drugs on a clipboard with no details on them. We have no idea how long the drugs had been there, or if any of the drugs had been removed. They should have been stored in the safe. Told that these bags should be filled out and put in the safe immediately

10th September 2021.

PC Perry and PC Ward visited the venue around 2:30 am, the venue was at capacity as there was an after party for the "Body Movements Festival" taking place. We observed the crowd and there were a few intoxicated people who were unsteady on their feet, and their eyes were glazed and were clearly drunk. We pointed this out to the manager and told him our concerns as many of the customers would have been drinking at the Body Movements Festival earlier in the day, and therefore much more at risk of becoming vulnerable through drink and drugs, therefore much closer observation was needed.

We asked to see the refusals log, which showed only one new entry in the two weeks since our last visit, and that was dated for August 2021. We spoke to the manager about this who admitted that the refusal logs were still not being used despite visits by Police and a Licensing Review being instigated.

The manager said that he was working to bring the Oval Space up to standard but that there was lots of work to be done.

The following Crimes have taken place at the Oval, since November 2019. The reason we have gone back two years is twofold, firstly the venue has been closed for a period due to Covid legislation so we need to go back a reasonable amount of time to get a clear picture of crimes at the venue. Second, the crimes below will show a clear pattern of crime and disorder, especially violence taking place at Oval Space.

4th June 2021 – Sexual Assault

At about 10:45pm a female customer claimed that she was sexually assaulted by a male groping her breasts and that another male had then exposed himself to her. The woman was then followed into a toilet by the male who had groped her. Both the victim and a witness were to quote the venue staff “Quite Intoxicated”.

Although the venue staff did offer care to the victim, and get statements they did not inform Police until 2 days after the incident.

Crime report 4215945/21 refers.

5th December 2020 - Assault

At about 10:40 pm the victim states he was in the club when a male who he did not know came up from behind and grabbed him around the neck until he passed out. The victim regained consciousness lying on the floor. Moments later the same suspect did it again.

The victim complained to the premises manager who told him that both events were captured on the in premises CCTV. The victim states he is still experiencing chest and neck pain as a result of this assault.

The manager was contacted by Police and the CCTV supplied, which showed the offence taking place, but the CCTV is of poor quality and Police are unable to identify the suspect.

Crime report 4235346/20 refers.

14th November 2020 - Drugs

Police were conducting mobile patrols when their attention was drawn to a vehicle parked up on The Oval. When Police pulled up along side the driver was seen to gulp furiously at water. In the E2 area this is common with drug dealers swallowing drugs to prevent Police recovering them.

Pc JORDAN 3701u approached male in the front passenger seat of the vehicle where there was an immediate smell of cannabis. The passenger also admitted to having cannabis on his person.

Three small bags of herbal cannabis were found in his jacket and he was given a Community Resolution.

Crime Report 4232463/20 refers

16th February 2020 – Stabbing

At about 03:30 the victim has. He stated that he was in the middle of the dance floor when he felt two jabs to his back. He did not see who assaulted him or what implement was used. He then approached security and informed them that he felt like he had been stabbed and received two puncture wounds to his back. He was then taken out back to be treated and the London Ambulance Service (LAS) called. It was the LAS and not the venue who called for the police to attend.

Police arrived on scene first, were directed to where the victim was being treated. The victim told Police that he does not know why this has happened. He had not been involved in any altercation with anybody prior to being attacked. He was simply in the middle of the dance floor when he was stabbed. Staff were spoken to but no one appears to have witnessed the incident.

CCTV shows two suspects wearing puffer jackets and beanie hats walk across the dance floor of the club, they walk towards the top left of the CCTV and one of the males stabs at the victim three or four times. The two suspects then make off.

Crime Report 4204801/20 refers

16th November 2019 – GBH Assault

At about 01:45am a large fight took place at Oval Space between two groups of customers which resulted in a male receiving a fractured eye socket (fractured in 2 separate places), a large lump to the

right side of his head, a concussion, a torn muscle under his right eye and a bleed under the eye, which has caused a swollen pouch under his right eye.

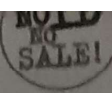
Police recovered the CCTV from the Oval Space, the footage shows a large melee take place involving what appears to be two groups of males who are fighting each other. Due to being unable to see any faces, it is difficult to identify who the victim is. With the large numbers of people involved on both sides, it is also incredibly difficult to identify who out of the large group assaulted him to cause the injury the victim sustained. As a result the case cannot be progressed.

Crime Report 4235459/19 refers.

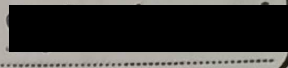
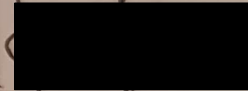
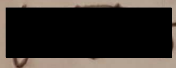
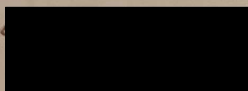
What the above crimes demonstrate is a venue that was failing to maintain order, and protect its customers prior to Covid, a trend that has sadly continued after lockdown ended. Following the stabbing on the 16th February 2020, the second serious violent attack to take place at Oval Space in the period of a couple of months Police held a meeting with the management of Oval Space.

At that meeting on the 21st February 2020 the management of Oval Space admitted that they knew they needed to improve, and said they would put measures in place to improve security. Despite the ample opportunity presented to them there has been no effective review of how Oval Space keeps its customers safe.

Since Lockdown ended it has been clearly evidenced in both the crimes that have taken place and visits by Police Licensing that there has been no improvement in the venue. Serious crimes are still taking place involving Oval Spaces customers, security are still failing to prevent drugs entering the venue, customers are still becoming drunk. By looking at the photographs of the alcohol refusal logs since the review was submitted we can see that the venue have failed to manage the basics like stopping its customers becoming drunk and storing drugs in clearly marked bags in a safe, not left in unmarked bags on a clipboard.



DATE/TIME	PRODUCT	PERSON REFUSED	ASKED FOR ID	COMMENTS	REFUSED BY
DATE: 1/8/21 TIME: 3:05 AM: <input checked="" type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: 5'7, Blonde, freckles, AGE: 27-37 HEIGHT: 5'7 BUILD: Petite	YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	Looks very distant, stumbling, heavy eyes	NAME: Shari SIGNED:
DATE: 1/8/21 TIME: AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: ORANGE T-SHIRT T-SHIRT AGE: 22 HEIGHT: 5'9 BUILD: SKINNY	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	out of service. CAN'T RECOGNIZE HIS CREDIT CARD forgot his NAME	NAME: GANDIL SIGNED:
DATE: 1/8/21 TIME: 01 AM: <input checked="" type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: High	MALE: <input checked="" type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: IC1 male, grey shirt blonde hair AGE: mid twenties HEIGHT: 5'11 BUILD: average	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>	Refused service and provided with a can of water. Barteam informed	NAME: MARIA SIGNED:
DATE: 26/09/21 TIME: AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: blonde lady with brunette friend AGE: mid 30'S HEIGHT: BUILD: slim	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	blonde friend was v/ drunk and defensive about drinking water. brunette also	NAME: Thomas SIGNED:
DATE: 10/08/21 TIME: 1:35 AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input checked="" type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: V/ Drunk male, Told to drink water AGE: 35 HEIGHT: 6'3 BUILD: Medium	YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	compliant to drink water and came back later	NAME: Thomas J SIGNED:
DATE: TIME: AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: AGE: HEIGHT: BUILD:	YES: <input type="checkbox"/> NO: <input type="checkbox"/>		NAME: SIGNED:

PRODUCT	PERSON REFUSED	ASKED FOR ID	COMMENTS	REFUSED BY
HOL: <input checked="" type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: 5'7, Blonde, freckles, AGE: 27-37 HEIGHT: 5'7 BUILD: Petite	YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	Looks very distant, stumbling, heavy eyes	NAME: Shari SIGNED: 
HOL: <input type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: ORANGE TSI TSHIRT. AGE: 22 HEIGHT: 5.9 BUILD: SKIVY	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	out of service. CAN'T RECOG NIZE HIS CREDIT CARD forgot his NAME	NAME: SANDIL SIGNED: 
HOL: <input checked="" type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input checked="" type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: IC1 male, hair Grey shirt + blonde hair AGE: mid twenties HEIGHT: 5'11 BUILD: average	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>	Refused Service and provided with a can of water. Barteam informed	NAME: MARIA SIGNED: 
HOL: <input checked="" type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: blonde lady with brunette brunette friend AGE: mid 30'S HEIGHT: BUILD: Slim	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	blonde friend was v/ drunk and defensive about drinking water. brunette also	NAME: Thomas SIGNED: 
L: <input type="checkbox"/> O: <input type="checkbox"/> Y: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION:	YES: <input type="checkbox"/> NO: <input type="checkbox"/>		NAME:

Appendix 3

(Oval Space)

29 –32 The Oval
London
E2 9DT

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by


David Tolley
Head of Environmental Health & Trading Standards

Date: 4th September 2012

Minor Variation 22/7/16



Part A - Format of premises licence

Premises licence number

139740

Part 1 - Premises details

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

(Oval Space)

29 – 32 The Oval

Post town

London

Post code

E2 9DT

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

The provision of regulated entertainment

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

The provision of late night refreshment – Indoors and outdoors

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: "All outdoor events to cease at 21:00hrs".

Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

The opening hours of the premises

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

Part 2

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

Oval Venues Ltd
71 Fanshaw Street
London
N1 6LA

████████████████████

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

08501737

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

Archie McIntosh

████████████████████
████████████████████
████████████████████

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

Personal Licence No.14035
Issuing Authority: Central Bedfordshire

Annex 1 - Mandatory conditions

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

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

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

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

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted;
2. For a period of 3 years from 1st February 2014, Oval Space agree not to apply to vary the number of late night events beyond 40 occasions per annum. Oval Space also agrees that after this date, to enter into consultation to involve the Lithuanian Church and a relevant responsible authority before any variation to this condition would be submitted;
3. Oval Space and the Lithuanian Church representatives to also have a meeting each quarter to discuss issues arising from licensed activities.
4. No music or other amplified sound shall be played within the premises and/or external areas so as to cause a nuisance from any affected residential facade;

Conditions for the allocation of 6 events (maximum) in the external areas per calendar year (of which there is a maximum of 4 on a Sunday):

5. The music noise level (MNL)* should not exceed the background noise level** by more than 10 dB(A) over a 15 minute period;
6. Low frequency level should not exceed the background noise level** by more than 10dB @ 63Hz at any affected noise sensitive residential facade;
7. The events to cease by 9pm;
8. The static noise monitoring position to be at Imperial Wharf, which is to be maintained, calibrated and monitored by Oval Space;
9. The background noise level to be agreed by EH/EP prior to 28 days prior to the first event;
10. All noise data for each of the (up to) 6 events to be sent to Tower Hamlets Environmental Protection within 14 days from the end of each event;
11. The Oval Space to notify EH/EP, Licensing and local residents 7 days prior to each event of the maximum 6 events allocation.
12. The Oval Space shall have security in place that has been agreed with the Police Licensing. The policy shall be agreed annually.

* *The LAeq of the music noise measured at a particular (agreed) location with EH/EP.*

** *The value used should be the arithmetic average of the hourly LA90 measured over the last four hours of the proposed event if scheduled to last for less than four hours*

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

Conditions attached following the Licensing Subcommittee hearing of the 4th September 2012:

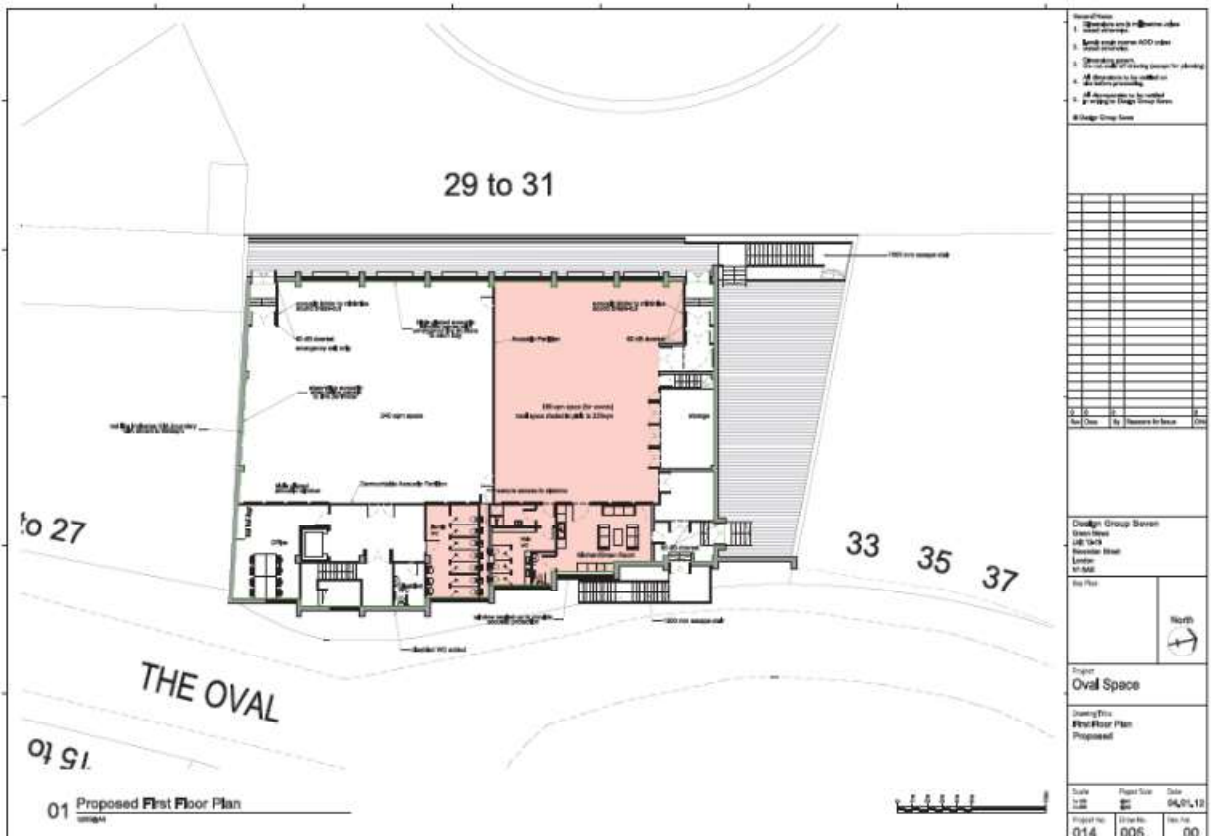
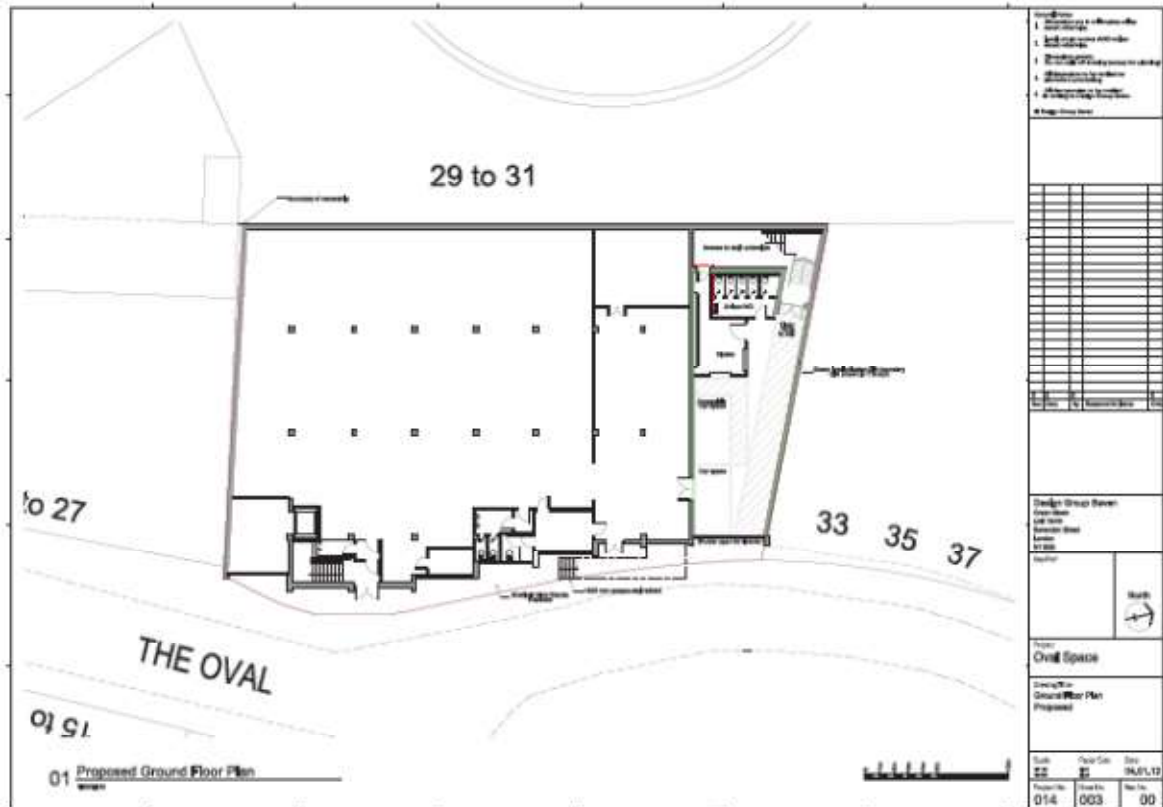
1. "Quiet marshals" shall be employed during late events due to the close proximity of the church to recognise the function of the clergy;
2. That Holy Saturday [Easter Eve], Christmas Eve, Maundy Thursday, Good Friday, Easter and Christmas Days shall be excluded for any licensable activities.

Annex 4 - Plans

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

25th June 2012 – Ground floor (Draw No. 003, dated 04.01.12)

First floor (Draw No. 005, dated 04.01.12)



Part B - Premises licence summary

Premises licence number

139740

Premises details

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

(Oval Space)

29 – 32 The Oval

Post town

London

Post code

E2 9DT

Telephone number

Where the licence is time limited

Not applicable

Authorised Licensable activities

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

The provision of regulated entertainment

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

The opening hours of the premises

Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

The provision of late night refreshment – Indoors and outdoors

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: "All outdoor events to cease at 21:00hrs".

Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

Name, (registered) address of holder of premises licence

Oval Venues Ltd
71 Fanshaw Street
London
N1 6LA

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

Registered number of holder, for example company number, charity number

08501737

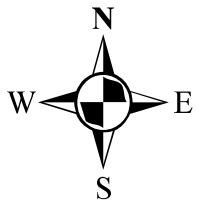
Name of designated premises supervisor

Archie McIntosh

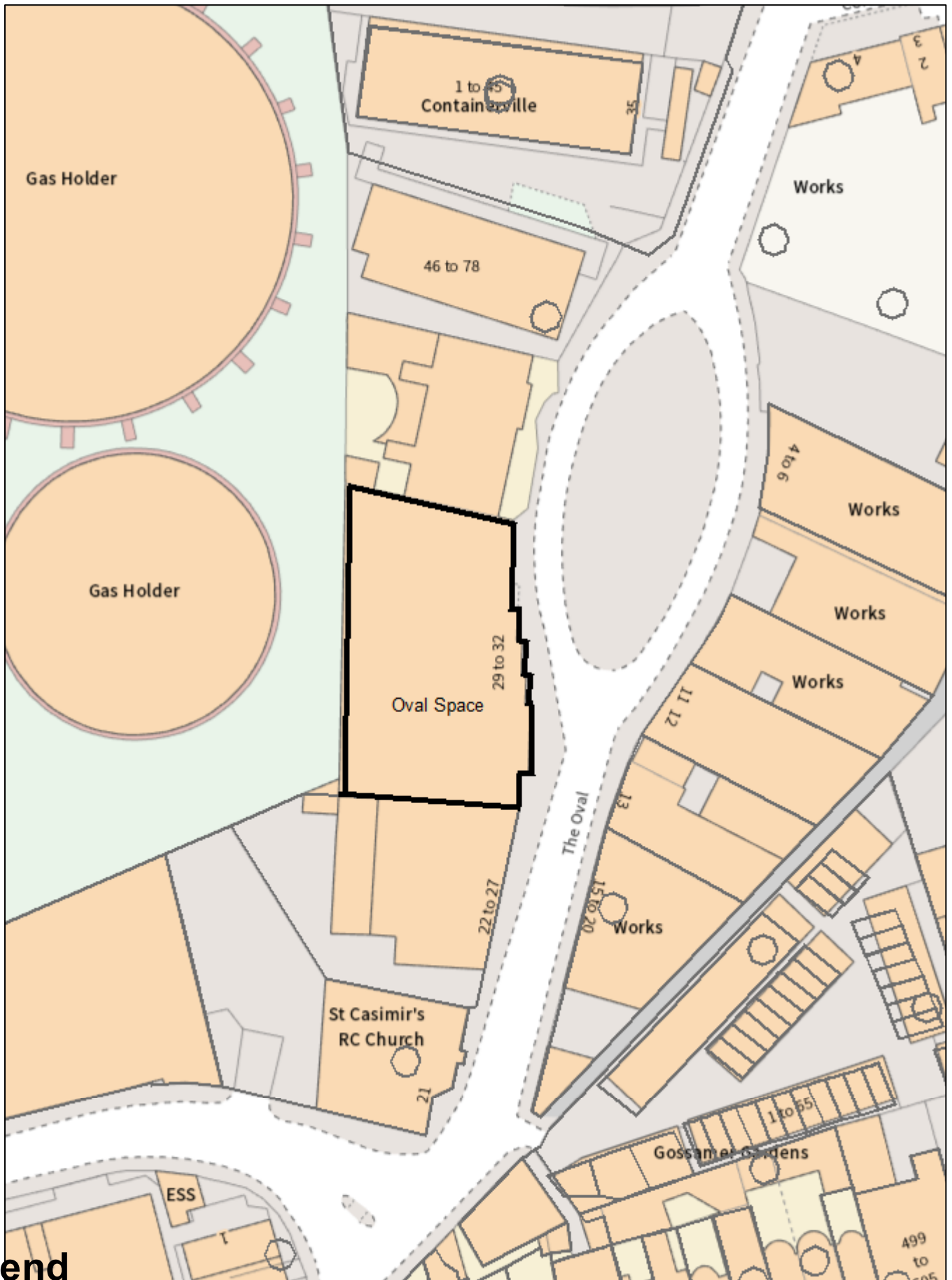
State if children, premises access restricted

Not restricted


Appendix 4

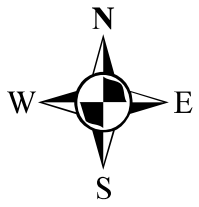


Oval Space, 29-32 The Oval

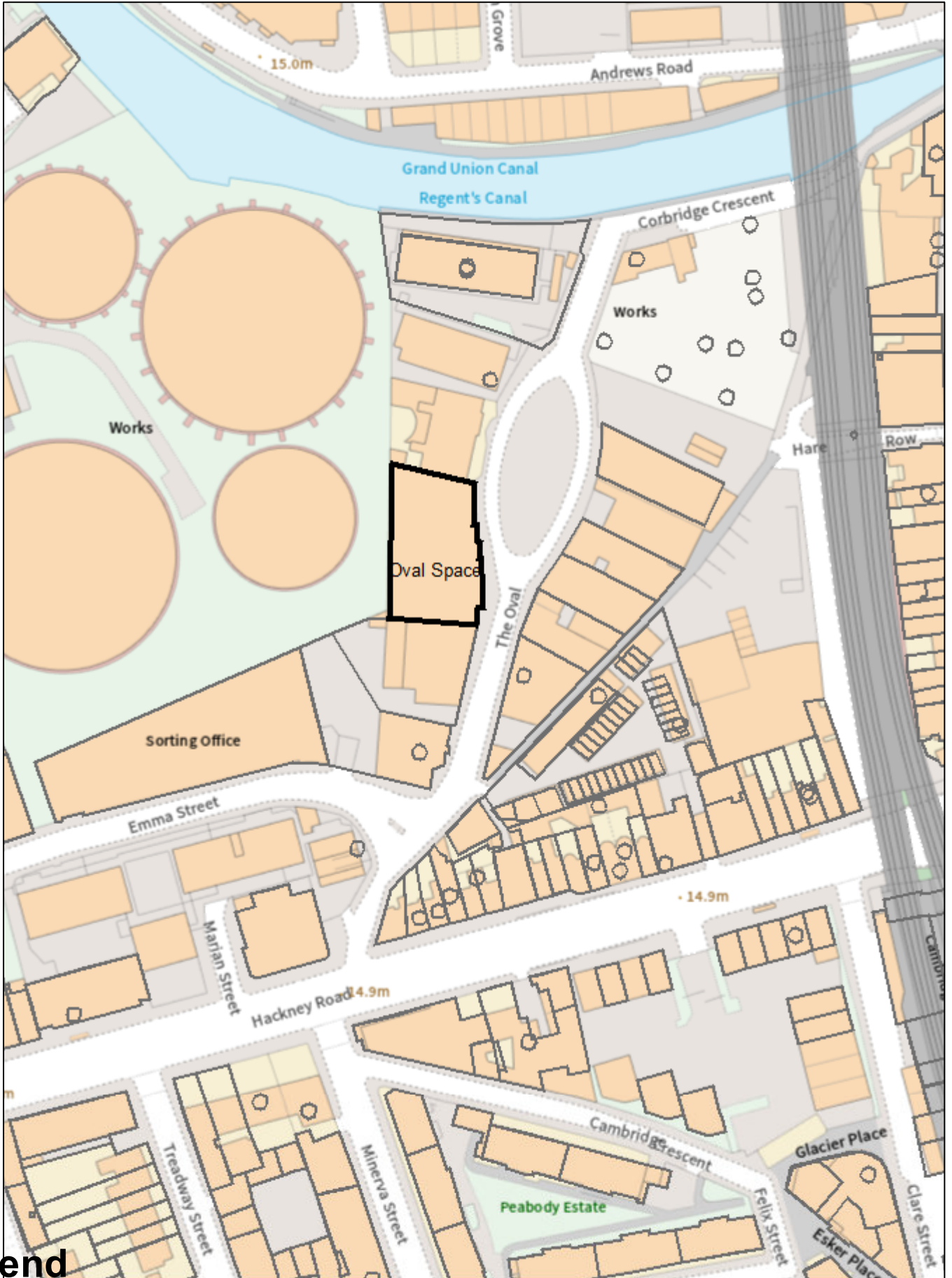


Legend


 Local Land and Property Gazetteer



Oval Space, 29-32 The Oval



Legend

 Local Land and Property Gazetteer

Appendix 5

Kathy Driver

From: Nicola Cadzow
Sent: 20 August 2021 16:11
To: Licensin
Cc: [REDACTED]
Subject: 139996 - Review of Oval Space 29-32 The Oval London

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

As an Environmental Health Officer in the noise team I have given due regard to the license review initiated by the Police with respect to Oval Space 29-32 The Oval London and consider the impact of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

Since 31st July 2021 there have been four noise complaints from four individual residents relating to Oval Space 29-32 The Oval London

Three emails received:-

(1) Referred from Licensing 5/8/21

From a local resident to the venue Oval Space in E2 who complained about the level of noise coming from the club today, Saturday afternoon.

And I quote *"It is very very loud and thumping beats are reverberating off of all of the surrounding bullrings, making life in my home with my toddler pretty miserable. Have had to shut all the windows which isn't pleasant on a summer day. It's far too loud to be considered acceptable for a residential area"*

Warning letter was sent to the premise and a letter and diary sheets to the complainant. Also discussed with licensing.

(2) Referred from licensing team 5/8/21

Complainant reported a significant noise issue emanating from the Oval space, near the canal.

I quote *"Every Saturday there is incredibly loud dance/club music playing being played outdoors incessantly from around 4pm until late into the night. There are no attempts to moderate the noise, or to ensure that it is played indoors only. This is incredibly antisocial and disruptive to the noise and tranquility of the residents living along the canal. It makes it difficult to sleep or work or anything else"*.

Warning letter sent to premises and letter and diary sheets sent to the complainant

(3) Email received 31/7/21

Complaint received about the Oval Space at 29, 32, The Oval, Cambridge Heath, London E2 9DT holding events with loud music which start early afternoon on Saturdays and Sundays and continue into the night (past 11pm).

The complainant says the noise is so loud that and I quote *"I can still hear the bass and the music despite having all windows closed (which are double glazed). The noise is so loud that I doubt that the space has been sound insulated at all"*

Warning letter sent to premise and letter and diary sheet sent to complainant.

Visit by the out of hours noise service (OOHNS)

(1) Out of Hours noise service visit 31/7/21 when the call handler received a call regards a noise complaint made against Oval Space, 29-32 The Oval, E2 9DT. Officers successfully liaised with the complainant at 21:24 who reported loud music coming from the nightclub. The complainant stated that the noise has been excessive since 15:00 and also mentioned a vehicle driving around playing loud music. Upon arrival officers could hear music from within the subject location. The area was clear of any pedestrian traffic and so officers approached the subject location to which they were greeted by an IC1 male stating he was the venue manager. The male acknowledged that at 21:00 as per license restrictions the outside of the venue is not to be in use and the rooftop terrace is to be closed which they were in the process of carrying out.

Due to the recent recorded history of noise complaints received, I do not believe that the licensing objective for the prevention of public nuisance is being adhered to, as complaints from local residents indicates that the premises known as Oval Space is playing loud music which is causing a noise nuisance to local residents.

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

- Noise breakout from the venue affecting neighbouring residents.

CONCLUSION

Environmental Protection supports the Police review of the license for Oval Space 29-32 The Oval London due:- (1) Recent history of noise complaints (2) Premise does not appear to be promoting the licensing objectives for the prevention of 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


www.towerhamlets.gov.uk

Follow us on:

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)



Kathy Driver

From: Nicola Cadzow
Sent: 22 October 2021 12:20
To: Licensin Kath Driver
Cc: [REDACTED]
Subject: MAU 139996 - REVIEW OF LICENSE Supplementary Information Oval Space, 29-32 The Oval, London

Dear Licensing,

Please take this as supplementary information to my initial supporting representation of the 20th August 2021 in support of the review by Police Licensing of Oval Space, 29-32 The Oval, London

An email received by the noise team on the 27th September 2021 from a complainant reported loud music emanating from Oval Space and I quote " *Yesterday (26/9/2021) the music at the Oval Space was louder than it usually is. This has happened several times over the past couple of months. They appear to regularly exceed the volume threshold making it very difficult to do anything at home.*

On 30/9/21 a letter was sent to Oval Space advising of the noise complaint received.

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

Follow us on:

[Facebook](#) | [Twitter](#) | [Linkedin](#) | [Instagram](#)

Appendix 6

11. Reviews

The review process

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

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

Repetitious grounds of review

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

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

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

Powers of a licensing authority on the determination of a review

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

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

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

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

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

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

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

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

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

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

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

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

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

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

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

Appendix 7

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

Updated April 2018

Crime and disorder

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

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

Appendix 8

Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

Smuggled goods

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

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

Olympic Park – Football Ground

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

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

Appendix 9

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 10

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

APPENDIX 11

SUPPORTING DOCUMENTS SUBMITTED ON BEHALF OF THE PREMISES LICENCE HOLDER

OVAL SPACE 29-32 THE OVAL LONDON E2 9DT
REVIEW OF PREMISES LICENCE BY METROPOLITAN POLICE SERVICE

CASE OUTLINE

Background

1. The Premises Licence Holder has traded at Oval Space, 29-32 The Oval, London, E2 9DT since 2015. The operators have traded here since that date but previous operators traded prior to that.
2. Within the ownership of the premises a management team have operated premises over a twenty year period. They have operated 55 licensed premises during that period and have never been the subject of a review of a Premises Licence under the Licensing Act 2005 or the Act that preceded it.
3. Prior to the review which commenced on the 25 July 2021 it was believed that the ownership held a good strong and open relationship with the Police Licensing Team.
4. The premises operate as a mixed use premises with a variety of licensed activities taking place.
5. 75 people are dependent on their employment as a result of these premises and a significant number of additional suppliers.
6. The operators have 8 years left to run on their lease at the premises. They pay over £250,000 a year in rent and £45,000 of rates to the council. This is a significant operation within this area of the Borough which has been supported by the relevant Covid support packages and is seeking to grow from strength to strength moving out of Covid restrictions.
7. Having undertaken a complete review of systems and in light of re-opening during Covid the Premises Licence Holder has changed security company and has appointed a new General

Manager to the premises. This is Ross Melinn, who's CV is attached, and he has met Mark Perry from the Police. He is continuing to be supported by Archie McIntosh who has been involved in these premises and others for many years.

8. Moving forward there are 5 Personal Licence Holders working at the premises and at least one Personal Licence Holder will always be present for every event taking place at the premises.

9. Attached to this Case Outline are the following:
 - a) An up to date event programme for the premises;
 - b) A current CCTV plan of the premises;
 - c) Copies of relevant email communications;
 - d) CV in respect of Ross Melinn;
 - e) Crowd Dispersal Staff Positions - Full Capacity
 - f) Crowd Dispersal Staff Positions - Half Capacity
 - g) High Risk Events and Operational Policy
 - h) Security Policy
 - i) Drugs and Search Policy
 - j) Counter-Terrorism Policy
 - k) Covid Risk Assessments
 - l) Covid Risk Assessment for Euro's Football

Police Review

10. The Premises Licence Holder will make oral submissions in relation to the information provided in the review document.

Police Requested Conditions from the Review

11. The Premises Licence Holder accepts all of the recommended Police conditions and can confirm that they will comply with those conditions.

12. The review application also asks that the hours of the venue are reduced to framework hours “which would allow new management to re-establish the venue as a premises not associated with crime and disorder, especially drug use.”
13. The Premises Licence Holder seeks to persuade the Licensing Sub-Committee that this would lead to a revocation of the licence by Back Door. The premises would not be viable if the hours were reduced to those framework hours. It is the Premises Licence Holder’s submissions that this would be a disproportionate and inappropriate remedial action for the review.

Revised Guidance issued under Section 182 of the Licensing Act 2003

14. The relevant sections of the document are as follows:
15. The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. (Paragraph 11.16)
16. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
 - modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence. (Paragraph 11.19)
17. In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should

always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. (Paragraph 11.20)

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

19. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (Paragraph 9.43)

20. Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. (Paragraph 9.44)

Conclusion

21. It is submitted on behalf of the Premises Licence Holder for all of the above reasons that the appropriate and proportionate remedial action for the review is to add the additional conditions to the Premises Licence. It would be disproportionate and inappropriate to promote the licensing objectives to reduce the hours as requested in the review document as this would be a de-facto

revocation of the Premises Licence. The Police application suggests this is not what they want to happen as a result of the review and therefore would not be appropriate.

Paddy Whur

Woods Whur

42-46 Princelet Street

London

E1 5LP

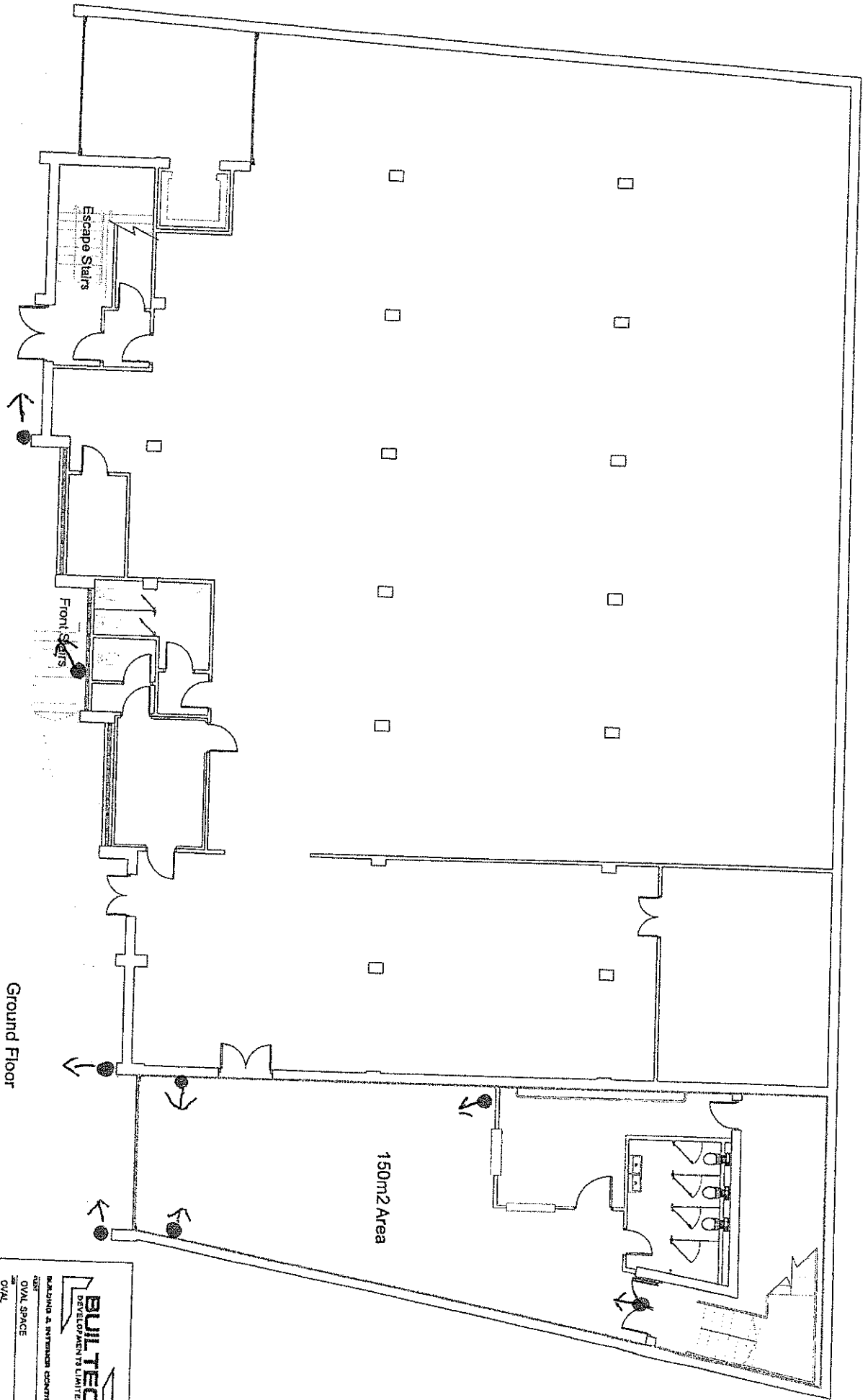


07738170137



Paddy@woodswhur.co.uk

← Pickle Street (CN)



BUILTECH
BUILDING & INTERIOR CONTRACTORS

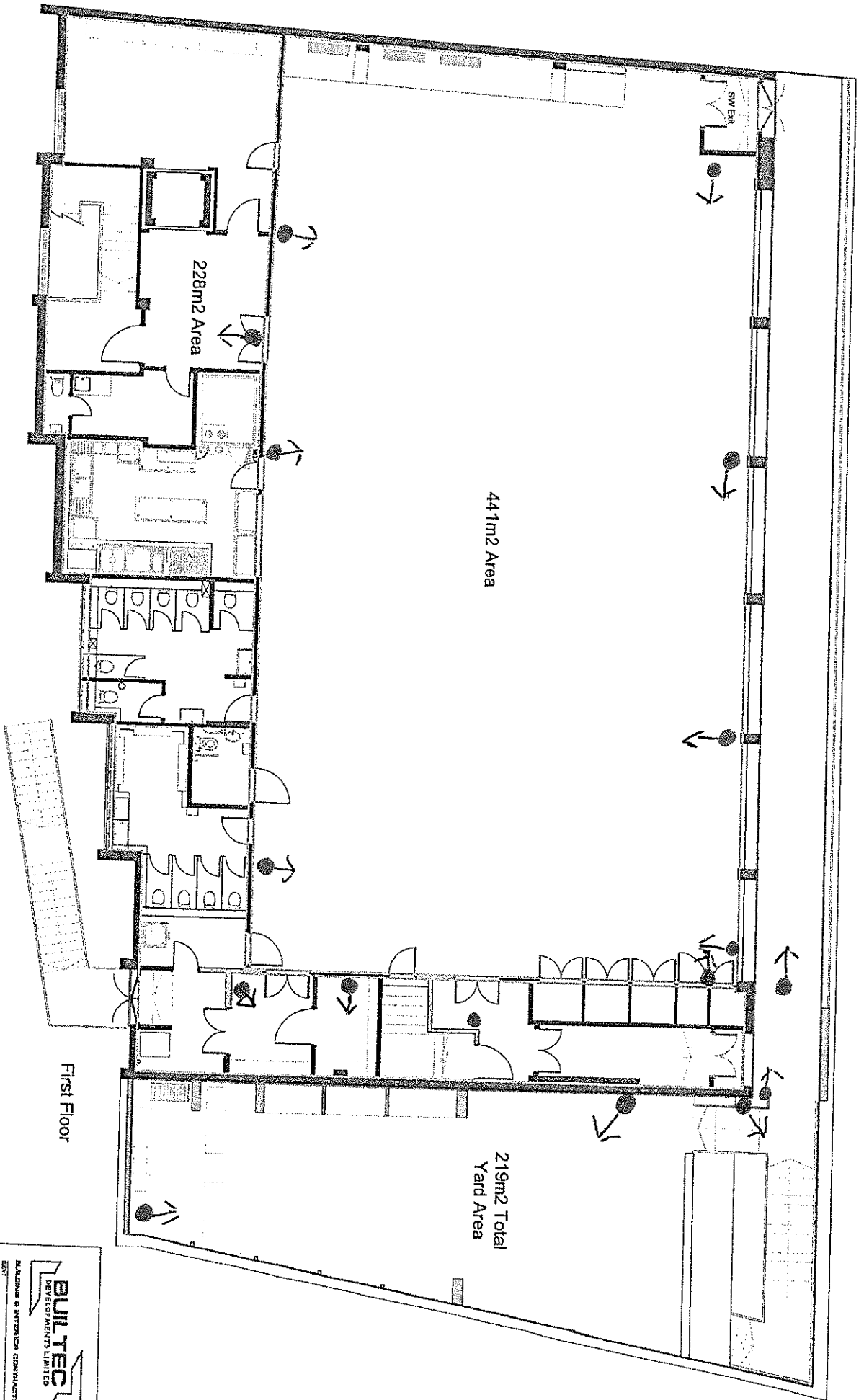
PROJECT: OVAL SPACE
DATE: 08-11-18

SCALE: 1:100
DRAWN BY: LM

GROUND FLOOR

LM-01

Author: Dr. Aleksandra L. D. J. Alford (C441)
Project: Oval Space, 100m² area, 2-3 K
1st Floor, 100m² area, 2-3 K
REF: 1822, 1822S, 1822, 1822S, 1822



BUILTEC
 DEVELOPMENTS LIMITED

MANAGING & INTERIORS CONSULTANTS

ESTD
 OVAL SPACE

DATE: 08-11-18

SCALE: 1:50

PROJECT NO: LM

PROJECT NAME: LM-01

PROJECT ADDRESS: 107, Ashford Court, Ashford, Devon, PL26 8AA

PROJECT CONTACT: 01292 43225

PROJECT PHONE: 01292 431 804

FIRST FLOOR

ROSS PATRICK MELINN

07930978459 | rosspmelinn@gmail.com | London, UK

A creative and versatile Venue & Event Manager with sound commercial judgement and a business operations background. I have a variety of skills essential to delivering thought-leading and thought-provoking experiences whilst overseeing all aspects of a busy venue. With a demonstrable history of creating exemplary events and unforgettable moments, I'm motivated by bringing people together in unique spaces to inspire them in ways they may not have thought possible. Hospitality is my craft; Events are my passion!

SKILLS WITH GREATEST IMPACT

- Hospitality and Customer Service
- Venue and Restaurant Operations
- Event and project management
- Communication & leadership
- Critical thinking and problem solving
- Health & safety management

EXPERIENCE

GENERAL MANAGER, OVAL SPACE & THE PICKLE FACTORY

SEP 2021 – PRESENT

A multi-purpose venue with over 5000 square feet of unobstructed statement space, playing host to corporate functions, product launches, fashion shows and live concerts for a discerning clientele.

- Creating a culture of H&S management
- Overseeing all operational planning for the delivery of entertainment in a safe environment
- Recruiting for and training key personnel in event safety compliance
- Delivering best in class gig & event operations alongside technical, bar & venue teams
- Ensuring compliance with all fire, licensing, employment and financial regulations

GENERAL MANAGER, CLF ART LOUNGE

SEP 2020 – JAN 2021

Leading the CLF Art Lounge & Roof Garden- an independent jazz lounge and rooftop cocktail bar through uncertain times.

- Oversee day-to-day operations
- Maintain budgets and optimize expenses
- Set policies and processes
- Active recruitment and training of new employees
- Evaluate and improve operations and financial performance
- Due diligence on all H&S, HR, licensing and insurance compliance.

AGM/ HEAD OF OPERATIONS, TROXY

JAN 2019 – SEPT 2020

A 3100-capacity multi-purpose event and music venue. Covid redundancy.

- Lead on all business functions in absence of GM and Owners; delivering events on-site within a converted 1930's Grade II-listed Art Deco Theatre.
- Line Management of Department Managers including Events and Sales teams, Bars, Catering and Production, whilst fully accountable for venue spend and maintaining multi-million-pound revenue streams.
- Ensuring venue standards are maintained including Security, Facilities, AV/Sound and Lighting.
- Managing key business functions and tasks therein including HR, Health and Safety, P&L.

PROJECT MANAGER, CULT EVENTS FEB 2017 – DEC 2018
A venue and event management agency

- Operations Manager for The Common Restaurant in Willesden and House of Vans (1200 pax) in Waterloo.
- Selling agency services to multi-national fashion, drinks and design brands whilst planning and delivering experiential events on time and in budget. Clients include Diageo, Dazed, London Design Festival, Selfridges and Farah.
- Planning all events including staff management and freelance recruitment, supplier coordination, stock control, budget holder; through to AV
- Oversight and accountability for full customer journey from business development through to planning and delivery to debrief and re-sell.

SENIOR EVENT MANAGER, EVENTBRITE JULY 2015 – OCT 2016
A SaaS event management platform (formerly known as Ticketea).

- Established sales and operational processes for the launch of a B2B event management SaaS platform in the UK market.
- Line management of Account & Operations Managers including recruitment, onboarding and training whilst providing onsite supervision for event registrations.
- Delivered £100k profit in new business in first 12 months whilst establishing new sales verticals.

EVENT MANAGER, WORLD TRADE GROUP JUNE 2012 – JULY 2015
A leading international provider of B2B events, specialist training courses, and business conferences

- Production and delivery of mass participation exhibitions across multiple industries.

OTHER EXPERIENCE

RESTAURANT OPERATIONS MANAGER, RICHOUX GROUP APRIL 2010 – MAY 2012

VENUE & EVENTS COORDINATOR, UNIVERSITY OF KENT NOV 2008 – APRIL 2010

GENERAL MANAGER, MITCHELLS & BUTLERS MARCH 2006 – FEB 2007

EDUCATION & ACCREDITATIONS

MANAGING SAFETY, IOSH

FIRST AID AT WORK

PERSONAL LICENSE, BIIAB

BSc SPORT SCIENCE, UNIVERSITY OF KENT

PUBLIC SERVICES, GUILDFORD COLLEGE

JANUARY 2020

FEBRUARY 2020

SEPTEMBER 2006

SEPT 2008 - JULY 2012

SEPT 2004 - JULY 2006

Account	Balance	Debit	Credit	Balance
1000	1000.00			1000.00
1010				
1020				
1030				
1040				
1050				
1060				
1070				
1080				
1090				
1100				
1110				
1120				
1130				
1140				
1150				
1160				
1170				
1180				
1190				
1200				
1210				
1220				
1230				
1240				
1250				
1260				
1270				
1280				
1290				
1300				
1310				
1320				
1330				
1340				
1350				
1360				
1370				
1380				
1390				
1400				
1410				
1420				
1430				
1440				
1450				
1460				
1470				
1480				
1490				
1500				

[Faint, illegible text, possibly bleed-through from the reverse side of the page]

Oval Space High Risk Events Operational Policy

Event: XXXX presents YYYY

NB:

Oval Space, hereafter referred to as 'the venue'

XXXX hereafter referred to as 'the promoter'

YYYY hereafter referred to as 'the headline artist'

Please note that the following serves only as a guideline to procedures that the venue will implement for this event & the parameters within which we expect the promoter(s), management & artistes to work. These are subject to change based on subsequent discussions with the police & local authorities. We expect in every instance, that the promoter, artist management & artistes abide by and support us in upholding these measures.

- All artists due to perform at the event are subject to approval by the venue & must not be announced without the venue's written approval.
- The promoter should provide the venue with both the artistes 'stage' name, their full name and date of birth, as it appears on their birth certificate.
- The promoter must provide this information for the headline artist prior to announcing the event
- The promoter must provide the venue with this information for all other artistes on the proposed line up no later than 7 days prior to the event.
- The venue may decide to submit this information to the police at any given time in order for them to carry out comprehensive background checks. The venue reserve the right to demand that any artiste(s), including the headline artist, be removed from the line up based on intelligence that they may subsequently receive.
- The venue reserve the right to terminate the contract of hire with the promoter (& effectively cancel the events itself) on the basis of police intelligence and / or subsequent advice from the police & local authorities to this end. In such an instance, the venue accepts no liability for the losses or damages incurred by the promoter, artistes or any third parties related to the event.
- The venue will operate a pass system to be agreed with the promoter & artist management no less than 72 hours prior to the event.
- The venue will supply wristbands identifying headline artists, support artists, promoter & management (not lanyards or stickies) and these will be distributed at venue's discretion with reference to the aforementioned list.
- No passes (unless agreed by the venue) will grant the holder any escort privileges whatsoever.
- The headline artist & support artists will be subject to a full search upon entering and re-entering the venue, should they leave the premises for any reason. The venue reserves the right to conduct a full search of any individuals entering the backstage area and to conduct searches on any individuals inside the backstage area at any time should they deem this necessary
- Backstage & stage access is to be limited to the headline artist(s) , support artists, management, agent, promoters and venue working personnel only. The venue has an extremely limited space available in the backstage & stage area and the venue reserve the right to limit the total number of people granted access to this area as they see fit. This should be agreed with the promoter & artist management no less than 14 days prior to the event.

- The backstage & stage area will be closed to all except headline artist(s), management, agent promoters and working personnel immediately after the final support artist(s) finish their performance and no less than 15 minutes before the headline artist(s) are scheduled to perform.
- Guest list must be submitted no later than 48 hours prior to the event and only full names will be accepted, (no +s).
- All guests must bring photographic ID (passport / driving license) with them to be checked prior to entering the venue. The venue will refuse entry to anyone failing to do so.
- All guests to enter through the front entrance of the venue. There will be no backstage access for any persons on the guest list unless approved by the venue.
- The venue will conduct full searches on all guests.
- The venue operates a no re-entry policy for customers & guests alike.
- The venue will deploy additional security at their own discretion (this may include CP dogs), the additional costs of which will be recharged to the promoter & agreed prior to contracting
- Metal detector wands will be in use and full searches on all customers will be conducted
- All artists, guests & customers will be asked to remove hoods & other headwear before entering the venue
- The promoter must agree to provide an experienced representative with a proven history of successfully delivering shows of this nature to assist the venue in implementing the above measures
- The promoter must agree to provide experienced staff who are familiar with this audience profile and to assist the venue box office staff in running the guest list
- There is very limited parking around the venue and the venue is required to apply to the local council for dispensation for any vehicles that require parking in close proximity to the venue. The promoters agrees to provide the registration details of any vehicle(s) that require dispensation no later than 7 days prior to the event. The venue reserves the right to limit the number of vehicles requesting dispensations at their discretion.
- The venue operates a strict no smoking policy and the promoter must agree to signing our no smoking policy in the understanding that they will be liable for a £2500 fine should any artist or member of the artists management / entourage be found to be smoking on stage or in the audience

Joe Splain,
 Managing Director - Oval Space Venues

Signed

ZZZZ,
 Promoter - XXXX

Signed

Oval Space

The Pickle Factory

Security Policy

Reviewed August 2020
Joe Splain

Contents

1. Introduction
2. Communication between OS/TPF and Security Team
3. Chain of Command
4. Customer Service
5. Security Duties
6. Do's and Don'ts
7. Appearance
8. Wearing of ID and ear pieces
9. Time-keeping
10. Use of phones and social media
11. Breaks
12. Capacity and clicker protocol
13. Greeting Guests
14. Health & Safety
15. Emergency Fire Evacuation Procedure
16. CCTV
17. Radio protocol
18. Taxi service, private hire and touts
19. Drugs policy and procedure
20. Searching procedure
21. What we confiscate
22. Customer complaints
23. Preparing the venue for operation
24. Security during event
25. Reporting procedures and recording of incidents
26. Dealing with trips and slips
27. Monitoring fire exits
28. Official visits
29. Visits from our neighbours
30. Customers leaving the venue in an unfit state
31. Street vendors
32. Flyering at the end of the night
33. Ticket touts

1. Oval Space - Fire Exit Location Points
2. Oval Space - Fire Extinguishers Location Points
3. Oval Space - Evacuation Procedure for Disabled Guests
4. The Pickle Factory - Fire Extinguishers Location Points
5. The Pickle Factory - Evacuation Procedure for Disabled Guests
6. Theft Policy
7. Fire Assembly Point (BOTH VENUES)

Appendix

Introduction

This document is intended to highlight the general rules of practice expected from the Oval Space and The Pickle Factory security teams. This includes duties that are considered vital in the safekeeping of the venue, our customers, our staff and each other.

While it is fair to say every event is different, our values as a company will rarely change. As such it is important for us to remind you regularly what these core values are.

In methodically going through each aspect of your role here we hope to offer you clarity in your position as well as keeping you informed of new legislation, which could affect you and how you carry out your work here.

Communication between OS/TPF and Security Team

A briefing will be held with the security team prior to opening doors for every event.

Information provided will include but not be limited to ticket sales / audience profile / set times / any procedural changes / H&S issues to be alert to / current hot topics / environmental impact and any other detail specific to the event.

Customer Service

We cannot place enough emphasis on the importance of customer services and how you as part of the security team are vital to this role.

We expect each of our customers to have the best night possible with us and to look forward to when they can next return. As such it is important that you, at all times conduct yourself in a friendly and professional manner.

As will often be the case, you as a member of the security team will be the first and last encounter our customers have with the club on entrance and exit. Based upon this you are the first and last impression our customers receive of the venue and we expect that impression to be of a very high standard.

Security Nightly Duties

It is important to us that every member of the security team works to the same high standards and objectives.

Below is a non exhaustive list of what we expect of you:

First and foremost the security team must at all times promote and uphold the four licensing objectives.

- The prevention of crime and disorder.
 - Public Safety.
 - The prevention of public nuisance.
 - The protection of children from harm.
-
- At all times take direction from the Duty Manager - The chain of command is very straight forward, the manager on duty is in charge of the premises so his/her requests should be adhered to.
 - Welcome guests in a friendly and courteous manner.
 - Refuse access to any customer whose presence in the venue may pose a threat to the safety of another customer or who may contravene one or more of the licensing objectives i.e. somebody found to be carrying drugs and/or offensive weapons.
 - Ensure the safety of staff, management, guests and your team at all times.
 - Carry out night specific instructions as directed in pre event security briefing.
 - Ensure guests understand clearly that searching is a condition of entry.
 - Perform all searches in full view of CCTV.
 - Illicit substances found during search are dealt with according to current company policy and placed inside the amnesty box at each door and recorded correctly.
 - Weapons found during search are handled in accordance with company policy.
 - Be aware of the venues fire procedure and your role in assisting the management should an emergency situation occur.
 - Protect the premises against damage and theft.
 - Ensure movement throughout the venue is fluid and safe at all times.
 - Use moderate and reasonable language at all times.
 - Contain any situations that may occur, ensuring as little disruption as possible and no discomfort or injury to other members of the public or staff.

- Always report an incident either directly to the head door supervisor or to the Duty Manager. Full details must be reported and recorded at the time of incident.
- Always be vigilant to potential hazards/incidents and prevent a situation occurring where possible rather than containing it. Always radio for assistance if needed, never attempt to tackle a situation on your own.
- Act fairly and do not discriminate against any person on the grounds of colour, race, religion, gender, sexuality or disability.

General rules of practice

- You are responsible for your SIA badge which must be kept current and in date.
- You must wear your SIA badge on display at all times whilst on duty.
- OS/TPF requires you to arrive for your shift with a working earpiece.
- Do not solicit or accept any bribe or any other considerations from any person(s) or fail to account for any money or property during the course of duty.
- Do not fraternise with guests, friends or family in the course of duty.
- Do not abuse your position of power and responsibility.
- Do not leave an assigned fixed position without the prior consent of Head of security or the Duty Manager.
- Do not smoke in view of the public whilst on duty.
- Under no circumstances consume alcohol or drugs whilst on duty or report for duty under the influence of alcohol and/or drugs.
- Do not eat in view of the public whilst on duty.
- Do remember you are the first and last point of contact our guests experience at OS/TPF and we want you to confound their expectations.
- Do feel free to make suggestions to improve your working conditions and our service with your line manager at any time.

Appearance

- Your appearance is very important to us and you will be requested to report for work in relevant dress code at all times.
- We ask that paramilitary style clothing is not worn inside the venue or on the door.
- Black Trousers, Black Shirt and Shoes are as standard on all corporate events unless otherwise directed in advance.

Timekeeping

You are expected to report at the front door and be ready to work 10 minutes prior to the start of your shift. This time will be used to sign in the staff duty register, sign out a radio and be present at the security briefing.

Use of Phones and Social Media

With the exception of during breaks, the use of phones and social media during hours of operation is forbidden.

Your use of social media should never involve the venue, its events or its staff.

Breaks

Breaks will be organised at appropriate times by Head of Security. Do not take breaks without prior consent from the Head of Security.

Capacity and Clicker protocol

- The capacity of Oval space is **1000**
- The Capacity of The Pickle Factory is **200**
- Both need to be monitored closely at all times during an event.
- One member of security at all times will hold the front door "in" clicker for capacity compliance and must report this number to the Duty Manager and Head of Security every 30minutes.
- One member of security will have control of the "out" clicker to ensure we are maximizing our ability to process guests safely. The 'out' count must also be recorded every 30 minutes.

- Always ensure someone is responsible for clicking both in and out at every event.
- Managers will require regular updates on the current capacity; please ensure your clicking in and out is accurate and recorded every 30 minutes on the template sheet provided.

Greeting Guests

- Guests must consistently be greeted in a friendly and courteous manner.
- As a rule we do not allow re-entry, however if a guest requests re-entry this should be directed to the Front of House Manager or Head of Security as individual circumstances may be taken into account.
- if re entry is granted, a strict and thorough search must take place on re entering the venue - The guest must be made aware that this will be the case before leaving.

Health and Safety

Oval Space & The Pickle Factory take Health and Safety very seriously. We have a duty of care to all of our guests whilst they are in our venues. We also have a duty of care to ensure guests leave using safe and registered transportation where possible.

The safety of our customers and the integrity of the business is possibly the biggest responsibility and challenge we face, and your contribution to this is vitally important.

Oval Space has 4 Fire Exits from its main event space, as follows:

- Stage Left (leading to terrace),
- Back of main room (leading to terrace and main entrance)
- main room (external to Managers office)
- Stage Right (Production Entrance).

The Pickle Factory has 2 Fire Exits from its main event space, as follows;

- Back of main room passed stairs
- Back of room into Courtyard

There is an additional exit from the Green room via the cloakroom (when in use)

Please refer to the following Plans

*'Map of Fire Exits'
'Location of Manual Call
points' 'Location of Fire
Extinguishers'*

First Aid boxes are located at the front door and in the manager's office in each venue. Please alert a manager immediately if you notice that the supplies are running low.

Emergency Fire Evacuation Procedure.

Please refer to fire evacuation procedure and below for the security specific direction

Security

- In the event of an alarm activation, the Head of Security and associated team are responsible for investigating the cause of the activation and assisting the Duty Manager in the evacuation process.
- The Head of Security should liaise with the Duty Manager at the alarm panel to identify the area of activation and proceed with investigation.
- If the Duty Manager takes the decision to evacuate the premises, the security team will assume responsibility for ensuring that this happens efficiently and calmly ensuring where possible that all patrons leave safely.
- A member of Front of House Security will collect the loud hailer from the security cupboard for use in communication with the venue patrons and staff.
- Security positioned at fire exits are responsible for disengaging the green break points to allow the doors to open.
- Security will be responsible for checking both male and female toilets and ensuring all cubicles are clear.
- Security are also responsible for checking beneath any large staging used for viewing platforms to ensure no patrons have sought refuge.
- The security member positioned front of stage / production office will also alert any guests / patrons present in the Green Room to evacuate immediately and make their way to the nearest safe exit.

- If it safe to do so, the security supervisor will also then be responsible for checking the safety of the building once all patrons have left the premises.
- Once the building is clear or until it is no longer safe to remain within the premises, security personnel should leave the building via the nearest safe exit and make their way to the assembly point.
- All fire doors should be closed by the last member of security to check the premises. At no time should any fire doors be propped open.

Due to the fact that security staffing levels will vary between gigs and club nights, set positions are not ascertained in advance during an evacuation. The Duty Manager and Head of Security will instruct security staff where to position themselves in the event of an evacuation based on the number of staff available, the areas of the premises in use and the location of the evacuation.

ASSEMBLY POINTS

For both Oval Space & The Pickle Factory is in the centre of The Oval, in front of the raised stage

CCTV

- Our CCTV is registered under the Data Protection Act and may be used as evidence to prosecute anyone in the event of a crime being committed.
- Our cameras are serviced regularly and are there to protect our staff, security, customers and the building from harm as well as promoting the four key licensing objectives.
- If you see any cameras, covered, damaged or tampered with you must inform a Duty manager immediately.
- Do not assume that OS/TPF know about any faulty equipment.

Radio Protocol

- Once a radio has been signed out and allocated to you, it is your responsibility until returned in good repair at the end of the event.
- Any defective equipment must be reported to the Head of Security in order that a repair or replacement can be made ASAP.
- It must be returned at the end of the shift - it is expected that a lost radio will be replaced financially.
- The handsets have a 1.5 to 2 second delay, which means that when you hold down the button to speak, you must wait 2 seconds before you send your message.
- It is essential that the radio is used in a clear and appropriate manner.
- Personal head sets / ear pieces must be provided and used whilst on duty.
- Radio checks must be carried out at the beginning of the shift.

Identify yourself and identify your interlocutor (for example Jon to Sarah) – and ideally repeat twice for clarity.

This should be done clearly, holding the radio/mouthpiece away from your mouth to avoid distortion.

Your Message should be indicated using the coding below, this will allow Head of Security/Venue Manager to determine what kind of support you need and with what urgency.

Green

This is a low level activity, send message, remain silent and await a response

- A customer has lost property.
- Customer is leaving via a fire exit.
- A customer is challenging a cash transaction.
- A promoter would like to speak to a manager.

Amber

This is a request for assistance and backup, send message, remain silent and await response.

- A guest(s) needs to be removed from the toilets.
- Customer reacting badly to being refused service/access to VIP
- Drunk and disorderly customer(s) needing to be removed.
- Broken Glass, wet floor that needs swift attention.

- A customer has slipped and requires first aid.
- Customer pestering a DJ, Band, management.
- A customer is clearly in distress and hasn't reacted well to initial offer of help.
- Customers reporting harassment.
- Pickpocket identified and need to be isolated.

Red

This is a high level response in which *all* radio holders must listen carefully and offer immediate support where possible.

- Fire in venue that cannot be safely isolated.
- Fighting in venue.
- Customer unconscious or in extreme distress.
- Emergency PA set off.
- Break glass set off.
- Fire alarm panel going off and cannot be reset.
- Organised drug dealing identified on premises.
- Customer identified other guest with weapon.

Whatever your message, keep it short and concise; long rambling messages are ineffective and often misunderstood. Send message and await instruction/support.

Yellow

This code must only be used to communicate from front door to Duty Manager to indicate that the Responsible Authorities are outside the venue either to inspect the premises or observe the building.

- This alert must be delivered in a calm manner
- You will await a response from the Duty Manager and in the meantime invite the inspectors into the lobby to wait "while the manager makes there way down, they know you are waiting"

Searching Procedure

- Searching is a condition of entry.
- You are searching customers for Weapons, illicit substances and/or alcohol.
- Consent must be obtained from the customer before any search is carried out.
- If a customer refuses to be searched they will be refused access into the venue.

- Female customers should be searched by a female member of security, male customers by a male security. Failing presence of a female member of security, a male security staff may search a female customers bag but is not entitled to give a pat down search.
- If a customer is unable to take part in the search in a sober fashion we advise that you ask a FOH Manager for a second opinion. At this point refusal of entry may be necessary.
- The searching procedure may be adapted specifically for special and corporate events – e.g. for dry hire or private events it may be the case that customers are able to bring in food and / or drinks. In other instances it may be that specific items become the focus of our searches, like marker pens or spray paint cans. This will be indicated at the pre event briefing before doors so it is important that you pay attention to the instruction given and not assume that the rules are the same for every event.

Club show search procedure

All DJ lead events post midnight follow a strict search procedure:

- All patrons will join the queue as per usual.
- Pending ID checks and assuming patrons are not intoxicated they will enter the queue between the barriers.
- At the point where patrons will take part in a search they will enter a larger area squared off by the barriers. Inside this area will be a waist height table with plastic trays at each corner.
- At each corner of the table will be one member of security to conduct searches.
At Oval Space this will mean 4 members of security - At The Pickle Factory this will mean 2.
- Patrons will be asked to empty the contents of their pockets into the trays - Any purses, wallets or sealed items may be opened and thoroughly checked inside.
- If the customer is carrying a bag, they will be asked to place their bag into the tray for a full search.
- All patrons will then be asked to take part in a thorough search. This should include the small pocket of jeans, waist band and/or belt loops, and socks.

- If any illicit substances and/or weapons, alcohol or any other item deemed unfit as per the event briefing are found, staff are to then revert to the updated Security Handbook: The

patron **will not be entitled to entry into the venue** and the item will be confiscated. If drugs are found, they will be sealed in a numbered police bag and placed into the amnesty box and the Head of Security or Venue Manager notified.

- The above includes all patrons, VIP's and/or guest list entrants as well as artists.

What We Confiscate

- We confiscate any and all illicit substances.
- We confiscate alcohol and food- which may be collected on exit from the venue.
- We confiscate items such as Knives, Sharpened bangles, needles (except diabetic sharps) Nitrous bullets and any other items you deem to be dangerous.
- We confiscate Marker pens due to the damage they could cause to the venue.
- Any bladed instruments or other weapons must be handed over to the venue duty manager immediately for safe disposal. The venue duty manager will use their instruction from Police Licensing to call Met Police at this point.
- If a customer is in possession of an item that may be carried for personal reasons eg. work tools or jewellery, but we consider the items to be dangerous then the item should be held at the front door until the customer exits the venue and only returned to the customer at the venue managers discretion.

Oval Space and The Pickle Factory Drugs policy and procedure

- Oval Space and The Pickle Factory operate a **zero tolerance** policy towards drugs.
- For all club and music events all customers will be searched for illegal drugs.
- All artists will also be searched on entry.
- The search will be thorough to include customers bags, jackets, pockets etc and must be completed in an area covered by CCTV.
- If a guest is found in possession of drugs / illicit substances and it is believed it is for personal use, the drugs must be seized, placed into a numbered,

sealable bag and placed into the amnesty box. This must all take place under CCTV coverage.

- **The guest found in possession of drugs must not be allowed entry into the premises.**
- The Duty Manager must be informed at the point of confiscation and the confiscated drugs placed into the drugs safe as soon as practicable.
- The seized drugs must be logged to include the following information:
 - Name and SIA number of security staff who found and seized the substance.
 - Date and time of seizure.
 - Location of drugs find.
 - Description of drugs.
 - Number of drugs
 - Date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs then the following applies:

- The member of security staff will inform the Duty Manager immediately.
- The DPS / Duty Manager / Head of Security will ask the individual to step into a quiet area (outside the manager's office for both venues) and ask the person to turn out their pockets and bags.
- If a personal / bodily search is not possible then the police's assistance will be sought.
- Any drugs found will be confiscated and handed to the DPS / Duty Manager to store and record in accordance with the procedures in this policy.
- Security will seek to calmly detain suspected drug dealer in the premises while the police are contacted.
- However, if there is difficulty in this respect with the material resistance by the suspected drug dealer and/or if the police are unable to attend the premises without delay, to the extent that the situation becomes unmanageable the security will not use powers of detainment under a citizen's arrest.

In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the police have not yet attended the premises. In such instances the person will be removed from the premises and a full incident report shall be completed in line with the venue's procedure.

- **Toilets will be checked every 15 minutes** to see if there is any drug use taking place.
- Any customers acting suspiciously are to be taken to a quiet area and searched for drugs.
- If drugs are found they are to be seized and the person ejected if the

drugs are considered for personal use.

- If more drugs are found then would indicate personal use then the guidance for supplying drugs should be followed.
- SIA are required to carry out patrols inside the venue to check on customers and look for signs of drug use taking place.
- Any person found taking drugs is to be taken to the quiet area and searched - if drugs are found the conditions apply as detailed above.
- Any person who has taken drugs or looks like they have taken drugs is to be taken to the quiet area and searched for drugs with the usual conditions applying.
- Medical assistance is to be offered and the London Ambulance service called if necessary.

Customer Complaints / Visits from our neighbours

Any and all complaints must be listened to and taken seriously.

The Venue Manager must be advised if a customer wants to make a complaint so that it can be dealt with appropriately. If the issue is not immediately resolvable, the customer must be advised to email info@ovalspace.co.uk

This includes any visit from a local resident and/or neighbour who may be making a noise complaint - they must be referred to the Venue Manager who will respond accordingly by taking their details, the nature of their complaint and advise that a member of senior management will be in touch on the next working day.

Under no circumstances should anyone making a complaint be put into a corner or surrounded by security. This is grossly intimidating and does nothing to help the nerves of the customer who may well have a legitimate complaint to make.

Opening Procedure - Head of Security

Collect radios & clickers from charging station and ensure each radio is in good working order. Any faulty radios should at that point be taken out of circulation and reported as faulty.

- Prepare the barrier configuration as outlined in the event sheet.
- Ensure our searching procedure policy notice is clear and visible.
- Remove any chains or fastenings attached to fire exit doors and place them in the Manager's Office.
- Ensure that all fire exits open and close correctly and that emergency release points are in

working order.

- Ensure that all fire exit routes are clear of obstruction.
- Make a visual inspection of fire alarm panel and immediately report any faults appearing on the screen.
- Visual inspection of Front of House first aid kit - immediately request top up from the Venue Manager if empty or running low of essentials.
- Ensure all team members are present and have S.I.A badges, earpieces and have signed in on the nightly timesheet.
- Ensure all team members are at the front door 10 minutes before briefing, ready to start their shift.

Security During Event

- Ensure that the approach to the venue is kept in an orderly fashion "Quiet please"
- Ensure that the queue is moving along and guests have tickets, cash and ID ready for swift processing.
- Greet customers in a warm and friendly manner.
- Refuse access to anyone who refuses our search procedure.
- Refuse access to anyone who is drunk or incapable of friendly conversation.
- Search customers in a relaxed and friendly manner - Greet everybody with a smile.
- Assist guests entering the premises, directing them to the cloakroom and keeping the flow of the reception area (Shutter Space) fluid at all times.
- Ensure guests leaving are aware we have neighbours and our posters saying so are clear and legible.
- At no time should a guard intervene in any activity inside the venue before first reporting to the manager or head of security your concerns.

Reporting procedures and recording of incidents

The importance of correctly reporting an incident cannot be stressed enough. Not only does it verify

that our risk assessment procedures are working or indeed that they may be in need of adjustment, but it protects you and the company from unnecessary claims made against us.

You must be prepared at all times to answer questions relating to an incident on any particular date whether it is raised by the venue, the local council or the police.

It is also crucial that the Head Office management team be aware of any serious reports or incidents that have occurred as they will be handling enquiries first thing the following morning. A Head Office manager should be able to read an incident report and have a clear understanding of what has happened and how.

When and how to report and record an incident

The following incidents are all considered of importance and must be reported using the company's incident report form.

- Customer refused entry
- Customer ejected from premises
- Staff or customer injured during incident
- Incident where you have had to use force
- Incident where first aid has been required
- Report of fire
- Any call made to emergency services
- Any incident that required presence from emergency services
- Details of any arrest made at the premises
- Official visit made by the council, police or fire department
- A crime reported by a customer
- Customer complaint
- Theft

When recording the details:

- Include the date and time of incident
- A clear outline of what has occurred - Use bullet points if easier / clearer
- The customer's full name / DOB / contact information and emergency contact details if necessary
- The names of any member of staff who may have witnessed the incident
- The names and contact information of any friends or family who may have witnessed the incident
- Be sure to include what action was taken and by whom
- If an ambulance was required, record the time of call, reference number and time of arrival. Also include who called the ambulance.
- If police assistance is required, again note the time of call, who made the call, time of arrival and badge numbers of the attending officers.

- For any call to the emergency services ask for the CAD reference number and record this in your report
- Details of the customer/s involved in the incident where applicable i.e. basic description and where possible, name and address.
- Did the incident occur in full view of CCTV?
- Was the body cam used to record the incident?

As a rule, all incidents must be reported to the duty manager as soon as is practicable.

A report should also be written as soon as is practicable as the information is fresh and the detail will be clear and precise. The longer it is left the less reliable the information will be. A report should always be submitted on the day of the event so should not be left until after.

Dealing With Trips and Slips

- If a customer trips or slips in the venue and advises security of this, security must respond immediately.
- Ensure the hazard is removed immediately.
- Inform the manager who will respond accordingly.
- Look after the guest in an appropriate manner.
- If you notice spillages, glass or bottles on the floor, please notify the floor team who will arrange to clear the area ASAP.
- It is the responsibility of all venue staff to keep the venue clean, clear and tidy.

Monitoring Fire Exits

- It is the duty of every team member to ensure the exits, inside and outside are free from obstruction and available for use during hours of opening.
- Customers must not be allowed to block fire exits either by sitting in front of them or by blocking them with coats and bags.

Official Visits

- When the club is in operation we are liable to at least 3 visits or DPI's (during performance inspection) per year.
- A council inspector, a fire officer, noise team and/or Police will come to the front door and

ask for a manager.

- Radio the Duty Manager immediately using **Code Yellow**.
- Invite the authorities inside the venue to await the manager.
- We would expect the GM to be with you in a very short time, do not stop contacting the manager until they respond to your communication.
- During these inspections you may be asked to present your S.I.A badge. Failure to do this can result in fines of up to £5,000.
- They will most certainly want to see the clicker and door tills as well as exit clicker to check actual attendance against our licence.
- The officers have the power to shut the club down immediately if they feel the venue is overcrowded or being run in an unprofessional manner.
- The officials may want to inspect files and paperwork related to the running of the venue and you must be helpful at all times.

Lost property and Lost Cloakroom Tickets

- Any items found during an event should be handed to the Venue Manager.
- If a wallet or ID/passport is found a call should be made out to all radio holders to alert all staff should the owner of the lost item approach a member of the team - we will always attempt to return lost property.
- If a cloakroom ticket is lost throughout the night and the customer does not have a photo of the ticket they will have to wait until the end of the night to retrieve their item/s.
- Lost property is held on site for up to three weeks and then donated to charity.
- Any customer who loses an item during an event should be advised to email lost@ovalspace.co.uk

Customers Leaving the Venue in an unfit state

We have a duty of care towards all of our customers, but for those that are either ill, have drunk too much or are under the influence of drugs, our responsibility extends to ensure that they are in a fit state to return home safely. Or should they require assistance beyond our ability, we ensure that this

is provided via emergency services.

Should you come across a customer in need of assistance we ask that you assist them to a calm and quiet environment. Upon doing so you must inform the duty manager and/or head of security immediately.

In most instances the customer will just need some time to come around, however there will be instances when the customer needs further assistance. In extreme cases the customer may need emergency services. If this is the case, the duty manager and/or head of security will make the decision to call an ambulance and await the arrival of the emergency services.

A decision should be made as soon as is possible to ascertain the state of the customer in the interest of their welfare.

- Special attention should be taken for customers leaving the venue alone, especially young women who may be vulnerable.
- If an individual is leaving and in an unfit state we strongly advise them to come back into the venue, have a seat, drink some water and sober up before embarking on their journey.
- A customer in an unfit state must never be left outside alone. They must always be encouraged to come inside so we can take care of them until they come around.
- Vigilance throughout the venue will nearly always allow us to identify these guests during the course of the night and give them attention early. Failure to do so will mean this is a task for the end of the night when their friends may have already left. Be sure to be vigilant at all times.

Sexual Harassment

Signage in place throughout the venue informing female customers who are subject to

harassment that they should approach a member of security or go to the bar and ask a

member of bar staff for "Angela" who should then radio for the duty manager. All security & bar

staff briefed pre show to ensure that they familiar with this protocol

Closing Procedures

The time for closing the front door on any given event should be established between the Venue Manager and the head of security at the briefing prior to doors opening. Head of Security should contact the venue manager 15 minutes before that closing time to establish if the agreed time is to be adhered to or if circumstances have changed.

Closing of the doors to the general public is a trigger for the closing procedure of

the venue to begin and the following tasks to take place.

- All unused confiscation bags will be returned to manager's office. If bags have been circulated to the security team the head of security must collect them all when the front door closes.
- The Head of Security will empty the amnesty box and take the used bags to the office where they will be secured in the safe.

- The Head of Security and Duty Manager must complete the nightly bag audit at this time.
- Final audit for the attendance should be sent to the venue manager to commit to the nightly report.
- Head of Security can begin allocating breaks to the team at this point as well as using this "down time" at the front door to complete any incident reports that may have occurred during busier times that are yet to be completed.

15 minutes prior to the venue closing the Head of security along with the venue manager will allocate team members specific tasks to ensure the smooth closure of the venue and the swift dispersal of the general public from the venue and the immediate surrounding areas.

- Once the lights have gone up and the music has stopped we allow our guests 30 minutes to finish their drinks, say their goodbyes, collect their items from the cloakroom and make their way safely out.
- It is important that our guests are aware of your presence, it should be made clear that it is time to leave the venue, but in a friendly and relaxed tone.
- If at 20 minutes passed closing we still have customers in the venue then security can take a more direct approach.
- Assistance should be given to the cloakroom at this point to help manage the flow of customers as they retrieve their items and exit the venue.
- Special attention should be given to people hanging around in the street who are maybe dawdling and possibly making too much noise - They should gently be approached and reminded of our neighbours and the need to keep the noise down.
- Guests should be asked to move away from the street, past the church and beyond towards Hackney Road, swiftly and politely.
- We cannot convey to you strongly enough the positive impact a simple goodbye to our customers can have when they leave the venue. We want the final impression of the night and our guests abiding memory of leaving to be an overwhelmingly friendly one.
- All radios should be returned to the Head of Security, switched off and placed in the charger for a full overnight charge.

- The last remaining security who will remain on site until the Venue Manager has finalised their duties will be required to complete an inspection of the premises. You should be alert to any general damage to items such as fire exits, fire extinguishers, windows, stairs, thresholds, CCTV cameras, fire alarms.
- The security shift is finished when the Duty Manager informs you that they are ready to leave. Observe the street for any unusual activity and inform the manager if you are suspicious of anything. Please ensure that you witness the manager leave in a cab (or otherwise) and ensure that you are comfortable they are safe.

Street Vendors

- Vendors selling Nitrous Oxide balloons sell openly knowing that it is not a controlled substance and that the authorities are struggling to deal with the problem appropriately. While Nitrous Oxide is still a legal high selling on the street without a licence is unlawful and can be reported to the council and the police as a low level crime. Vendors should be kept away from our guests at all times and guests should be reminded that buying anything from vendors will result in refused entry.
- Persistent and aggressive vendors should be photographed and the image sent to the venue manager. If possible get details of the vehicles they drive, as they are likely to be uninsured or at very least link the vendor to a home address. It is important to remember that your powers are limited once you are away from the door. A firm and professional manner is required at all times and a policy of constant observance and harassment should be employed at all times.

Flying at the End of the Night

- Flying of venues is an occupational hazard - flyerers should be directed by the security to a suitable position outside of the barriers so as not to interfere with the flow of guests leaving the venue.
- The flying teams should also ensure that they do not leave discarded flyers along the street and that they tidy up afterwards.

Ticket Touts

- Another by product of running a successful venue is the presence of ticket tout(s). The very best we can do is to inform customers to seek return tickets at the front door.
- We can and should also make our guests aware that there are counterfeit tickets in circulation and that the venue is not responsible for any purchase made on the street.
- As is our policy these touts must be kept away from our guests at all times and that persistent or aggressive touts should have their details taken and passed onto the venue

manager who will pass their details onto the relevant authorities.

Drugs & Search Policy

2020

Oval Space & The Pickle Factory

Your primary contact for this document is:

Joe Splain
(+44) 07534283010 JS@ovalspace.co.uk

1. Venue Policy

Oval Space & The Pickle Factory have a zero-tolerance approach to drugs in its premises.

2. Pre-event assessment

The drugs threat level will be decided for each upcoming event discussed at weekly operations meetings. The threat level will be determined by the audience and artist profile and information from previous events of the same artist, genre or event type.

3. Risk Assessment

Hazard	Persons at Risk	Existing Control Measures	L	S	Risk Rating	Additional Controls Required	L	S	Residual Risk Rating
Drugs and other illegal substances being brought into the venue by members of the public, artists, entourage	Customers, staff, artists, sub contractors	Prohibited items list Drug policy /terms and conditions of entry communicated through event webpages, social media, marketing material Searches in place Supervisor/Response teams deal with incidents as required. Crowd is continually monitored and toilets regularly checked. Toilet attendants in main toilets. Experienced first Aid staff available.	4	5	20 HIGH	Staff awareness communicated via pre event briefings. Additional searching staff deployed to high threat level events. Additional response teams to monitor crowds.	2	4	8 MEDIUM

4. Operating Procedures

Each member of staff should be vigilant and look out for signs of drug use, possession or selling.

4.1 Drugs found on search

All persons entering the venue are subject to search, permission must be granted from the individual. If no permission is given, the person should be refused, evicted or ejected on those grounds and the details logged by the event control.

If drugs are found as a result of a search, the following procedure should be followed:

1. Complete the search if not already done so – staff should explain that due to finding drugs that they need to contact their supervisor.
2. Request the attendance of a supervisor or the head of security
3. The substance must be handed to the head of security or front door supervisor

4. The supervisor will then inform the venue duty manager
5. The person should then be evicted from the premise unless the quantities are deemed sufficient to require the police to attend. It is the venue duty managers discretion to contact the police.
6. Event control must be informed and log the eviction
7. The front door supervisor must be informed of the eviction and details of the individual, this must be acknowledged.

4.2 Drugs found on the premises

If any drugs are found on the premises, event control should be informed. The substance must then be directly handed to the head of security or front door supervisor, who must then hand it to the venue duty manager straight away, reporting to event control that they have done so.

4.3 Person(s) found under the influence of drugs

- 1) Approach the person in a friendly manner
- 2) Ask the person to come with you to a well-lit and quiet area
- 3) Ask the person if they are ok
- 4) Ask the person if they have knowingly taken any drugs:
 - a) If yes, ask what they have taken
 - b) If no, ask if they feel as though they may be under the influence of drugs
- 5) Ask the person to come to the designated first aid area to be checked over
- 6) Escort the person to the designated first aid area
- 7) Report to the head of security and event control that you have taken a person to the designated first aid area suspected to be under the influence of drugs

5. First Aid

Anyone found under the influence of drugs by security staff must be taken the designated room to be checked. A designated first aider will assist where there is a welfare or medical issue with the person.

6. Additional Control Measures

Additional control measures are put in place for identified high threat level events. The following actions may be taken:

- Additional SIA Searching staff
- Additional SIA Response team staff
- Additional staff positioned around the venue (e.g. beside bars, at back of dance floor, outside toilets, terrace, balcony spotter)
- Clear plastic bags distributed in queue for guests to empty possessions into

7. Drugs disposal

Any and all drugs found through search or within the premises must be reported to event control. The substance must then be directly handed to the head of security or front door supervisor, who must then hand it to the venue manager straight away, reporting to event control that they have done so. The confiscation must then be placed in an evidence bag, sealed and the details of the confiscation & customer written on the evidence bag. The bag number, the item(s) confiscated and a description of the customer should then be recorded on the drugs confiscation register for that event.

Oval Space & The Pickle Factory
Terrorism Threat - Security Measures

Control Measure	S e v e r e	C r i t i c a l
Load in building search/checks	<ul style="list-style-type: none"> - Venue conduct search of venue before load in commences 	<ul style="list-style-type: none"> - Security staff to conduct and record building check before load in commences
Pre- event building search/ checks	<ul style="list-style-type: none"> - 1 staff member to conduct checks before doors opening 	<ul style="list-style-type: none"> - 2 SIA staff to conduct checks - Additional secondary check to be conducted by each position and recorded with event control
Staff briefing	<ul style="list-style-type: none"> - 30 minutes allocated 	<ul style="list-style-type: none"> - 45 minutes allocated to emphasise on additional measures
Staff Screening (production, crew and contractors)	<ul style="list-style-type: none"> - All staff to be accredited 	<ul style="list-style-type: none"> - All bags to be searched - Profile body searches
Customer screening	<ul style="list-style-type: none"> - All bags checked - Profile searching - 1 in 5 metal detector searches - No large bags allowed in main hall 	<ul style="list-style-type: none"> - 100% full body searches - 100% metal detector searches - Additional staff redeployed to patrol queues and areas of customer approach - No large bags allowed in venue

<p>External patrol/areas check</p>	<ul style="list-style-type: none"> - Staff working on external areas to monitor all areas 	<ul style="list-style-type: none"> - Half hourly external patrol to be conducted and recorded with event control (including checks of bins around venue)
<p>Redeployment of high visibility stewards during egress (remaining in place until the venue and external area is mostly clear of public)</p>	<ul style="list-style-type: none"> - Redeployment of 1 staff, at minimum, to increase presence of security on egress 	<ul style="list-style-type: none"> - A redeployment of 2 staff, at a minimum, to increase presence of security on egress

Item No.	Description	Quantity	Unit	Rate	Total
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

The table is a complex grid with numerous columns and rows. The text within the cells is small and dense, typical of a detailed data report or a multi-column list. The table is oriented vertically, with the top of the page at the left side of the image. The content is too small to transcribe accurately, but it appears to be a structured dataset or a list of items with associated details.

The table is a complex grid with numerous columns and rows. The text within the cells is small and dense, typical of a detailed data report or a multi-column list. The table is oriented vertically, with the top of the page at the left side of the image. The content is organized into several distinct sections, likely representing different categories or data points. The overall appearance is that of a highly detailed and structured document.

Communication following visit to venue by MP during an event on 13.09.20
Generally positive feedback regarding covid compliance etc

----- Forwarded message -----

From: **Joe Splain** <>

Thank you Mark, it's a challenge, I'll say that...

Just want to say that the police who visited were equally supportive. I think they were pleased to see our security taking temperature checks of everyone arriving at the venue, them included! These are testing times for us all!

Cheers

Joe

On Mon, 14 Sep 2020 at 14:37, < wrote:

Cheers Joe,

We are running extra patrols to make sure people are Covid compliant, plus there people are reporting things to Police so its no reflection on you, its just us doing lots of checks.

Thanks for all the work you are doing around this, it's good to know you are being so professional.

Kind Regards

Mark



PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

subject: Re: Summer Dreamz brunch & dinner @ Oval Space 13.09.20

Hi Mark,

Thanks for the email & advice

We have provided table service at all of our previous events. What we did for last night was increase staffing numbers to ensure that table service was faster, giving no reason for customers to attempt to gain service at the bar. which had been a factor at the last event you visited. The host regularly reminded customers that they had to remain at their tables & wait for table service and I'm glad to say this proved successful, more so than the signage we have in place! We did unfortunately generate considerably less revenue across the bar as a result of this and our operating costs also increased, but it is what it is and the event was nevertheless still a reasonably successful one, with no issues whatsoever.

We were visited by a fair few police who were responding to reports of an illegal outdoor rave in the area, but they could see pretty quickly that this was entirely unrelated to our event.

For any future events we'll continue to carefully monitor things, with particular attention to pinch point areas and so on, but I do believe that the 162 capacity, seating plan, booking procedure & operating policies that we are currently following offer robust mitigation

I'll keep you updated

Thanks for your ongoing guidance & support

Joe

On Mon, 14 Sep 2020 at 12:57, < wrote:

Hi Joe,

Thanks for this, I appreciate it as I know its hard.

With the new "Rule of 6" you need to make sure that there is a table service, ideally with an order app. Smoking areas, toilets and queues will need to be closely monitored.

You need to make sure that customers are clearly warned that if they leave their tables without excuse then they will be removed.

Thanks again

Mark

|

Subject: Summer Dreamz brunch & dinner @ Oval Space 13.09.20

Hi Mark,

I hope you are well,

Just the one event at Oval Space this weekend

Summer Dreamz (the same event we presented on 16/8 & 31/8). I have put provisions in to eliminate queuing at the bar - this includes additional table service staff, security deployed specifically at the serving area & cleared signage to remind customers to remain at their tables to be served.

Capacity 162

6 x SIA security deployed

4pm - 11pm (will allow to run until midnight at my discretion)

Same RA as per last few events with additional measures noted above added.

Medium Risk audience - we had no issues whatsoever on the 16th, 30th or 31st August. We are drawing a 'higher-end' audience to these events. Customers have been well behaved and have adhered to social distance.

I have discussed the issue of sound levels creeping up and tech staff briefed on limiting this.

Security have been reminded again that it's imperative that they wear the face masks I provided them with at all times

Next week (Saturday 19th September) we have another brunch on - same format and times

Low / medium risk audience

Any questions please let me know

regards

Joe

From: Joe Splain [

Subject: Fwd: Incident : The Oval - Saturday 26th June 2021

My initial communication with MP informing him of the incident on 26th June (event 25/26th June)

You will note that I requested the meeting with Mark and provided him with a fair amount of detail regarding this incident as well as concerns generally regarding ongoing issues around the local of the venue. My hope was that a discussion might follow regarding late night policing of the area, (I was going to propose that we as a venue contribute towards costs it turned out to be.

It's also important to note the differences in my account of the incident in question is compared to the one MP submitted in his review, primarily the mission of any presence, involvement, support and first aid that venue security provided prior to and once the police had arrived

I'd very much like to discuss all of this with you in more detail Paddy

J

----- Forwarded message -----

From: Joe Splain <

Mark,

thanks for the call yesterday, as agreed here is a report regarding the 2 x stabbings that occurred at the church on The Oval at 02:05

Event Issa Vibe : Friday 25th June (8pm) - Saturday 26th June (2am)

A controlled egress of customers began at 02:00

I was positioned at the raised 'stage' area outside the venue on The Oval itself so as to observe egress

One of the first groups to leave the premises were 4 x IC3 males. They left in an orderly fashion, although 2 of the males were providing support either side of 1 of the males who appeared to have consumed a little too much alcohol (I believe this to have been the 1 x male who had been refused any more alcohol an hour or so previously, and who was then supplied with free water - the males in the his group were confirmed to have been complaint with requests not to supply their friend with any further alcohol and had been polite and good natured with staff)

As they left the premises, the 4th male at the rear of the group smiled over at me, shrugged his shoulders and gave me a thumbs up, laughing and shaking his head at his friend as they walked up The Oval towards the church. There was nothing whatsoever to indicate that these males were in any way about to be involved in an altercation or were looking for trouble so to speak.

A matter of minutes later, one, possibly two of the group came running back to the start of our barrier area and were met with another group of males who had also just left venue and I heard one of them say, 'someones just tried to rob my / his watch'. Another male asked 'where' and the male responded 'up this way'. The male then proceeded to take his own bracelet off and the other males also removed watches etc and began to run up towards the church

Our head of security also witnessed this and radioed for a possible code red heading towards the church. I followed the group up the street to the church and saw the group starting to surround another IC3 male. The male they were surrounding was dressed in black tracksuit with a hooded top and covid face mask concealing his identity. I am almost certain that this male had not been inside the venue at any point as whilst I could not see his face, his attire was not in keeping with the smart casual dress of other customers, he appeared notably younger in physicality than other males and having reviewed CCTV I have been unable to find a male matching this description entering the venue at any point. He was very much out of place when compared to other customers.

As the males surrounded him he reached into his jacket and showed what was clearly a handle to a knife and possibly showed a glimpse of the hilt. Another male then appeared from around the corner of Emma Street holding a small hammer which I believe had been brought from an metallic blue Audi that had been parked by the church.

The male then produced a knife that was approximately 1ft long with a dark blade, possibly with a serrated edge. and the males began to fight

I phoned 999 and requested police and ambulance to attend

The fight then split into the middle of the street and despite the efforts of myself and security the male with the hammer fell backwards and was stabbed in the leg by the male with the knife. I believe the male with knife then ran away in the direction of Hackney Road. I was later informed by a local 'begger' in the presence of one of the officers attending that the male with the knife had left in a black car, possibly an audi (not the audi parked by the church), but this is unconfirmed.

The victim was then escorted back to the The Oval directly outside the venue and we provided basic first aid to the stab wound in his leg until the police and ambulance service arrived

We were unaware of the second male who had received a stab wound to his back until we were informed of this by the police on site who said they believed this to be the victim's brother

I provided a full statement to the police once the ambulance had taken the victims away to hospital.

The following morning at approximately 10:30am, I was returning to the venue for a market event we were hosting and noticed a black sheath under a bin outside the flats opposite the church. I then called the police who attended along with a forensics officer.

I also later met with CID later that day and provided a further statement and relevant CCTV footage. I am in the process of compiling a list of all lead tables bookers for the event to further assist with their investigation.

We were operating 100% searches on all customers and metal detector wands were in use - there had been no confiscations and refusals for any reason.

We have worked with these promoters on a regular basis since 2018, and have only ever had to previously deal with minor altercations between customers (posturing rather than any acts of actual violence), and they have an exemplary track record amongst other venues across the city. They are as shocked and concerned by the events as we are.

As per yesterday's conversation with you on the phone, I firmly believe that the male with the knife had been in the location that night with the intent of robbing customers who had been at the venue as such events in seated format, with table service and so on tends to attract a more affluent clientele than our typical standing 'rave' events that we are unable to operate under current restrictions. Indeed, some weeks ago I called 101 to inform the police of a male (also dressed all in black, hoody, face mask) who was loitering around the church / Containerville area and who was hostile when approached. This male was of a lighter brown skin colour so it was not the same male involved in the incident but I was of the opinion that he was observing customers as they entered the venue and that his intention was then to rob customers on egress.

As you know, we deploy security at the junction of The Oval with Emma Street to observe customers prior to ingress and post egress and that we redeploy security from the main room on egress to assist in crowd dispersal but in recent months we have been noticing more and more unsavoury characters seemingly patrolling the area. This is an issue both when we are and are not operating the venue. There have been numerous incidents of youths on bikes snatching phones from members of the public, break ins to local businesses and attempts at breaking into cars which our own security have prevented on several occasions.

There has also been a notable increase in the number of drug users in the area of The Oval and whilst they themselves have posed no direct problem I would say this is evidence of increased drug dealing in the area.

I would appreciate the opportunity to meet with you at your earliest convenience to further discuss the incident on 26.06 and to also see if there are provisions that can be made to support us in dealing with and preventing these issues in the future.

I would like to propose the following

- Increased CCTV provision at The Oval / Emma Street junction and at the junction with Hackney Road
- Signage warning people that the area is covered by CCTV
- Increased police presence especially around the hours of 4-5am, specifically and events that we flag as 'higher risk'.

I believe you said that you are available this Thursday, if so, please can you let me know a time that suits you best and we can meet at the venue to discuss this further. As always your support and advice will be greatly appreciated

best

Joe Splain

On Mon, 28 Jun 2021 at 15:10, Joe Splain <> wrote:
Hi Mark,

I'm in the process of putting together a report for you regarding 2 x stabbings that occurred on The Oval at 02:05 on Saturday 26th June 2021.

The incident was reported to the police and I am in the process of cooperating with CIDS in their investigation

I'll send you my report in the next few hours, but if you have a moment could you please give me a call on

Thanks

Joe

Agenda Item 4.2

Committee: Licensing Sub Committee	Date 09 November 2021	Classification Unrestricted	Report No.	Agenda Item No.
--	--------------------------	---------------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Nilly's Café, 16 Bell Lane, London, E1 7LA Ward affected: Spitalfields and Banglatown
--	--

1.0 Summary

Applicant: **Hasan Garip**

Name and Address of Premises: **Nilly's Cafe**
16 Bell Lane
London
E1 7LA

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

Objectors: **Environmental Protection Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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 Nilly's Café, 16 Bell Lane, London, E1 7LA.
- 3.2 The applicant has described the premises as: A small coffee shop that serves English breakfast, coffee, sandwiches. They would like to sell alcohol with a table meal.
- 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 – Saturday 08:00 – 22: 00 hours

Sunday 10:00 – 22: 00 hours

Opening hours

Monday – Saturday 08:00 – 22: 00 hours

Sunday 10:00 – 22: 00 hours

4.0 **Location and Nature of the premises**

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

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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.

- | Name | Appendix |
|----------------------|----------|
| Nicola Cadzow | 7 |
| Amiel Kollek | 8 |
| Aimee Sanjari | 9 |
| Alex Gordon Shute | 10 |
| Carmen Casanova Nuno | 11 |
| Edoardo Zarghetta | 12 |
| Katy Parnell | 13 |
| Michael Howe | 14 |
| Mariko Sredojev | 15 |
| Tony Thomas | 16 |

- 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
- ASB
- Noise
- CIZ

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

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

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

7.0 Conditions consistent with Operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system. 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 28 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 28 day period.
2. The DPS will ensure all staff are trained with regard to their responsibilities in the sale of alcohol. Regular refresher training will be undertaken. Training records will be kept at the premises.
3. 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.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

8.0 Conditions Agreed/Requested by Responsible Authority

None

9.0 Licensing Officer Comments

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

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

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)

- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

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

9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

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

9.9 In **Appendices 17 - 23** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Photographs of the premises
Appendix 5	Other licensed venues in the area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representations from Environmental Protection
Appendix 8 – 16	Resident representations
Appendix 17	Licensing Officer comments on public nuisance
Appendix 18	S182 advice on public nuisance
Appendix 19	Noise when the premises is in use
Appendix 20	ASB leaving the premises
Appendix 21	CIZ
Appendix 22	Licensing Policy relating to hours of trading
Appendix 23	Planning

Appendix 1



* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

NILLYS CAFE

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

HASAN

* Family name

GARIP

* E-mail

[REDACTED]

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="NILLY'S CAFE"/>
Street	<input type="text" value="16 BELL LANE"/>
District	<input type="text"/>
City or town	<input type="text" value="LONDON"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E1 7LA"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="14,750"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

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

Yes No

Building number or name	HASAN GARIP
Street	16 BELL LANE
District	
City or town	LONDON
County or administrative area	
Postcode	E1 7LA
Country	United Kingdom

Applicant Contact Details

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

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

Yes No

E-mail	[REDACTED]
Telephone number	
Other telephone number	
* Date of birth	[REDACTED] [REDACTED] [REDACTED] dd mm yyyy
* Nationality	BRITISH
Right to work share code	

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

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

Continued from previous page...

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

NILLY'S IS A SMALL COFFEE SHOP THAT SERVES ENGLISH BREAKFAST, COFFEE, SANDWICHES. THEY WOULD LIKE SELL ALCOHOL WITH TABLE MEAL

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

28

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

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

SATURDAY

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

SUNDAY

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

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

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

WEDNESDAY

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

THURSDAY

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

FRIDAY

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

SATURDAY

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

SUNDAY

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

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

THE DPS WILL ENSURE THAT ALL MEMBERS OF STAFF ARE TRAINED WITH REGARD TO THEIR RESPONSIBILITIES IN THE SALE OF ALCOHOL AND REFRESHMENT TRAINING WILL ALSO BE UNDERTAKEN. TRAINING RECORDS WILL BE KEPT AT THE PREMISE. CHALLENGE 25 WILL BE OPERATED AT THE PREMISE AND CHALLENGE POSTER WILL BE ON PLACE AT THE PREMISE. A REFUSAL BOOK AND INCIDENT LOG WILL BE OPERATED AND MAINTAINED AT THE PREMISE AND IT WILL BE AVAILABLE TO POLICE AND LOCAL AUTHORITY OFFICERS ON DEMAND.

b) The prevention of crime and disorder

A CCTV SYTEM IS INSTALLED PROVIDING GOOD IMAGE QUALITY AND COVERING ALL INTERNAL AREAS. IMAGES SHALL BE RETAINED FOR A MINIMUM PERIOD OF 28 DAYS. IF THE CCTV IS NOT OPERATING, THE POLICE AND LOCAL AUTHORITY WILL BE INFORMED AND NECESSARY ACTION WILL BE TAKEN TO PUT THE EQUIPMENT BACK INTO ACTION. A NOTICE WILL BE DISPLAYED ON THE PREMISE SAYING CCTV IS IN OPERATION.

c) Public safety

d) The prevention of public nuisance

SIGN REQUESTING CUSTOMERS TO LEAVE THE PREMISE QUIETLY TO RESPECT NEIGHBOURS WILL BE IN PLACE.

e) The protection of children from harm

STAFF WILL BE TRAINED REGULARLY ABOUT THE CHALLENGE 25 POLICY. ID WILL BE ASKED TO ANY PERSON WHO APPEARS TO BE UNDER 18. FORMS OF IDENTIFICATION ACCEPTED ARE A VALID PASSPORT, PHOTOCARD ID. ANY REFUSAL FOR SALE OF ALCOHOL WIIL BE RECORDED AT THE REFUSAL LOG.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

EMINE FEZAL YURDAKUL

* Capacity

AGENT

* Date

26 / 07 / 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

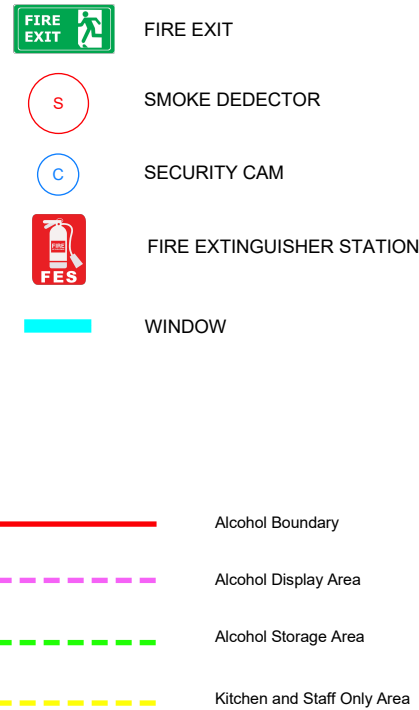
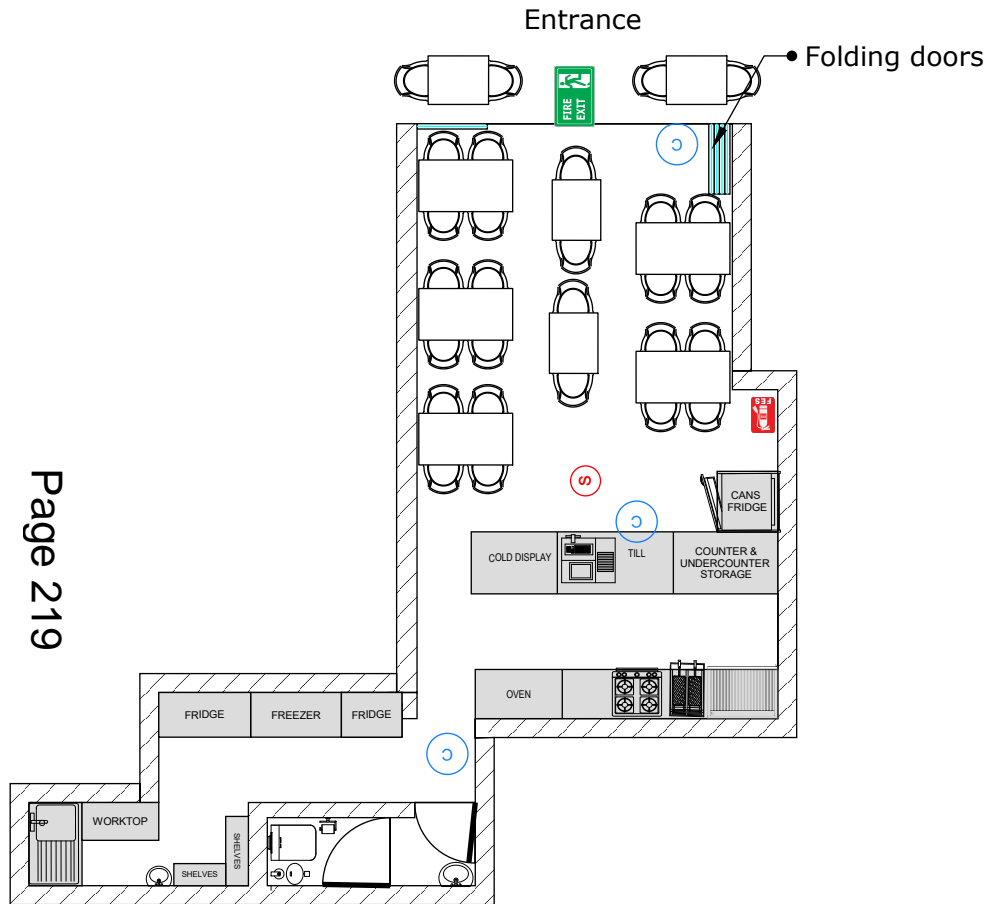
OFFICE USE ONLY

Applicant reference number	<input type="text" value="NILLYS CAFE"/>
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"/>

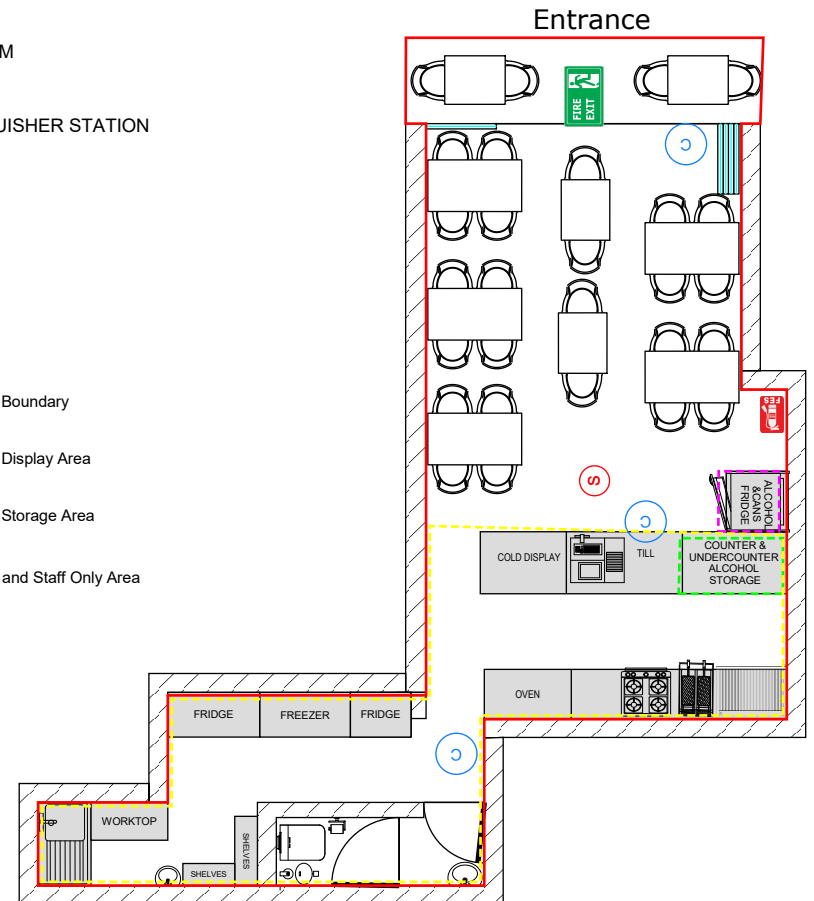
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2

CURRENT PLAN



PROPOSED PLAN



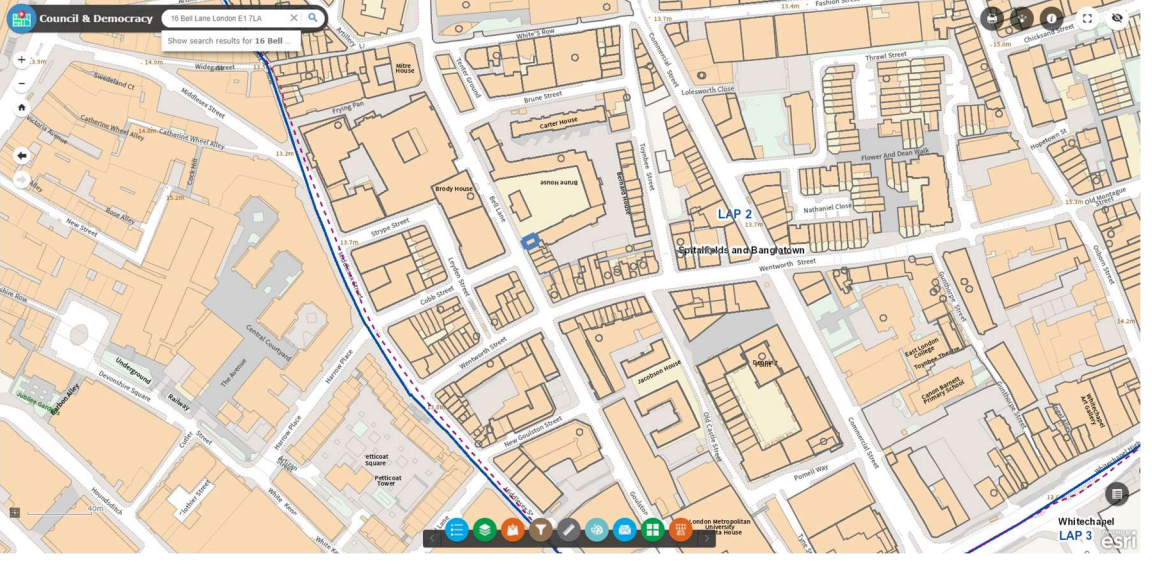
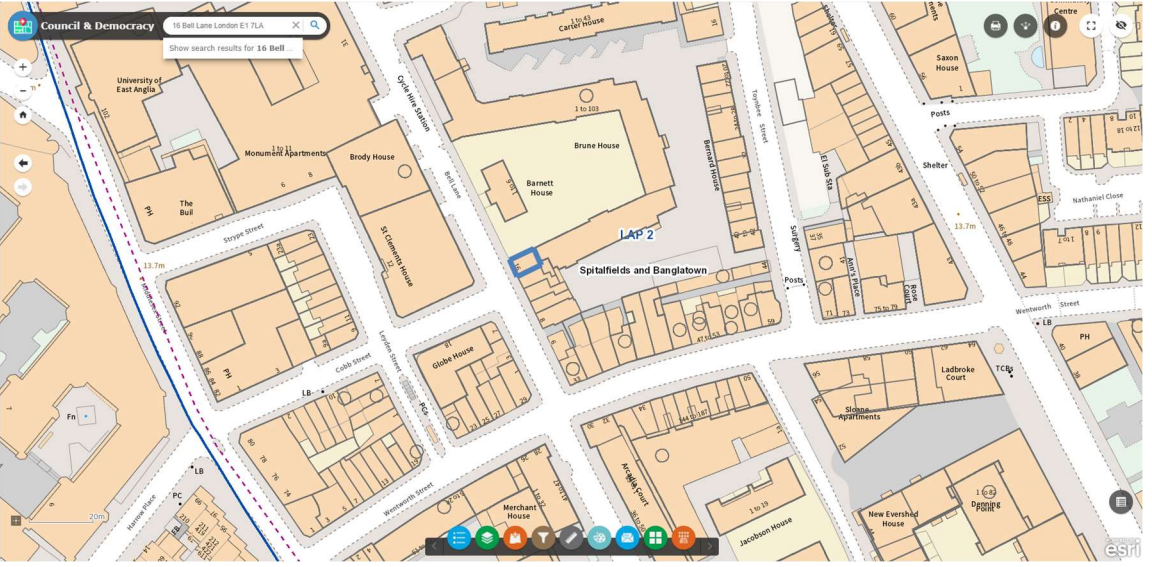
Page 219



NOT FOR CONSTRUCTION

Appendix 3

Maps - 16 Bell Lane

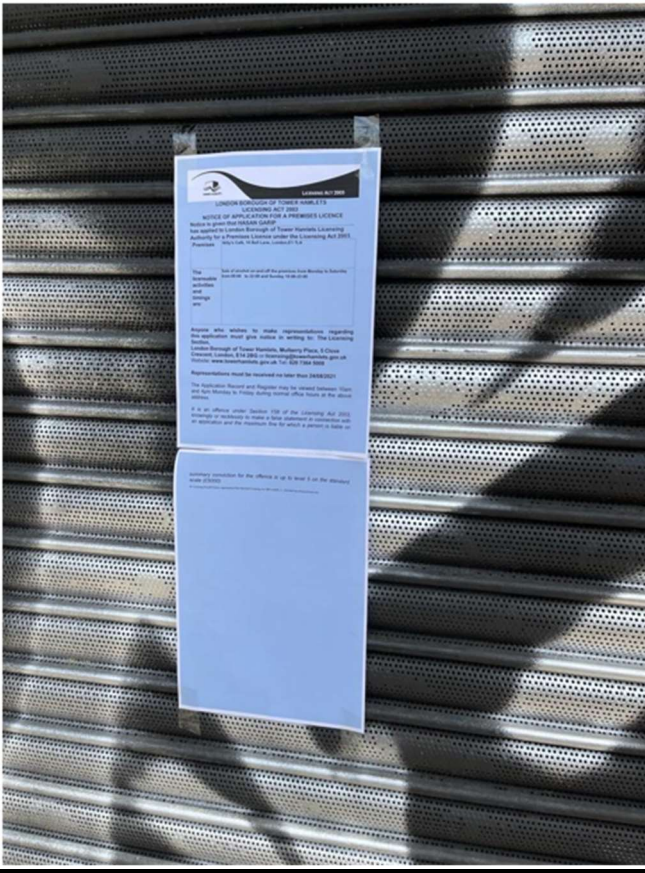


Appendix 4

Photos







Appendix 5

28 Commercial Street

Name and address	Licensable activities and hours	Opening hours
<p>Liberty Lounge 1A Bell Lane</p>	<p><u>Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs • Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight) • Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day) <p><u>The Provision of Regulated Entertainment (in the form of Live Music)</u></p> <ul style="list-style-type: none"> • Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs • Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight) • Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day) <p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> • Sunday to Tuesday from 23:00hrs to 23:30hrs • Wednesday to Thursday from 23:30hrs to 00:00hrs (midnight) • Friday to Saturday from 23:30hrs to 01:00hrs (the following day) <p><u>Non-Standard Times</u></p> <ul style="list-style-type: none"> • Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day) • New Year's Eve 12:00hrs to 09:00hrs (the following day) • Morning British Standard Time commences to allow clock going back on hour 	<ul style="list-style-type: none"> • Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs • Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight) • Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day) <p><u>Non-Standard Times:</u></p> <ul style="list-style-type: none"> • Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day) • New Year's Eve 12:00hrs to 09:00hrs (the following day) • Morning British Standard Time commences to allow clock going back on hour
<p>Rox Burgers 3 Bell Lane London E1 7LA</p>	<p><u>Supply of Alcohol</u></p> <ul style="list-style-type: none"> • Monday to Sunday inclusive 08:00 hrs to 23:00 hrs 	<ul style="list-style-type: none"> • Monday to Sunday inclusive, 08:00 hrs to 24:00 hrs • <i>(Christmas Eve and New Year's Eve only), until 03:00 hrs the next day</i>

28 Commercial Street

	<p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> • <i>(Christmas Eve and New Years Eve only) 23:00 hrs until 03:00 hrs the next day</i> <p><u>Regulated Entertainment:</u></p> <p><u>Live Music</u> Friday: 18:00 hrs to 22:00 hrs Saturday: 17:00 hrs to 22:00 hrs Sunday: 14:00 hrs to 16:00 hrs 17:00 hrs to 20:00 hrs</p> <ul style="list-style-type: none"> • <i>(Christmas Eve and New Years Eve Only) until 03:00 hrs the next day</i> <p><u>Recorded Music</u></p> <ul style="list-style-type: none"> • Monday to Sunday inclusive, 08:00 hrs to 23:00 hrs 	
<p>(Refresh) 8 Bell Lane</p>	<p><u>Alcohol (off sales)</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to 20:00 hours • Sunday, from 07:00 hours to 19:00 hours 	<ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to 20:00 hours • Sunday, from 07:00 hours to 19:00 hours
<p>(Sainsbury's) 31 Bell Lane London</p>	<p><u>Sale of Alcohol by retail (off sales)</u> Monday to Sunday from 09:00 hours to 23:00 hours</p>	<p>Monday to Sunday – 24 hours a day</p>
<p>(Inito) Unit 6 31 Bell Lane</p>	<p><u>Sale by retail of alcohol</u></p> <ul style="list-style-type: none"> • Monday to Thursday, from 11:00 hours to 22:30 hours • Friday and Saturday, from 11:00 hours to 23:00 hours • Sunday, from 11:00 hours to 21:30 hours <p><u>The Provision for Late Night Refreshments - Indoors</u></p> <ul style="list-style-type: none"> • Friday and Saturday, from 23:00 hours to 23:30 hours 	<ul style="list-style-type: none"> • Monday to Thursday, from 11:00 hours to 23:00 hours • Friday and Saturday, from 11:00 hours to 23:30 hours • Sunday, from 11:00 hours to 22:00 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

Corinne Holland

From: Licensing
Sent: 01 July 2021 17:00
To: Corinne Holland
Subject: FW: 139024 New premises license application for Nilly's cafe 16 Bell Lane, London

From: Nicola Cadzow [REDACTED]
Sent: 01 July 2021 16:37
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: MARK.J.Perry [REDACTED]; Barry.D.Leban@[REDACTED]k; [REDACTED]
Subject: 139024 New premises license application for Nilly's cafe 16 Bell Lane, London

Dear Licensing,

Having considered the premises license application for Nilly's cafe 16 Bell Lane, 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 Brick Lane 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.

CONCLUSION

Environmental Protection **does not** support the application for Nilly's cafe 16 Bell Lane, London for the following:-

- (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

[REDACTED]
www.towerhamlets.gov.uk

Follow us on:

Appendix 8

Corinne Holland

From: Amiel Kollek <[REDACTED]>
Sent: 23 August 2021 15:31
To: Licensing
Subject: Objection - Nilly's Cafe

Hello,

I have recently learned that Nilly's Cafe on Bell Lane has applied for a license to sell alcohol.

I am a resident of [REDACTED]. Our windows face Cobb St and overlook Nilly's Cafe. As it stands, we are frequently woken up and disturbed by loud noise in the street during the night: yelling, shouting, loud music being played from cars, etc. I fear that having somewhere which serves alcohol on our street would only exacerbate the issue.

I would kindly request that you take this into consideration and reject Nilly's Cafe's application so as to prevent further disturbances to the residents of this street.

Thank you,

Amiel Kollek
[REDACTED]

Appendix 9

Corinne Holland

From: Aimee Sanjari <[REDACTED]>
Sent: 24 August 2021 14:00
To: Licensing
Subject: Re: Objection - Nilly's Cafe - REF M/140025

Hello,

My objection is based on public nuisance. It's a loud area already, with drunk people often passing by at night making a ridiculous amount of noise.

Tully's is in a residential pocket where families and professionals, myself included, don't need to be further disturbed by noisy, drunk patrons.

My name is Aimee Sanjari, and I'm at [REDACTED]

Many thanks,

Aimee

Sent from my iPad

> On 24 Aug 2021, at 13:39, Licensing <Licensing@towerhamlets.gov.uk> wrote:

>

> Dear Sir/Madam

>

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

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

>

> The need for any further premises is not a factor under the Licensing Act 2003.

>

> Also in order for your representation to be valid you are required to provide your full name and address.

>

> These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

>

> I will need the above prior to the last day for the consultation period which is the 24th August 2021 (midnight tonight).

>

> If I can be of any further help, do not hesitate to contact me.

>

>

> Kind regards

>

> Corinne Holland
> Licensing Officer
> Environmental Health and Trading Standards Place Directorate London
> Borough of Tower Hamlets 2nd Floor, Mulberry Place
> 5 Clove Crescent
> London
> E14 2BG

>
> [REDACTED]
> www.towerhamlets.gov.uk

>
> Follow us on:
> Facebook | Twitter | LinkedIn | Instagram

>
> -----Original Message-----
> From: Aimee Sanjari [REDACTED]
> Sent: 24 August 2021 08:47
> To: Licensing <Licensing@towerhamlets.gov.uk>
> Subject: Objection - Nilly's Cafe

>
> Hi there,

>
> I am a resident at [REDACTED] and would like to formally object to Nilly's
Cafe's application for an alcohol license.

>
> Nilly's is based in a largely residential area with flats above, beside and across from it. We get enough
noise and disruption from the surrounding venues, and don't need another establishment churning out
loud, intoxicated punters.

>
> Additionally, there are ample establishments serving alcohol in the area between Bishopsgate and
Spitalfields Market. Given we are in such a residential pocket, we really don't need any more venues
serving alcohol in such a close proximity.

>
> Many thanks,

>
> Aimee Sanjari

Appendix 10

Corinne Holland

From: Alex Gordon Shute <[REDACTED]>
Sent: 04 August 2021 07:42
To: Licensing
Subject: Nilly's Cafe, 16 Bell Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Team

I'm writing to object to the extension of Nilly's Café licence for off sales. The Café is located right in the centre of the CIZ, in a residential part of Spitalfields. 'Alcohol with a table meal' (ie on-sales) is fine for the extended time, but any further take away alcohol or bar style drinking in the CIZ is detrimental to community life. It impacts community safety with the rowdy anti-social and sometimes criminal behaviour which comes with drunkenness in the local are, and there are many families living close by where the children would be detrimentally impacted late at night when they're off to school the following day.

Best wishes

Alex Gordon Shute (local resident)
[REDACTED]
[REDACTED]

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

Appendix 11

Corinne Holland

From: Stephen Forster <[REDACTED]>
Sent: 24 August 2021 18:19
To: Licensing
Subject: Re: Objection Nilly's Cafe

Dear Ms Holland,

Thank you for your response. Based on your criteria, my principal objection would be on the grounds of public nuisance. Based on the criteria, I do not have a real objection to someone having a drink with their meal provided that they are not leaving late at night and causing noise as they do so as it would be right outside our window, which would cause disturbance and be a public nuisance in a residential area. However, I understand that the application is also for them to be able to sell alcohol to be consumed off the premises. If it is then consumed in the street outside then I think it could very easily become a public nuisance.

[REDACTED]

Kind regards

Consuelo Casanova Nuño

On Tue, 24 Aug 2021 at 18:55, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Dear Sir/Madam

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

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

These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

I will need these prior to the last day for the consultation period which is **midnight tonight** , 24th August 2021.

Can you also confirm your full name please.

Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

5 Clove Crescent


London

E14 2BG



www.towerhamlets.gov.uk

Follow us on:

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

From: Stephen Forster 
Sent: 24 August 2021 13:58
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection Nilly's Cafe

Dear Sirs,

I am the owner of , which is on the first floor and looks out onto Nilly's Cafe in Bell Lane which is just across a narrow street. I am concerned about the cafe being granted a licence to sell alcohol both on and off the premises. It is a heavily residential area which is already well served by licensed premises in the near vicinity and there is no need for another such premise, particularly so close to numerous residential apartments. An additional licensed premises will add to noise and other disturbances particularly late at night. I therefore object to Nilly's Cafe being granted such a licence and hope that you will reject the application.

Yours faithfully

Consuelo Casanova Nuño

Appendix 12

Corinne Holland

From: Edoardo Zarghetta [REDACTED]
Sent: 25 August 2021 07:33
To: Licensing
Subject: Re: Objection to Nilly's Cafe in Bell Lane licence - REF M140025

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, thank you. The building we live in does not have double glazing. They cannot be installed because of the way the windows are designed. I consider this being this licence to be a public nuisance because of noise and vibration.

I have other concerns regarding litter and exposing children to habitual drinking alcohol. Thank you, Edoardo

On Tue, 24 Aug 2021 at 19:08, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Dear Sir/Madam

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

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

These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

I will need these prior to the last day for the consultation period which is **midnight tonight** (24th August 2021).

Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

5 Clove Crescent

London


E14 2BG



www.towerhamlets.gov.uk

Follow us on:

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

From: Edoardo Zarghetta < >
Sent: 24 August 2021 14:31
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Obejection to Nilly's Cafe in Bell Lane licence

Madam&Sir, we would like to object to the plan on the ground that our flat does not have double glazing and the noise disturbance would take away our sleep, needed because we work early morning. thank you for you help with this matter.

All the best with your work,

--

Edoardo Zarghetta



Appendix 13

Corinne Holland

From: Katy Parnell [REDACTED]
Sent: 24 August 2021 10:27
To: Licensing
Subject: Nilly's cafe, Bell Lane E1

Hello

I am emailing to express my grave concern about the licensing application by Nilly's Cafe on Bell E1 to sell alcohol. Our flat's living room and main bedroom overlook the cafe. We already have a lot of disturbance from groups of people in the street below who are or have been drinking. This will make the level of noise and disturbance much worse. We object strongly.

Katy Parnell
[REDACTED]

Sent from my iPhone

Appendix 14

Corinne Holland

From: Michael Howe [REDACTED] >
Sent: 24 August 2021 14:11
To: Licensing
Subject: Re: Objection - Nilly's Cafe - REF M/140025

Hi Corinne,

Thank you for your email. My objection is based on 3 of your bullet points. Specifically, an alcohol licence 7 days per week at Nilly's Cafe will significantly increase the chance of disorder (bullet point no.1) and public nuisance (bullet point no.2) given some people drink to excess and, when doing so, lose their inhibitions and behave disruptively. I would also like to point out that many families live in the buildings adjacent to Nilly's Cafe and some of these families have young children. An alcohol licence will lead to patrons making a noise and probably disrupting childrens' study time and sleep time (bullet point no.4).

Thank you in advance for your consideration.

Regards,
Michael Howe

On Tue, Aug 24, 2021 at 2:43 PM Licensing <Licensing@towerhamlets.gov.uk> wrote:

Dear Sir

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

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

Please can you resubmit your representation addressing how this application will undermine at least one of the above licensing objectives.

Your representation will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

I will need these prior to the last day for the consultation period which is the 24th August 2021 (midnight tonight).

Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

5 Clove Crescent


London

E14 2BG


www.towerhamlets.gov.uk

Follow us on:

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

From: Michael Howe 
Sent: 24 August 2021 09:37
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection - Nilly's Cafe

Hello,

I would like to lodge my concerned objection to the proposed plan to grant Nilly's Cafe (on Bell Lane) a licence to sell alcohol 7 days / week.

I believe this will result in noise and an unpleasant environment near the building where I own a flat: [REDACTED]

Therefore I ask that you decline this application for a licence to sell alcohol.

Thank you,

Michael Howe

Appendix 15

Corinne Holland

From: Mariko Sredojev <[REDACTED]>
Sent: 24 August 2021 10:02
To: Corinne Holland
Subject: Re: Objection - Nilly's Cafe

Hello,

Granting this application for Nilly's Cafe will have an impact on me in relation to the **prevention of public nuisance**, as having another institution serve alcohol on and off premises will definitely add to the noise levels in the area. The area is already quite loud, particularly on weekends, with many intoxicated people walking around and yelling loudly. As our windows are very thin, we hear absolutely every noise outside and people who are under the influence of alcohol tend to be particularly rowdy and inconsiderate. Please take this into consideration when considering Nilly's Cafe's application.

Thank you,
Mariko Sredojev
[REDACTED]

On Mon, Aug 23, 2021 at 6:36 PM Corinne Holland <[REDACTED]> wrote:

Dear Sir/Madam

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

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

You may wish to enhance why this premises, if granted a licence, will undermine at least one of the Licensing Objectives stated above.

The consultation period for this application closes tomorrow at midnight (24/08/21) so I will need to have your response by this time.

Kind regards

Corinne Holland

Licensing Officer

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

5 Clove Crescent

London

E14 2BG

[REDACTED]

www.towerhamlets.gov.uk

Follow us on:

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

From: Mariko Sredojev [REDACTED]
Sent: 23 August 2021 16:30
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection - Nilly's Cafe

Hello,

I am a resident [REDACTED] and I object to Nilly's cafe selling alcohol, particularly off premises.

The area already has many bars and restaurants, and can be quite loud at night as it is. The addition of Nilly's selling alcohol would only add to this issue, and make it even more difficult for us to sleep at night.

We would greatly appreciate you taking this into account for Nilly's Cafe's request.

Thanks,

Appendix 16

Corinne Holland

From: Tony THOMAS [REDACTED] >
Sent: 24 August 2021 12:24
To: Licensing
Subject: Objection - Nilly's Café, Bell Lane ref 140025

As a resident of [REDACTED] which is in the immediate environs of Nilly's Cafe' I object to the granting a drinks license to this establishment on the grounds of immediate and potential noise nuisance. There is currently significant late night noise in this area due to the existence of other licensed premises, if this license were granted it may increase this further and as the license is transferrable it could intensify with the future potential holders. Additional late night noise leads to sleep interruption which is detrimental to my good health.

Additionally there is no need for any further licensed premises in this area as it is already more than adequately served with such premises as there are a large number in this immediate vicinity.

Tony Thomas
[REDACTED]

Appendix 17

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 18

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 19

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 20

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 270

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 21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Cumulative Impact Zones:

Figure One

Brick Lane area:

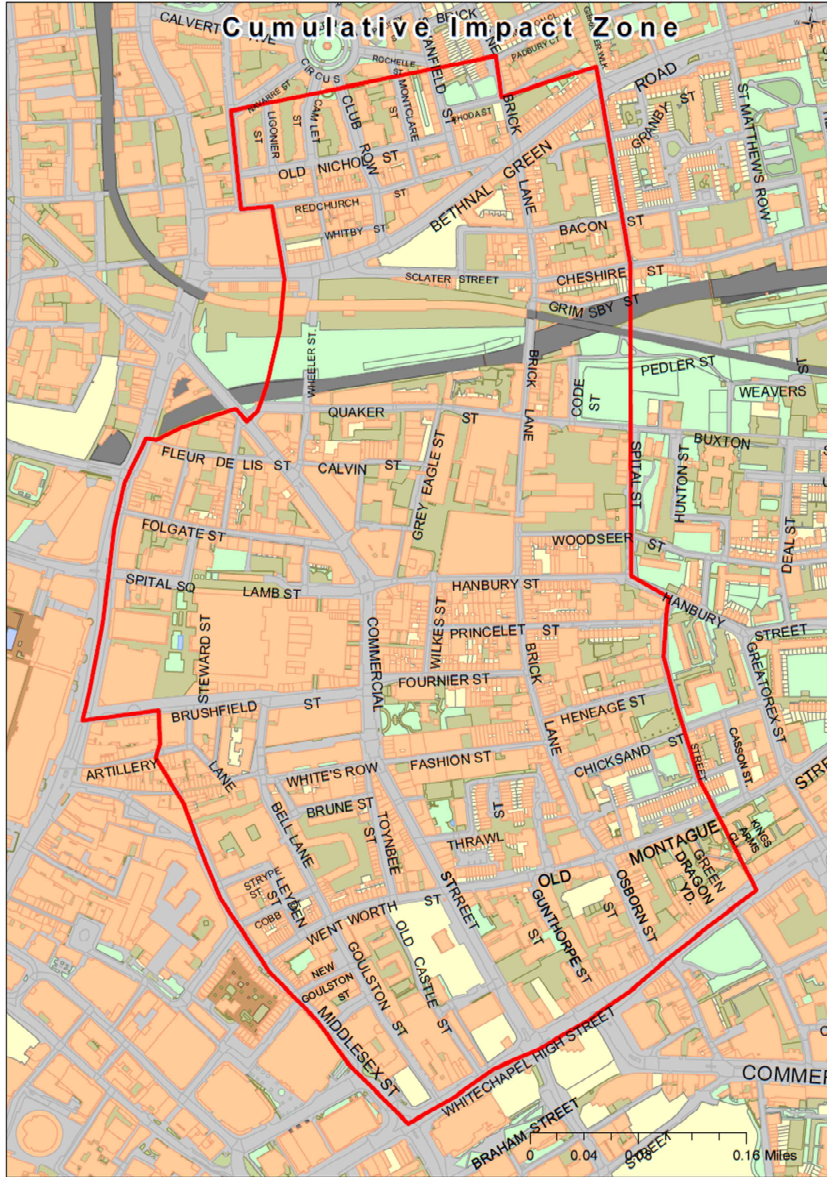
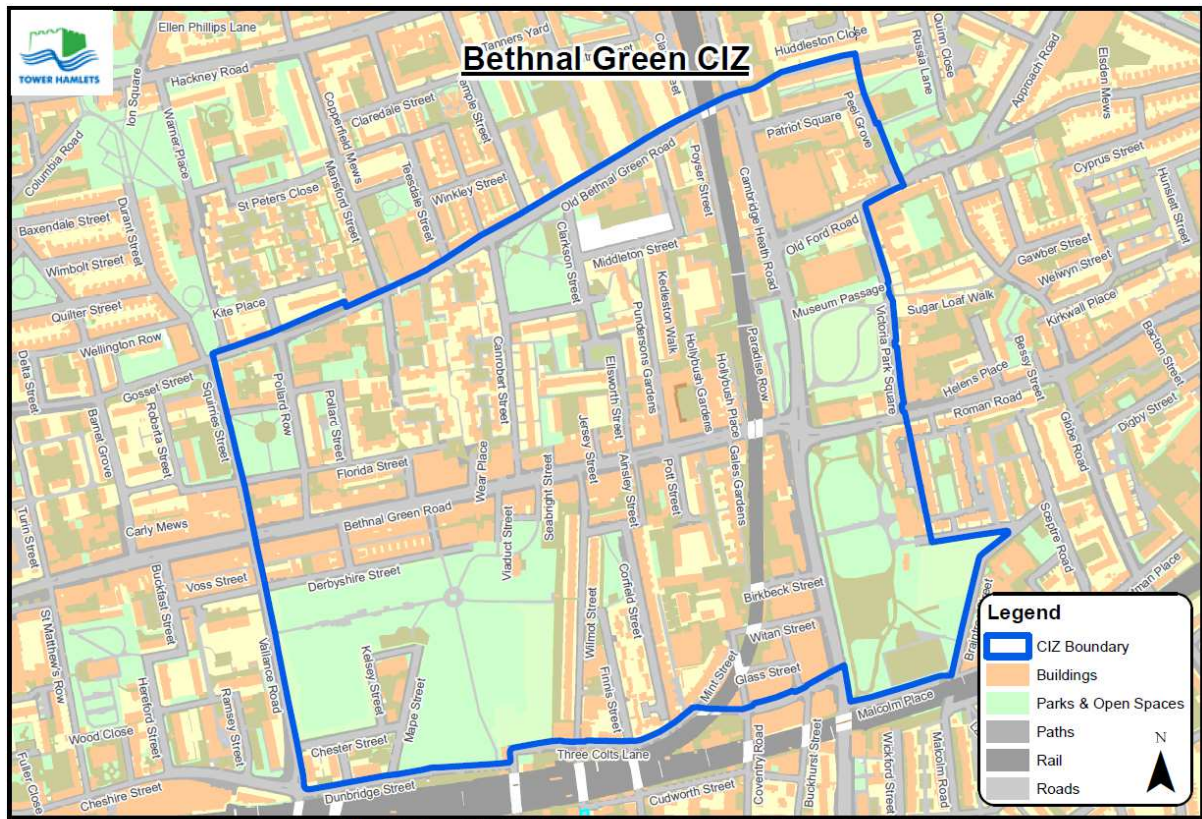
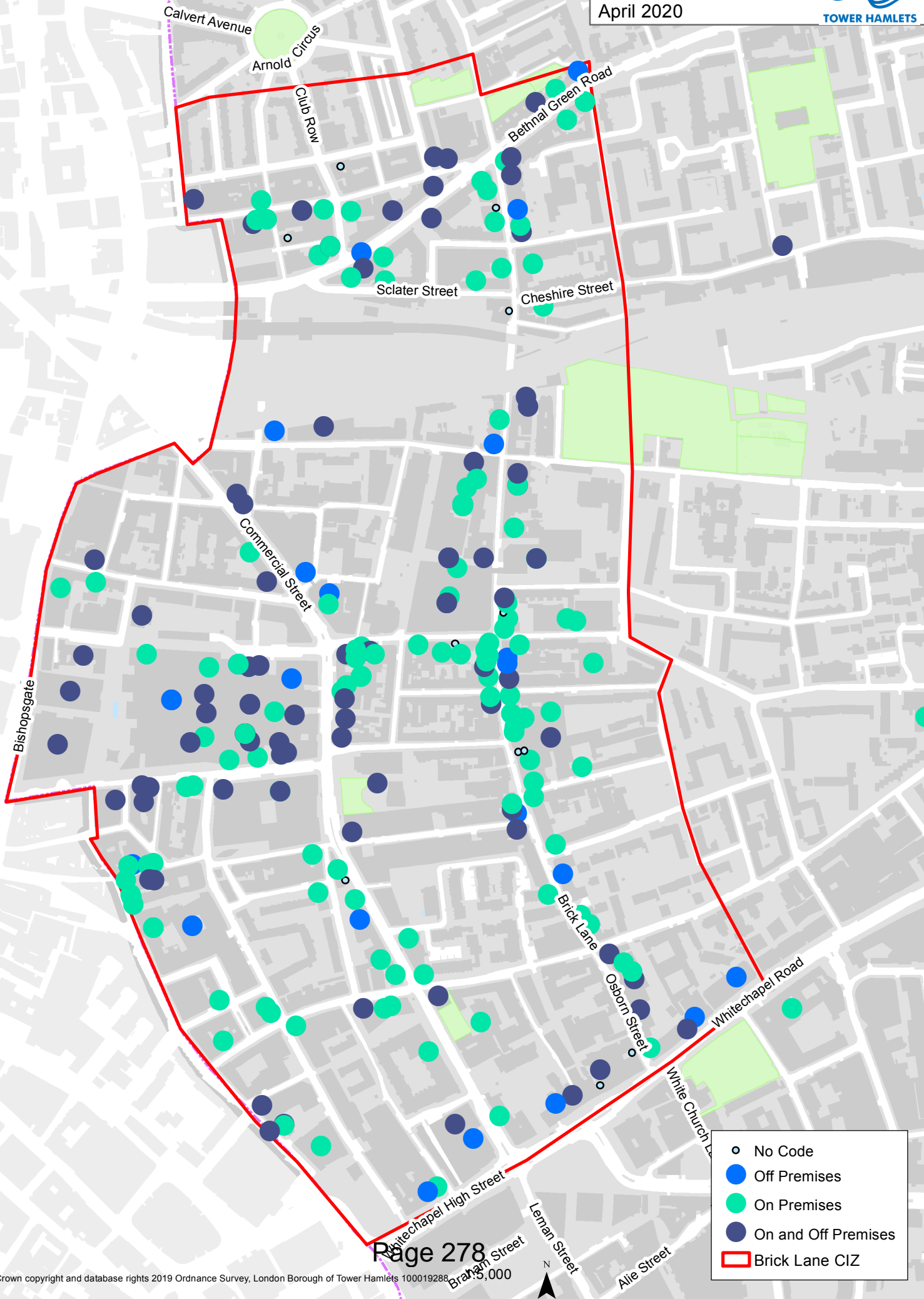


Figure Two:
Bethnal Green Area



© Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288



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

Appendix 22

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 23

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.