

# Licensing Sub Committee

## Agenda

**Tuesday, 7 December 2021 6.30 p.m.**

**The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG**

### Contact for further enquiries:

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## 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.

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## Licensing Sub Committee

Tuesday, 7 December 2021

6.30 p.m.

### APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

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

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

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

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

#### 3. **MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 34)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 9<sup>th</sup> November 2021.



	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application for a New Premise Licence for Classic Football Shirts, 17 Commercial Street, London, E1 6NE</b>	<b>35 - 128</b>	<b>Spitalfields &amp; Banglatown</b>
Licensing Objectives:		
<ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Crime &amp; Disorder</li> </ul>		
Representations by:		
<ul style="list-style-type: none"> <li>• Licensing Authority</li> <li>• Environmental Health</li> </ul>		
<b>4 .2 Application for a New Premise Licence for Katsute, 147 Brick Lane, London, E1 6SB</b>	<b>129 - 226</b>	<b>Weavers</b>
Licensing Objectives:		
<ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Crime &amp; Disorder</li> </ul>		
Representations by:		
<ul style="list-style-type: none"> <li>• Licensing Authority</li> </ul>		
<b>4 .3 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 1)</b>	<b>227 - 258</b>	<b>Spitalfields &amp; Banglatown</b>
Licensing Objectives:		
<ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Crime &amp; Disorder</li> </ul>		
Representations by:		
<ul style="list-style-type: none"> <li>• Environmental Health</li> <li>• Metropolitan Police</li> </ul>		
<b>4 .4 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 2)</b>	<b>259 - 290</b>	<b>Spitalfields &amp; Banglatown</b>
Licensing Objectives:		
<ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Crime &amp; Disorder</li> </ul>		
Representations by:		
<ul style="list-style-type: none"> <li>• Environmental Health</li> <li>• Metropolitan Police</li> </ul>		



Licensing Objectives:

- Crime & Disorder

Representations by:

- Metropolitan Police

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

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



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# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

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

### **(i) Disclosable Pecuniary Interests (DPI)**

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

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

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

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

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

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

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

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

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

### **Guidance on Predetermination and Bias**

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

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

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

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

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

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

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



## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

**(5) What can be circulated?**

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

**(6) How will the applications be considered?**

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

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

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

**(8) Queries on reports.**

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

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

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



## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 9 NOVEMBER 2021

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

#### Members Present:

Councillor Kevin Brady (Chair)

Councillor Zenith Rahman  
Councillor Rajib Ahmed

#### Officers Present:

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

Representing applicants	Item Number	Role
PC Mark Perry	4.1	(Metropolitan Police)
Fezal Yurdakul	4.2	(Licensing Agent)
Hasan Garip	4.2	(Applicant)

Representing objectors	Item Number	Role
Paddy Whur	4.1	(Legal Representative)
Dean James	4.1	(Applicant)
Archie Mcintosh	4.1	(Management)
Ross Melinn	4.1	(Management)
Joe Splain	4.1	(Management)

#### Apologies

#### 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 meeting were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION****4.1 Application to Review the Premises Licence for Oval Space, 29-32 The Oval, London E2 9DT**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Oval Space, 29-32 The Oval, London E2 9DT. It was noted that the review had been triggered by the Metropolitan Police and supported by Environmental Health.

At the request of the Chair, PC Mark Perry, Applicant and representing the Metropolitan Police, explained that reviewing a premises licence was not taken lightly and that he had worked with the original premises licence holder when the licence was first granted. He explained that a serious incident took place on 26<sup>th</sup> June 2021 when a stabbing had occurred outside the venue, police went to visit the premises and witnessed one victim who had suffered a stab wound to his leg and another who had a stab wound in his stomach. Officers entered the venue, asked to see the incident log and found 108 bags of drugs confiscated between 2020-2021. This was a large amount considering the premises had been closed during most of that period, and 50 of those bags were found inside the venue, raising concerns that there was a failure in searching, seizing and handing to the police, items which were seized. The searching techniques used had been witnessed by PC Leban, who believed it to be incredibly poor and weak.

It was also noted that from having reviewed CCTV images, the correct dispersal policy had not been carried out, people were hanging around outside the venue, SIA accredited staff were not making any effort to help disperse customers, and SIA accredited staff were not wearing their badges .

The refusal log was also checked, and found not to have been kept up to date. As a nightclub opened until 6am with 1000 guests, management are expected to exercise a duty of care towards its guests, yet there were no incident logs which was incredibly concerning, with no details of victims or perpetrators of crimes. PC Perry said that when Mr Splain (manager at the time of the incident) was asked if he would feel safe for his family or friends to come to the venue he said 'No' which was evidence that the premises were not safe.

PC Perry then referred to his statements on page 77 of the agenda which detailed a number of incidents that had occurred at the premises over the year such as a sexual assault, stabbing at the premises etc. He said that during his second visit to the premises on 26<sup>th</sup> September 2021, there were

no signs of improvements having been made, as officers witnessed customers so intoxicated that they were falling over and walking into walls. This was highlighted to management at the time but was not recorded in the incident log. It was also noted a further three bags of drugs were seen clipped onto the clipboard left in the office, and with the pending review it was hoped that management would have tightened up their procedures. Having viewed the refusals log, it was noted that only five refusals of alcohol had been made between 26th June and 26<sup>th</sup> September 2021.

PC Perry said there had been a failure in management and a failure in security with incidents of stabbings, sexual assault, and drugs. It was noted that incidents took place mainly late at night and in the early hours of the morning. PC Perry therefore asked that the hours for the premises be reduced to the Council framework hours and proposed a set of conditions to be imposed. PC Perry welcomed Mr Ross Melinn as the new manager of the premises and suggested that he needed some time to sort out the problems and demonstrate effective running of the premises.

PC Perry then showed CCTV footage of 26th June 2021 to Members of the Sub Committee. It was confirmed that all parties had seen this footage. During the viewing it was confirmed that the stabbing on 26<sup>th</sup> June 2021 had taken place outside and away from the venue, but the victims had come back outside the venue once the incident took place and had attended the venue prior to the incident .

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She explained that she was concerned about the public nuisance aspect and explained that on 31<sup>st</sup> July 2021, the Environmental Health Team had received four noise complaints from 4 different residents regarding noise nuisance and again on 5<sup>th</sup> August 2021 reporting loud music. She explained that warning letters were sent out as loud music was being played outdoors, and she then went on to read out the emails sent by residents complaining to the Noise Team.

It was noted that the Environmental Health Out of Hours Service Team visited the premises and had spoken to the manager regarding the excessive noise which they had heard when walking towards the venue. Ms Cadzow highlighted that residents were affected by the noise from the external area and from within the premises. She then referred to a further complaint on 27<sup>th</sup> September 2021, when a resident reported that the noise was louder than usual and had caused disturbance over the past few days. Ms Cadzow said that she supported the Police review application for a reduction in hours and conditions to be imposed onto the licence.

Members then heard from Mr Paddy Whur, Legal Representative on behalf of the Premises Licence Holder, he stated that there had been a misrepresentation of evidence presented to the Sub-Committee by the Police. He said the premises was not a nightclub, but a mixed-use venue for a variety of purposes, events for the LGBTQ community, business/corporate events as well as cultural funded events and that this set of premises was of importance to a number of communities in the borough.

He then introduced the premises licence holder and detailed his experiences in operating in excess of 50 different licensed premises over the years without any being reviewed. Mr Whur said the statement from Police on pages 66-67 had not been backed up with any evidence. He said that the incident shown on the CCTV footage had taken place away from the venue, the knife used was not taken into the premises, and the CCTV footage was voluntarily given to the police to help them with their investigations. Mr Whur raised concerns therefore that the incident had not been portrayed correctly to the Sub-Committee.

It was noted that in a year, 100,000 people attended the premises for different types of events, and to have only reports of 7 incidents dating back to 2019 was a good track record. It was further noted that on average customers spent approximately £13 on drinks and therefore very rarely were customers intoxicated which was witnessed on 26<sup>th</sup> September 2021 by officers.

Mr Whur explained that Mr Ross Melinn was the new Designated Premises Supervisor and manager, who had a wealth of experience in running large late night venues. He assured Members that customers are looked after, that customers who have had too much alcohol are recommended to be taken home, that they are given water bottles, and provided with waiting facilities for taxis.

He then went through and explained the incidents reported by the police on pages 76-79. He said that he did not accept what had been said by the police on many counts. Mr Whur stated that there were no issues with the conditions being proposed and that most conditions proposed had already been implemented and being operated successfully. However, he did say that if the hours were to be reduced the premises would not be viable. He reminded Members of the powers under Section 182 of the Home Office Guidance and the remedial actions available to them and stated that if the hours were reduced it was likely that the cultural activities which had previously taken place on the premises would have to stop. Mr Whur said that a reduction of the hours to framework hours would not be a proportionate way of supporting the licensing objectives. He explained that jobs were dependant on the operation of the business, and therefore urged Members to carefully look at the policies when making the decision.

Mr Ross Melinn explained that since taking over the operation of the business, staff had been trained on how to perform door searches and how to confiscate drugs and weapons safely and securely. He said that they were currently operating without a bar manager and were in the process of recruiting. He explained that drugs were kept in evidence bags and handled by two members of staff and covered by CCTV cameras when kept in the safe. It was noted that he had called 101 and was still waiting for police to come and collect the drugs that had been confiscated at the door.

Mr Whur explained that there had been reports of squatters nearby having parties, playing loud music and also a car playing loud music outside venues creating noise which may have been incorrectly attributed to the premises. It

was noted that there had been no noise complaints since the squatters had moved, and management were working with Environmental Health on keeping noise levels down. He concluded that the premises had a good track record and with Mr Ross Melinn's experience, it would be appropriate to impose the suggested conditions and not to reduce the hours as this would be disproportionate and unfair.

In response to questions from Members the following was noted;

- It was confirmed that the stabbing on 26<sup>th</sup> June occurred outside the premises.
- That there were 118 bags of drugs found from searches at the entrance, with some bags having other smaller bags inside them.
- Concerns had been raised about the number of bags of drugs found inside the premises having passed security checks.
- That the stabbing which happened in 2019 could not have been done by a sharpened credit card as stated by the premises licence holder's legal representative at the meeting as there were puncture wounds which would have had to have been caused by a knife of some sort.
- A list of upcoming events at the venue were noted which included booked events, music events, brunches, bingos and LGBTQ events.
- Not all security staff had been SIA registered door supervisors, as some were street marshals and therefore were not required to wear a badge.
- SIA accredited door staff conducted the security checks on guests and also confiscated prohibited items.
- That all staff were now trained by Mr Melinn.
- That if customers appear to be drunk, they would be removed in a safe way, with an offer to call a taxi, attempt made to ask a friend to help and water offered.
- SIA accredited door staff are visible, wear high visibility jackets and wear badges.
- That the premises rent had been increased, and the premises licence holder currently employs 50 people at the premises.
- That the business model includes 30% corporate events, 20% live events and 50% late night events.
- That there was an average of 200 events per year and half of them were late night events.
- That there were no problems with holding cultural events, and that the real risk of issues arose regarding events which go beyond 2am.
- There was some assurance given that Mr Ross Melinn was now the new DPS and manager.
- The capacity of premises was 909 persons, although the fire regulations allowed a capacity of 1200.
- That the premises licence holder accepted the conditions, but wanted the non-standard hours to remain the same.

Members felt encouraged by the positive engagement between the parties, and expressed a wish that this continue.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representation at the meeting by PC Mark Perry and from the Legal Representative representing the Premises Licence Holder and from the Management Team for Oval Space.

The Sub-Committee noted the representations of the Police, Environmental Health and the Premises Licence Holder, in particular that the conditions sought by the Police were agreed by the Premises Licence Holder. The Sub-Committee noted the respective representations regarding the Police proposal for a reduction of hours to framework hours. The Sub-Committee were satisfied that there was evidence to support the imposition of the conditions sought by the Police as a proportionate way of upholding the licensing objectives. The Police were not satisfied that there was evidence for a reduction of hours right back to framework hours, and considered that given the nature of the premises, and having heard evidence of the types of event to be held at the premises, a lesser reduction of hours was a proportionate way of upholding the licensing objectives.

The Sub-Committee also noted evidence of the changes to the way in which the premises were managed. Therefore, the Sub-Committee made a decision to grant the review application in part with a reduction in hours for the non-standard timings and imposed the additional conditions proposed by the Police onto the licence which would help alleviate the concerns raised by the Responsible Authorities and promote the licensing objectives. The Sub-Committee welcomed the efforts of the Premises Licence Holder in working with the Police to ensure a safe operation of the premises, and an upholding of the licensing objectives.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**



That the application for a Review of the Premises Licence for Oval Space, 29-32 The Oval, London E2 9DT be **GRANTED IN PART**.

#### Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

#### 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. 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 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.
5. On any occasion that regulated entertainment is provided, not less than 1 SIA accredited door supervisor will be engaged per 100 customers.
6. Where SIA accredited 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 an SIA accredited 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, weapons 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 premises 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, whereby 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 or training to be kept and made available to Police upon request.

#### **4.2 Application for a New Premise Licence for Nilly's Café, 16 Bell Lane, London, E1 7LA**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Nilly's Café, 16 Bell Lane, London E1 7LA. It was noted that objections had been received by residents and by the Environmental Health Officer.

At the request of the Chair, Ms Fezal Yurdakul, representing the Applicant, explained that the premises was a small coffee shop selling sandwiches, English breakfasts etc and now wanted to introduce the sale of alcohol as an addition to a table meal. It was noted that alcohol would be served to customers seated at a table by a waiter and waitress service. She also explained that the off sales element of the application was to enable alcohol to be served at the tables in the outside area.

Ms Yurdakul further explained that the applicant was aware of the cumulative impact zone and the noise and anti-social behaviour in the area, and wanted to work with the community to help reduce this. With the conditions proposed, the applicant believed that the premises would not add to the cumulative impact upon the area. It was explained that staff would receive regular training, and training documents would be signed, kept and made available on request. Notices would be displayed around the premises asking customers to leave quietly, and would have the manager's contact details available. Management would ensure that no customers congregate outside the premises, and would maintain an incident log, as well as operate a Challenge 25 policy. Together with the applicant's experience and proposed conditions, it was believed that the premises could be managed without adding to the cumulative impact upon the area.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer. She referred to her statement on page 233 of the agenda and stated that the premises was in the cumulative impact zone. She was aware that the premises would operate within the Council's framework hours, but raised concerns about the impact upon the area of customers accessing and egressing. She also believed that there would be a great likelihood of disturbance to residential premises during the hours sought, and there was insufficient information in the operating schedule as to how the applicant proposed preventing public nuisance.

In response to questions from Members the following was noted;

- The capacity for the premises was 34 people.
- The premises were not alcohol led, but a coffee shop.
- The applicant withdrew off sales from the application at this meeting, as he only wanted to sell alcohol to customers seated at the premises and those on the two tables outside the premises. It was confirmed by the Licensing Officer that the tables were included in the plans, and therefore those tables would be covered by a licence permitting on sales of alcohol.
- The applicant was willing to have a condition for alcohol to be sold ancillary to a meal.
- That there would be no vertical drinking.
- The applicant would ensure notices were displayed asking customers to leave quietly, to help reduce noise nuisance.

Concluding remarks were made by both parties.

### **The Licensing Objectives**

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

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

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all the evidence before them and heard oral representation at the meeting by the Applicant and his Licensing Agent and from the Environmental Health Officer objecting to the application. As the resident objectors were not present at the meeting, their written objection was noted and considered by The Sub-Committee.

The Sub-Committee noted that the Applicant was seeking a new premises licence for the sale of alcohol and during the course of the meeting it was noted that they only required on sales of alcohol and did not require off sales of alcohol.

The Sub-Committee noted the concerns of objectors, whose primary concerns were that the additional licensed premises in the Brick Lane Cumulative Impact Zone would likely lead to noise nuisance arising from customers frequenting the premises during the late hours.

The Sub-Committee noted the representations from Environmental Health regarding the impact of the premises in the Brick Lane Cumulative Impact Zone (CIZ) and in particular, the concerns relating to an additional set of licensed premises in a CIZ. However, the Sub-Committee also noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions put forward by the applicant and those accepted by the applicant at the meeting, such as not allowing vertical drinking, and alcohol only to be served ancillary to a substantial table meal. It was also noted from the representations made on behalf of the Applicant that the premises was a relatively small, coffee shop wanting to sell wine with a meal, so from that evidence not alcohol led, with hours well within the framework hours.

The Sub-Committee was therefore satisfied that there would be no addition to the cumulative impact in the area. It was also noted that the application had been amended, and off sales were removed, with an additional condition to restrict the timing for the use of the outdoor seating area to an earlier time of 20:00 hours, as well as imposing conditions to prevent the premises from turning into a bar, which would alleviate concerns about noise nuisance.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed in relation to a non-alcohol led business would effectively mitigate the risk of public nuisance and help alleviate any concerns raised by the Responsible Authority and residents.

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 Nilly's Café, 16 Bell Lane, London E1 7LA be **GRANTED with conditions**.

#### **Sale of Alcohol (On Sales only)**

Monday to Saturday from 08:00 hours to 22:00 hours  
Sunday from 10:00 hours to 22:00 hours

Opening Hours

Monday to Saturday from 08:00 hours to 22:00 hours

Sunday from 10:00 hours to 22:00 hours

Conditions

20. 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.
21. 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.
22. 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.
23. 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:
  - i) all crimes reported to the venue;
  - j) all ejections of patrons;
  - k) any complaints received concerning crime and disorder
  - l) any incidents of disorder;
  - m) all seizures of drugs or offensive weapons;
  - n) any faults in the CCTV system, searching equipment or scanning equipment;
  - o) any refusal of the sale of alcohol;
  - p) any visit by a relevant authority or emergency service.
24. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. The outdoor dining area shall close at 20:00 hours each day and the tables and chairs will be rendered out of use.
28. Alcohol shall only be served ancillary to a substantial table meal.
29. No vertical drinking on the premises shall be permitted.
30. No more than two smokers shall be allowed to smoke outside the premises at any one time.
31. 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.
32. 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.
33. 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.

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

Nil items.

The meeting ended at 8.45 p.m.

Chair, Councillor Kevin Brady  
Licensing Sub Committee

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# Agenda Item 4.1

Committee: <b>Licensing Sub Committee</b>	Date 07 December 2021	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Classic Football Shirts, 17 Commercial Street, London, E1 6NE</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Classic Football Company (Ciaran Gold) Trading Limited**

Name and Address of Premises: **Classic Football Shirts  
17 Commercial Street  
London  
E1 6NE**

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

Objectors: **Environmental Protection  
Licensing Authority**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Classic Football Shirts, 17 Commercial Street, London, E1 6NE.
- 3.2 The applicant has described the premises as: Café selling beer & wine within a football shirt shop (on sales only) for fewer than 50 patrons.
- 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 sales)**

Monday – Saturday 11:00 – 23:00 hours

Sunday 11:00 – 22:30 hours

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

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

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

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

### 6.0 **Representations**

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

- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- Environmental Protection – **Appendix 7**
  - Licensing Authority – **Appendix 8**
- 6.9 Correspondence from applicant to Environmental Protection– **Appendix 9**
- Correspondence from applicant to Licensing Authority – **Appendix 10**
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home office (Immigration Enforcement)
- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

6.12 The objections relate to:

- Public nuisance
- Crime & disorder
- Noise
- The LBTH Cumulative Impact Zone

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

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

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

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

1. All staff shall be suitably trained for their job function in the premises. The training shall be written into a ongoing programme and under constant review and shall be made available to a relevant responsible authority when called upon.
2. A properly specified and fully operational CCTV system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity.
3. The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 31 days. The CCTV system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.

4. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
5. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record the name of the person responsible for the premises on each given day.
6. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises.
7. The register shall also record all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.
8. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.
9. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.
10. The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
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 a Proof of Age card carrying a 'PASS' logo.
12. All occasions when persons have been refused service shall be recorded in the premises daily register.
13. There shall be no children unaccompanied by a responsible adult on the premises after 20:00.
14. All children under the age of 12 years shall be accompanied by an adult whilst on the premises.

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

None

## 9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2022 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Further Guidance on this can be found at

<https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 The Live Music Act removed licensing requirements for the following:

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

- 9.3 The following is intended 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.

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted

price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)

- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.5 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.8 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.9 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.10 In **Appendices 11 - 18** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.



## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from Environmental Protection
<b>Appendix 8</b>	Representations from Licensing Authority
<b>Appendix 9</b>	Correspondence from applicant to EP
<b>Appendix 10</b>	Correspondence from applicant to LA
<b>Appendix 11</b>	Licensing Officer comments on public nuisance
<b>Appendix 12</b>	S182 advice on public nuisance
<b>Appendix 13</b>	Licensing Officer comments on crime & disorder
<b>Appendix 14</b>	S182 advice on crime & disorder
<b>Appendix 15</b>	Noise when the premises is in use
<b>Appendix 16</b>	CIZ
<b>Appendix 17</b>	Licensing Policy relating to hours of trading
<b>Appendix 18</b>	Planning

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

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

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

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

District

City or town

County or administrative area

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

LIMITED COMPANY

**Address**

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

**Contact Details**

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

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

CAFE SELLING BEER AND WINES WITHIN A FOOTBALL SHIRT SHOP (ON SALES ONLY) FOR FEWER THAN 50 PATRONS

*Continued from previous page...*

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?



Continued from previous page...

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

NONE

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

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

N/A

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

**Name**

First name

Family name

Date of birth

Continued from previous page...

**Enter the contact's address**

Building number or name

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.

NO ADULT ENTERTAINMENT WHATSOEVER

**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="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

NONE

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

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

NONE

**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.

Our premises lies within the Culmulative Impact Zone and as such this application is subject to Tower Hamlets' cumulative impact (CI) policy.

Section 19 of the policy acknowledges that the CI policy was originally introduced some seven years ago.

The CIZ was reviewed in 2017 and it was decided to keep the CIZ, although paragraph 19.3 acknowledges that there has been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015.

We would suggest that in the intervening period, particularly in the last year which has been subject to lockdown, crimes linked to licensed premises will have fallen significantly.

It is also likely that a number of licensed premises will not re-open due to the negative financial impact of the pandemic. This will in turn alleviate CI in the area.

It is notable that a number of councils have decided to remove their CIZs, as the parameters have changed.

The Ministry of Justice has sent a letter to all councils asking for a sympathetic view to be taken with regards to licensed premises (This is supported by all major political parties).

Previous to our tenancy in Commercial Street, we were situated in The Old Truman Brewery in the middle Brick Lane (within the CIZ) for past three years. We have vacated that unit and have relocated to 17 Commercial Street.

This premises used to trade as RockIT Steakhouse.

This whole area was a dedicated licensed restaurant for the entire space, which, according to <https://www.feedthelion.co.uk/rockit-steakhouse-whitechapel-london/> had 67 covers. They opened at midday and closed at 10.30pm Monday to Thursday, staying open to 11pm Friday and Saturdays, closing at 10pm on Sundays according to [https://www.tripadvisor.co.uk/Restaurant\\_Review-g186338-d13317743-Reviews-RockIT\\_Steakhouse-London\\_England.html](https://www.tripadvisor.co.uk/Restaurant_Review-g186338-d13317743-Reviews-RockIT_Steakhouse-London_England.html).

This application is for a maximum of 48 patrons, 17 fewer than a previous dedicated restuarant in the same space.

This means that it is highly unlikely that there will be any increase in culmulative impact should this application be granted. Patrons will be expected to be seated while drinking.

Considerable investment has been made into creating this business model. This has been a challenging time for the business.

Many businesses have not survived the pandemic. We have had to adapt and change in order to survive.

It is critical for this application to be successful to ensure our retail operation remains economically viable in this challenging climate.

Paragraph 19.3 of the licensing policy provides a number of factors which are likely to contribute to a given application's claim to an exceptional status further to the CI policy.

Our application meets a number of these examples:

- We are a specialist vintage football shirts retailer (so not alcohol-led). This is a unique space in London and we are delighted to be based in Tower Hamlets.
- We operate within Tower Hamlets' framework hours
- The application is for fewer than 50 patrons
- The previous licence holder for the entire space (we are applying for a smaller space as shown on the plan) was unable to surrender their licence due to the company going into liquidation in 2019.

Based upon the matters detailed above and the robust set of proposed conditions which follow we believe that this application should be an exception to Tower Hamlets' CI policy.

To underpin our commitment to promoting the four licensing objectives, we have employed Andy Newman Consulting Ltd, headed by a former police inspector with 30 years' exemplary service, who is a former Hackney Licensing Sergeant and longstanding chair of all the Hackney licensing enforcement officers, to advise us.

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

1 All staff shall be suitably trained for their job function in the premises. The training shall be written into a ongoing programme and under constant review and shall be made available to a relevant responsible authority when called upon.

2 A properly specified and fully operational CCTV system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision

*Continued from previous page...*

of licensable activity.

3 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of 31 days. The CCTV system shall be maintained and fully operational throughout the hours that the premises is open for any licensable activity.

4 Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.

5 A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record the name of the person responsible for the premises on each given day.

The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives.

Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises.

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

#### c) Public safety

7 No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.

8 The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.

9 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

10 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the licensed premise except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

#### d) The prevention of public nuisance

11 Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

12 The premises' frontage shall be regularly monitored to keep it clean and clear of litter.

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

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 a Proof of Age card carrying a 'PASS' logo.

14 All occasions when persons have been refused service shall be recorded in the premises daily register.

15 There shall be no children unaccompanied by a responsible adult on the premises after 20:00.

16 All children under the age of 12 years shall be accompanied by an adult whilst on the premises.

## NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

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

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

*Continued from previous page...*

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

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

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

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



*Continued from previous page...*

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

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

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

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

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

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

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

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

*Continued from previous page...*

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

## Section 21 of 21

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

## DECLARATION

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

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

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

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

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

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

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

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

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
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"/>
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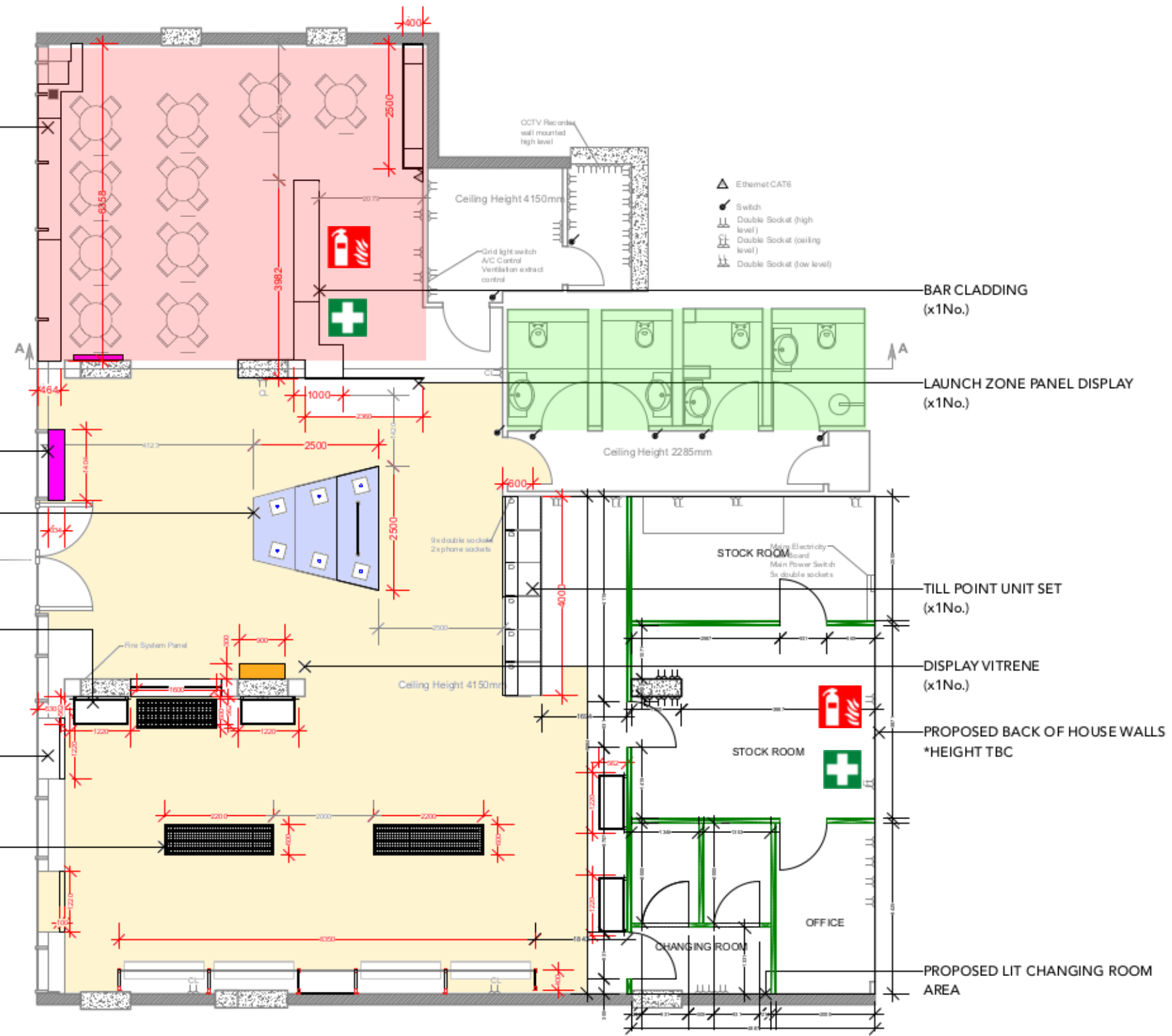
# Appendix 2

NOTES:

- Proposed bar area
- Toilets
- Retail shop area
- Raised platform
- 🔥 Fire extinguisher + blanket
- + First aid box

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Access from Commercial Street



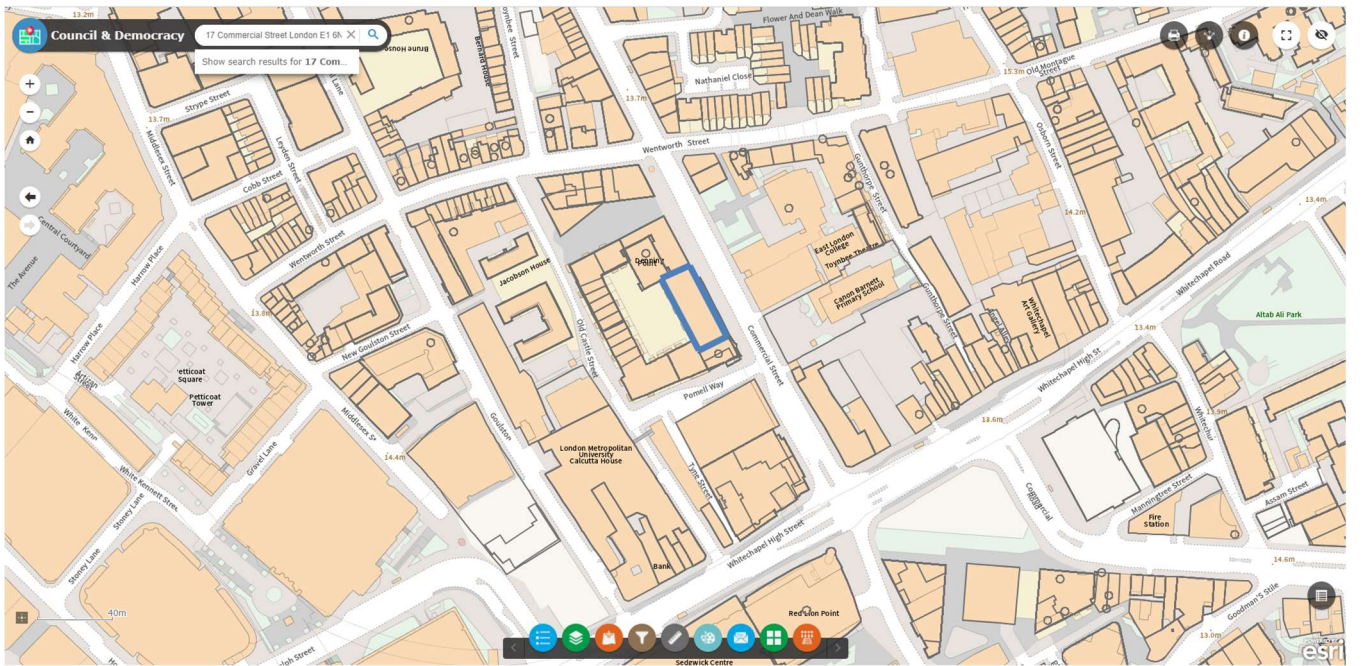
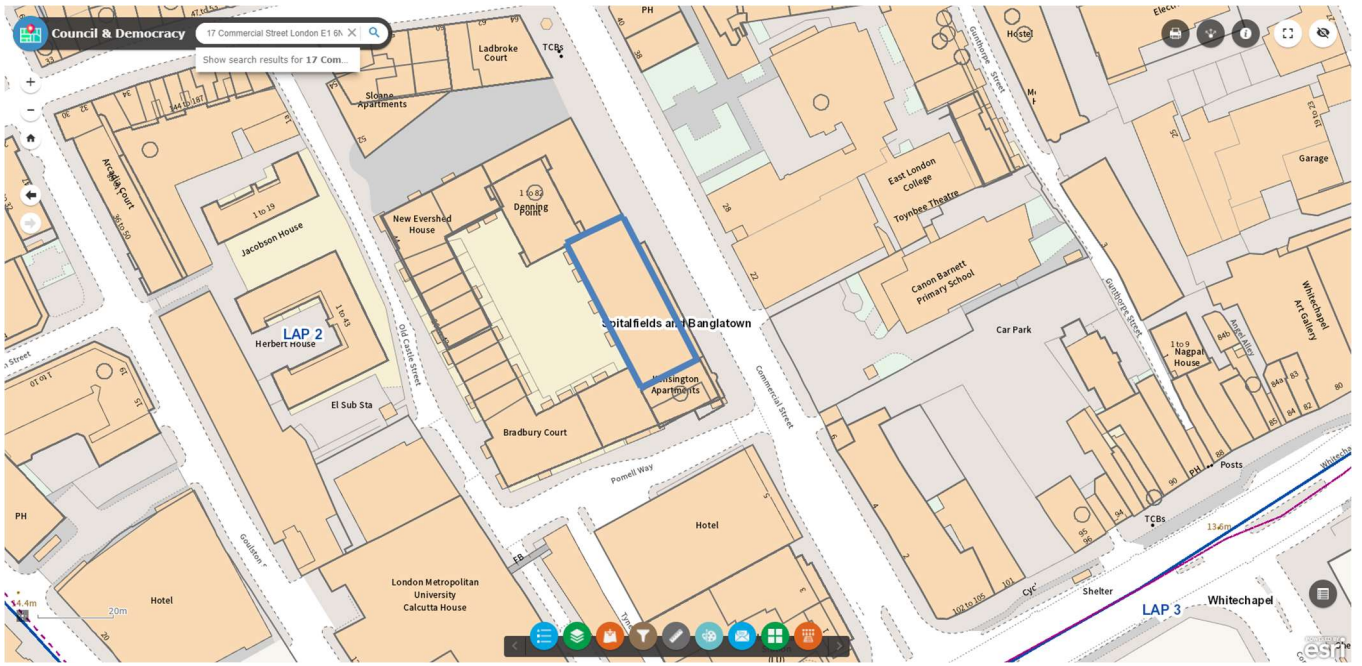
1 Proposed Placement Plan  
Scale: 1:100

SITE:			
TITLE: PROPOSED UNIT LOCATION PLAN			
SCALE:	DATE:	DRAWN BY:	CHECKED BY:
PROJECT No.:	DRAWING No.:	REVISION:	

# Appendix 3

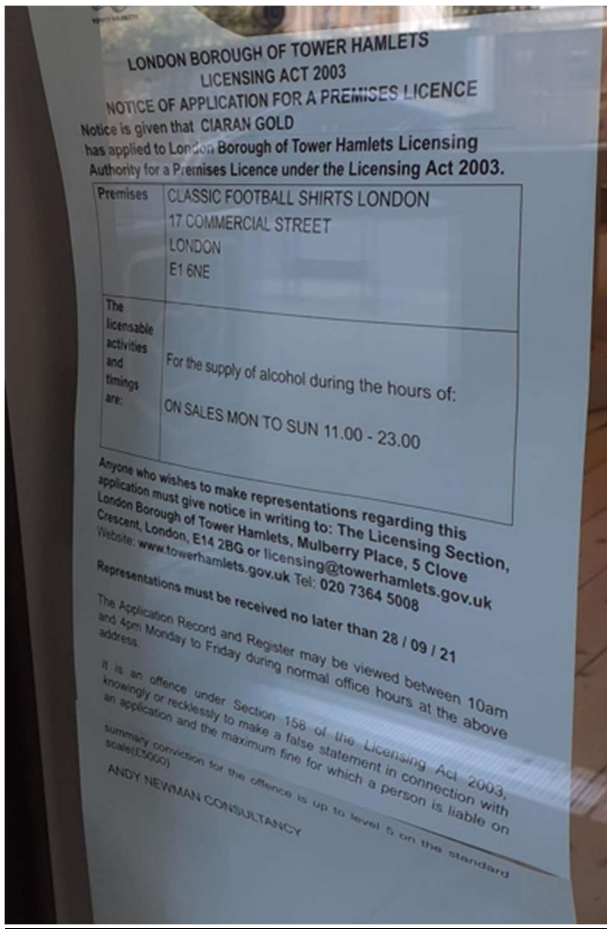


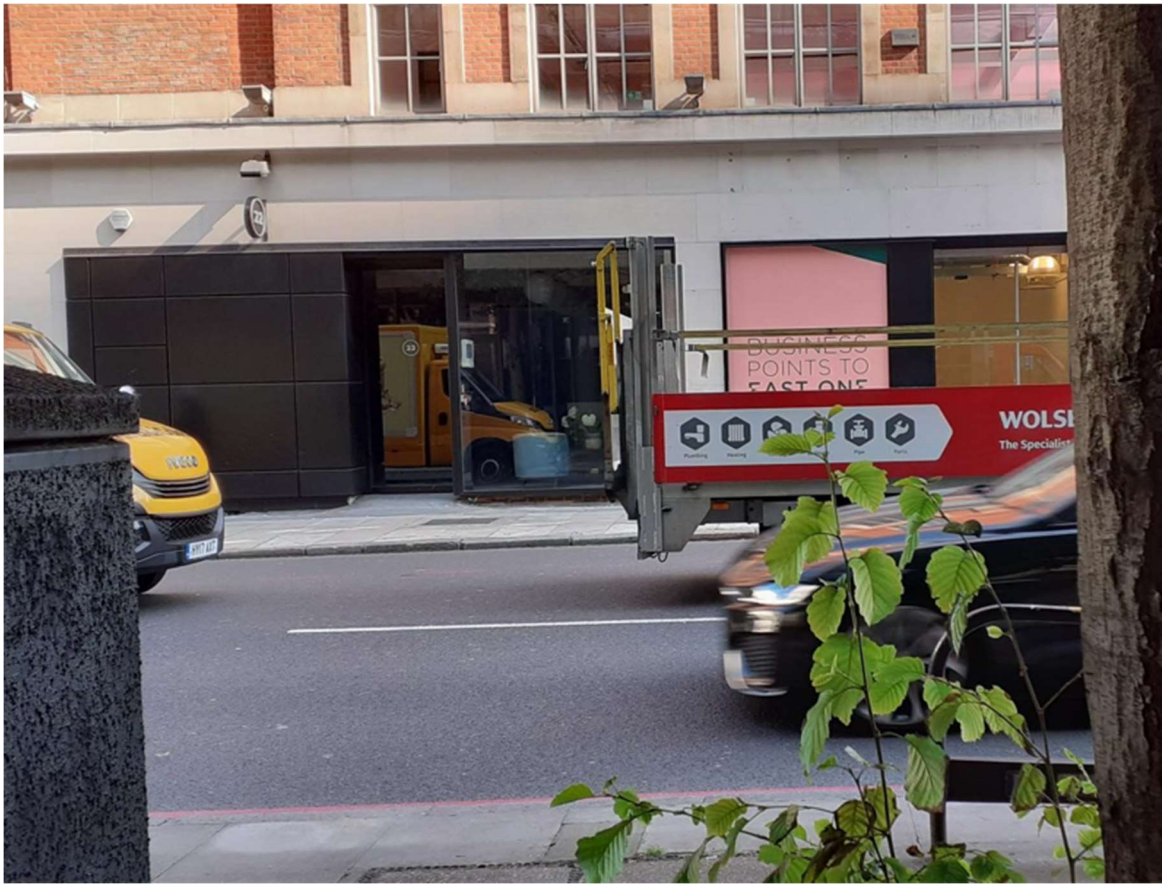
# MAPS – 17 COMMERCIAL STREET



# Appendix 4

## Photos – 17 Commercial Street







# Appendix 5

## 17 Commercial Street - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<b>(Tesco Metro)</b> 3 Commercial Street	<b><u>The sale by retail of alcohol (off sales)</u></b> Monday to Sunday from 06:00hrs to 00:00hrs (midnight)	<ul style="list-style-type: none"> <li>• Monday to Sunday from 06:00hrs to 00:00hrs (midnight)</li> </ul>
<b>(Taesan Ltd)</b> 4 Commercial Street	<b><u>The sale by retail of alcohol (on sales)</u></b> Monday to Sunday, 11.00am to 23.00pm	<ul style="list-style-type: none"> <li>• Monday to Sunday, 07.30am to 23.00pm</li> </ul>
<b>(Ibis London City Hotel)</b> 5 Commercial Street	<p><b><u>The sale of alcohol (on &amp; off sales)</u></b></p> <ul style="list-style-type: none"> <li>• On Monday to Sunday, 09:00 hrs to 01:00 hrs</li> </ul> <p><u>Non-standard timings</u> Thursday to Monday of all Bank Holiday weekends until 02:00 hours the morning following each of those days. Christmas Eve, Christmas Day, Boxing Day and New Year's Day until 02:00 hours the morning following and New Year's Eve until 03:00 hours the morning following.</p> <p>For hotel residents and private friends of hotel residents the sale (and supply) of alcohol will not be restricted i.e. 24 hours on each day of the year.</p> <p><b>Late night refreshment</b></p> <ul style="list-style-type: none"> <li>• On Monday to Sunday, 23:00 hrs to 05:00 hrs</li> </ul>	<ul style="list-style-type: none"> <li>• On Monday to Sunday, 00:00 hrs to 24:00 hrs (24 hours)</li> </ul>
<b>(Artsadmin)</b> Toynbee Studios 28 Commercial Street	<p><b><u>Sale of alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:30 hours to 12midnight</li> </ul> <p><b><u>Regulated entertainment</u></b> (Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music and provision of facilities for dancing)</p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 10:00 hours to 12midnight</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:30 hours to 00:00 (midnight)comm</li> </ul>
<b>(YUU Kitchen Ltd)</b> 29 Commercial Street	<b><u>The supply by retail of alcohol (on &amp; off sales)</u></b>	<ul style="list-style-type: none"> <li>• Monday - Thursday 12:00 hours - 23:30 hours</li> <li>• Friday – Saturday 12:00 hours - 00:00 hours</li> </ul>

## 17 Commercial Street - Nearest licences

	<p>Monday – Thursday 12:00 hours – 23:00 hours          Friday – Saturday 12:00 hours – 23:30 hours          Sunday 12:00 hours - 22:30 hours          Supply of Alcohol in external areas and off sales until 21:30 hours only.</p> <p><b><u>The provision of late night refreshment (indoors)</u></b></p> <p>Friday – Saturday 23:00 hours - 23:30 hours</p> <p><b><u>Non- Standard Hours:</u></b>          Christmas Eve – Supply of alcohol and provision of late night refreshment to 00:00 hours (midnight)          On New Year’s Eve supply by retail of alcohol and provision of late night refreshment to 01:30 hours</p>	<ul style="list-style-type: none"> <li>• Sunday 12:00 hours - 23:00 hours</li> <li>• Christmas Eve 12:00 hours - 00:00 hours</li> <li>• New Year’s Eve 12:00 hours - 02:00 hours</li> </ul>
<p><b>Culpeper</b>          40-42          Commercial          Street</p>	<p><b>Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight)</li> <li>▪ Thursday to Saturday, from 07:00hrs to 03:00hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <p><b>Live music</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Saturday, from 07:00hrs to 23:30hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 23:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 23:00hrs to 04:00hrs</li> <li>▪ Sunday, from 23:00hrs to 23:30hrs</li> </ul>	<p><b>The opening hours of the premises</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 07:00hrs to 04:00hrs</li> </ul> <p>Sunday, from 10:00 hours to 23:30hrs</p>



# Appendix 6

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

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

# Appendix 7

## Corinne Holland

---

**From:** Licensing  
**Sent:** 28 September 2021 16:57  
**To:** Corinne Holland  
**Subject:** FW: 141132 MAU REPRESENTATION New premise license application for Classic Football Shirts 17 Commercial Street, London

---

**From:** Nicola Cadzow <[REDACTED]>  
**Sent:** 28 September 2021 13:59  
**To:** Licensing <[REDACTED]>; Mohshin Ali <[REDACTED]>  
**Cc:** MARK.J.Perry [REDACTED] Barry.D.Leban [REDACTED] CIARAN [REDACTED]  
**Subject:** 141132 MAU REPRESENTATION New premise license application for Classic Football Shirts 17 Commercial Street, London

Dear Licensing,

Having considered the premises license application for Classic Football Shirts 17 Commercial Street, London i have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. There is no consideration of an impact on public nuisance from increase footfall from persons accessing and egressing the premises, patrons outside the premise leaving to smoke etc, particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

**Noise Sensitive premises:** residential premises in close proximity.

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

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue including patrons outside the premises to smoke, whilst the premises is in operation

### **CONCLUSION**

Environmental Protection **does not** support the application for Classic Football Shirts 17 Commercial Street, London for the following reasons:

- (1) There is great likelihood of disturbance to residential premises from the impact of additional footfall

- (2) The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
- (3) The premises is in Brick Lane Cumulative Impact Zone.

If the committee are minded to grant this application I would ask that the following conditions be considered:

- 1 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 2 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
- 3 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

Kind regards

**Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG



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# Appendix 8

Licensing Authority :

[Corinne.Holland](#) [REDACTED]

PLACE Directorate  
Public Realm

CC: Applicant – CIARAN GOLD

[CIARAN](#) [REDACTED]

Environmental Health & Trading Standards  
Licensing & Safety Team  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

28<sup>th</sup> September 2021

Tel: 020 7364 5498  
Fax: 020 7364 0863  
Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Your reference

My reference: LIC/141132/MA

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

Dear Licensing Authority,

### **Licensing Act 2003**

New premises licence application: Classic Football Shirts, 17 Commercial Street, London E1 6NE

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

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

### Cumulative Impact Policy

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

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



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

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

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

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

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

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

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

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

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

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

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

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

The previous licence holder (MEATCLEAVER LTD) referred to by the applicant went into liquidation on 24<sup>th</sup> August 2019 and therefore lapsed. It is also not clear which premises licence the applicant had operated within the Old Truman Brewery and whether that licence was surrendered by the applicant.

#### Licensable activities and times

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

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

*Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.*

*a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).*

*b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.*

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

*d) Where the premises have been previously licensed, the past operation of the premises.*

*e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.*

*f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.*

The applicant has applied for times within the “framework hours” for the basement and ground floor. However, *the end times set out in the policy are not (and should not be regarded as) the ‘usual’ or ‘normal’ terminal hour for licensable activities in the Borough. Instead, the ‘framework hours’ serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.*

#### The Home Office guidance

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

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

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

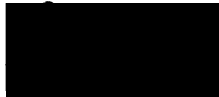
On a balance of probability, this Authority is concerned by the addition of another premises selling alcohol, potentially adding to the existing anti-social issues in the area, particularly through access and egress. The addition of alcohol to the existing premises could change the dynamic of customers in high spirits and therefore potentially undermining the licensing objectives.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the following additional conditions are attached:

- 1. 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.*

2. *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
3. *There shall be no “vertical drinking” of alcohol at the premises*
4. *Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.*

Yours faithfully



Mohshin Ali

**Senior Licensin Officer**

[Mohshin.Ali](mailto:Mohshin.Ali) 

# Appendix 9

## Corinne Holland

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**From:** Licensing  
**Sent:** 15 October 2021 11:39  
**To:** Corinne Holland  
**Subject:** FW: Representation reply Classic Football Shirts 17 Commercial Street London

---

**From:** Andy Newman [REDACTED] >  
**Sent:** 15 October 2021 09:56  
**To:** Nicola Cadzow <[REDACTED]>  
**Cc:** Ciaran Gold <[REDACTED]>; Licensing [REDACTED] >  
**Subject:** Representation reply Classic Football Shirts 17 Commercial Street London

Dear Nicola, thank you for your Representation. Have left messages to discuss further, appreciate that you are very busy.

Firstly, we do not believe that there will be an increase in footfall in terms of Licensing as this very site was occupied by a larger restaurant with at least 67 covers. The fact that this is a smaller Licensed Area with fewer patrons proves this. Thus, there is no increase in the CIZ rather a reduction. Therefore, I would suggest that it would be manifestly unfair to suggest otherwise. (The previous licence holder (MEATCLEAVER LTD) referred to by the applicant

went into liquidation on 24th August 2019 and therefore lapsed). That said, we do understand that as a caring professional officer you are trying to ensure that the right balance is maintained.

To reassure you further:

This is a decent responsible Operator who will do the right thing. Existing sound measures

The facilities manager assures us that there are minimal sound insulation pads on the ceiling

Measures we are willing to take:

Written Policy including:

Periodically walking around, the boundary of the property while entertainment is taking place and reducing the volume if you can hear music with doors closed.

Providing notices on exit doors asking customers to keep the noise down and vacate quickly and quietly

Providing details of reliable taxi operators

Closing the doors to the venue from a particular time (9pm onwards)

Instructing taxi operators not to sound their horns when they arrive

Putting up external sign informing customers they are in a residential area and to keep the noise down

Discouraging customers from taking drinks into smoking areas to help stop them lingering there. It will be made clear that they will not be allowed re-entry if they fail to comply.

My Client is willing to accept the following Conditions to help allay your concerns:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

3. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.

Concerning your suggested 3 any noise break out giving rise to Public Nuisance would be an offence that could lead to Review of the Licence. Law shouldn't be duplicated with Conditions according to the Sec 182 Guidance

Please do contact me to discuss this matter further as per Best Practice. Trust that this should be sufficient to allay your concerns. Willing to further discuss.

Kind Regards,

Andy

Andy Newman Consultancy Ltd.

██████████

Dear Licensing,

Having considered the premises license application for Classic Football Shirts 17 Commercial Street, London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing

disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. There is no consideration of an impact on public nuisance from increase footfall from persons accessing and egressing the premises, patrons outside the premise leaving to smoke etc, particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in close proximity.

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

Noise breakout from the venue affecting neighbouring residents,

- Access & egress to and from the venue including patrons outside the premises to smoke, whilst the premises is in operation

## CONCLUSION

Environmental Protection does not support the application for Classic Football Shirts 17 Commercial Street, London for the following reasons:

1. There is great likelihood of disturbance to residential premises from the impact of additional footfall
2. The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
3. The premises is in Brick Lane Cumulative Impact Zone.

If the committee are minded to grant this application I would ask that the following conditions be considered:

- 1 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.



3. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of

the premises which gives rise to a public nuisance.

Kind regards

Nicola Cadzow

Environmental Health Officer

# Appendix 10

## Corinne Holland

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**From:** Mohshin Ali  
**Sent:** 20 October 2021 12:56  
**To:** Andy Newman  
**Cc:** Ciaran Gold; Corinne Holland  
**Subject:** RE: Classic Football Shirts 17 Commercial Street

Dear Andy,

Thank you for your email. To confirm, the application will now be heard by the Licensing-subcommittee and I have copied in the case officer who is dealing with your application.

Kind regards,

### Mohshin Ali

Senior Licensing Officer  
Licensing and Safety Team  
Environmental Health & Trading Standards  
Place Directorate  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

020 7364 5008

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**From:** Andy Newman [redacted]  
**Sent:** 15 October 2021 11:22  
**To:** Mohshin Ali <[redacted]>  
**Cc:** Ciaran Gold [redacted]; Licensing [redacted]  
**Subject:** Classic Football Shirts 17 Commercial Street

Dear Moshin,

Thank you for your Representation and especially having a somewhat constructive conversation on the phone.

As discussed and helpfully outlined in your Reps, this entire site was previously occupied by a restaurant with at least a 67 patrons cover. This restaurant would have been considered as part of your revision of your Licensing Policy including the CIZ. The CIZ was based on a detailed consultation and evidence gathering process.

We respectfully submit that contrasting this Application with that restaurant there will be a clear reduction in the number of people in the Licensed Premise. This clearly means as far as Licensing is concerned there is a decrease in capacity. Therefore, to draw any conclusion that this Application adds to the CIZ would simply be wrong. The fact that this has been an empty building in between does not change this fact. The rebuttable presumption perhaps should not apply in this case or if you prefer should be rebutted. The advantage of this Operator running this space is that he is a man of good character who has operated as a Licensee in Shoreditch without issue and successfully run a business in Tower Hamlets without issue. Far better for this Operator to be there than people with no regard for the law to take control of this building which could well have an adverse effect on the residents, other businesses etc.

The Police are the recognised lead for Crime & Disorder but have not made a Representation against this Application, so would respectfully question the first strand of your Representation that of Crime & disorder.

This is a genuine exceptional circumstance in that classic Football Shirts (previously a retail only business & nothing to do with L.A 2003) in Brick Lane within the Truman Brewery site is a unique concept that will add a new option to residents, those working or visiting Tower Hamlets.

This concept relates to special high end football merchandise with a proposed relatively small licensed Premises alongside. Many of the larger shops such as Selfridges, and John Lewis do this with varying scales. This is the only shop of its kind in Tower Hamlets and is unique and innovative as per your Policy and the Sec 182 Guidance. As discussed and agreed the Tower Hamlets Policy has been considered. The capacity is for less than 50 patrons. The hours are within the framework hours.

My client and I are familiar with Tower Hamlets. We both feel that should the Licence be granted this will be a benefit to the local area. You will have noticed that we have offered further Conditions and the basis of a Policy to Environmental Health this morning.

We are also happy to accept the following Conditions:

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.

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

We feel that the very small capacity should help allay any concerns of capacity.

Hope this helps to allay your concern.

Please do consider this response would be good to have a conversation should there be any remaining concerns.

Kind regards

Andy

Andy Newman Consultancy Ltd

[REDACTED]

Licensing Authority:

[Corinne.Holland@\[REDACTED\]](mailto:Corinne.Holland@[REDACTED])

CC: Applicant – CIARAN GOLD

[CIARAN](#) [REDACTED]

28th September 2021

Your reference My reference: LIC/141132/MA

Dear Licensing Authority,

Licensing Act 2003

New premises licence application: Classic Football Shirts, 17 Commercial Street,  
London E1 6NE

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

- the prevention of crime and disorder and
  - the prevention of public nuisance
- Cumulative Impact Policy
- On 1st November 2013, Tower Hamlets Council adopted a Cumulative Impact Policy in the Brick Lane Area. The Council Cumulative Impact Zone (CIZ) was revised alongside this Statement of Licensing Policy on the 1st November 2018. Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough (19.3). The Licensing Authority is of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane area is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within the area. The Brick Lane CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

PLACE Directorate Public Realm

Environmental Health & Trading Standards Licensing & Safety Team Mulberry Place 5 Clove Crescent

London E14 2BG

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

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

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

- New Premises Licences applications,
- New Club Premises Certificates applications

- Provisional Statements,
- Variation of Premises Licenses and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). The Licensing Authority expects such applications to have regard for and make reference to the CIZ (19.5). The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused (19.6). Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:
  - Genuinely exceptional circumstances,
  - Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
  - Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
  - Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
  - Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues (19.7) This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption. Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:
    - small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
    - premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area. Examples of factors the Licensing Authority will not consider as exceptional include:

- that the premises will be well managed and run,

- that the premises will be constructed to a high standard,

- that the applicant operates similar premises elsewhere without complaint (19.8). The previous licence holder (MEATCLEAVER LTD) referred to by the applicant went into liquidation on 24th August 2019 and therefore lapsed. It is also not clear which premises licence the applicant had operated within the Old Truman Brewery and whether that licence was surrendered by the applicant. Licensable activities and times All applications have to be considered on their own merits and the Council has however adopted a set of framework hours (14.8) as follows:

- Monday to Thursday, until 23:30 hours

- Friday and Saturday, until 00:00 hours (midnight)

- Sunday, until 22:30 hours Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

- a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.
- c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder and the prevention of public nuisance.
- d) Where the premises have been previously licensed, the past operation of the premises.
- e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.

f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises. The applicant has applied for times within the "framework hours" for the basement and ground floor. However, the end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours'



serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.

The Home Office guidance

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

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

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants’ proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.” On a balance of probability, this Authority is concerned by the addition of another premises selling alcohol, potentially adding to the existing anti-social issues in the area, particularly through access and egress. The addition of alcohol to the existing premises could change the dynamic of customers in high spirits and therefore potentially undermining the licensing objectives. If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the following additional conditions are attached:

1. 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.

2. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
3. There shall be no “vertical drinking” of alcohol at the premises
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Yours faithfully

Mohshin Ali

Senior Licensing Officer

[Mohshin.Ali](#) 

# Appendix 11

## Prevention of Public Nuisance

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

# Appendix 12

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

Updated April 2018

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 13



## 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 14

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

Updated April 2018

## Crime and disorder

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

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

# Appendix 15



## **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 16

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

1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
  - Brick Lane
  - Bethnal Green

**This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.**

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

#### Review of Cumulative Impact Assessment - Supporting Evidence

3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
  - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
  - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
  - Licence Application data for the defined areas for 2017 to 2020
  - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=12361>.

## Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
  5. The Brick Lane and Bethnal Green CIAs aim 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 the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
  6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
    - 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).
- However, it will only apply where the application seeks to permit the Licensable activities of:
- the sale or supply of alcohol for consumption on or off the premises, and/or,
  - the provision of late night refreshment.
7. **This Policy will be strictly applied and where relevant representations are received and 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 CIAs if they wish to rebut this presumption.**
  8. 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 (Councillors, Members of the Public) within the CIA zones the application will be refused.
  9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
  
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
  - Prevention of Crime and Disorder;
  - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

12. 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.

### **Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments**

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
  - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
  - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
  - Have arrangements to prevent vertical drinking, for example fully seated venues;
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

- 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.

### The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One

#### Brick Lane area:

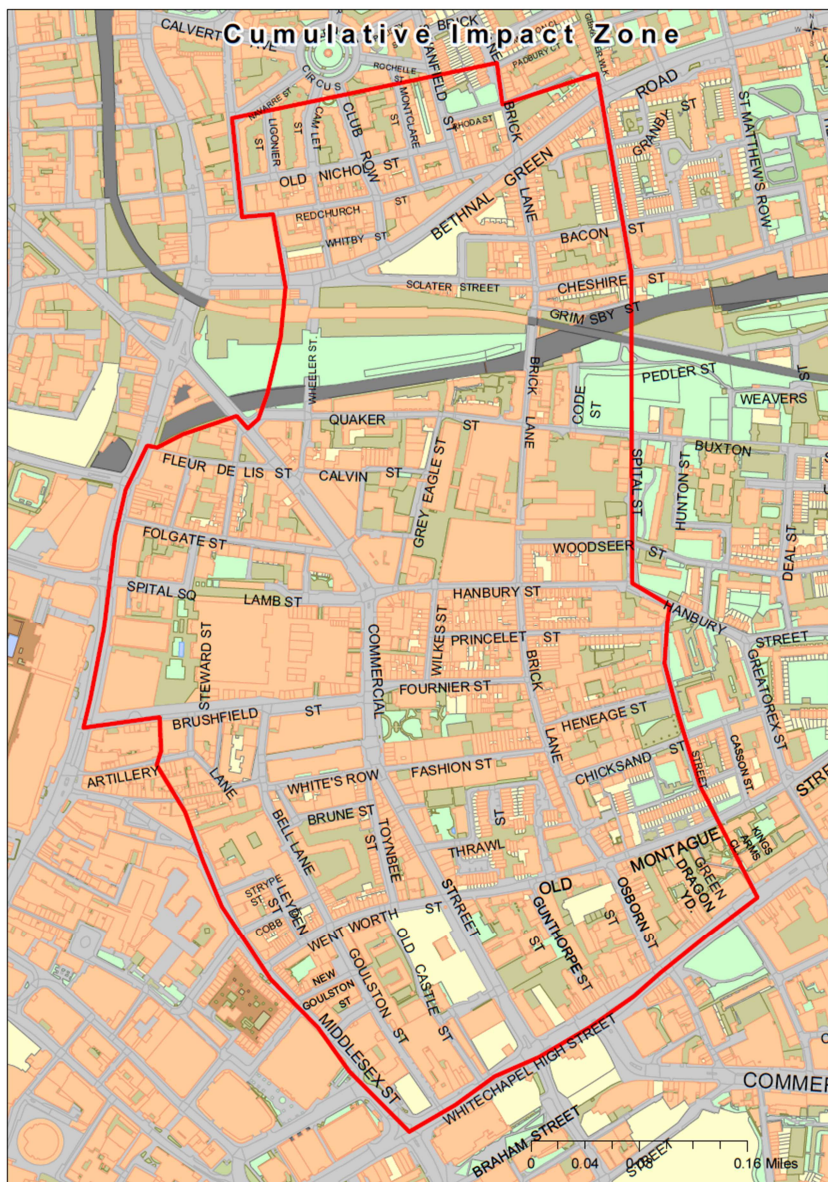
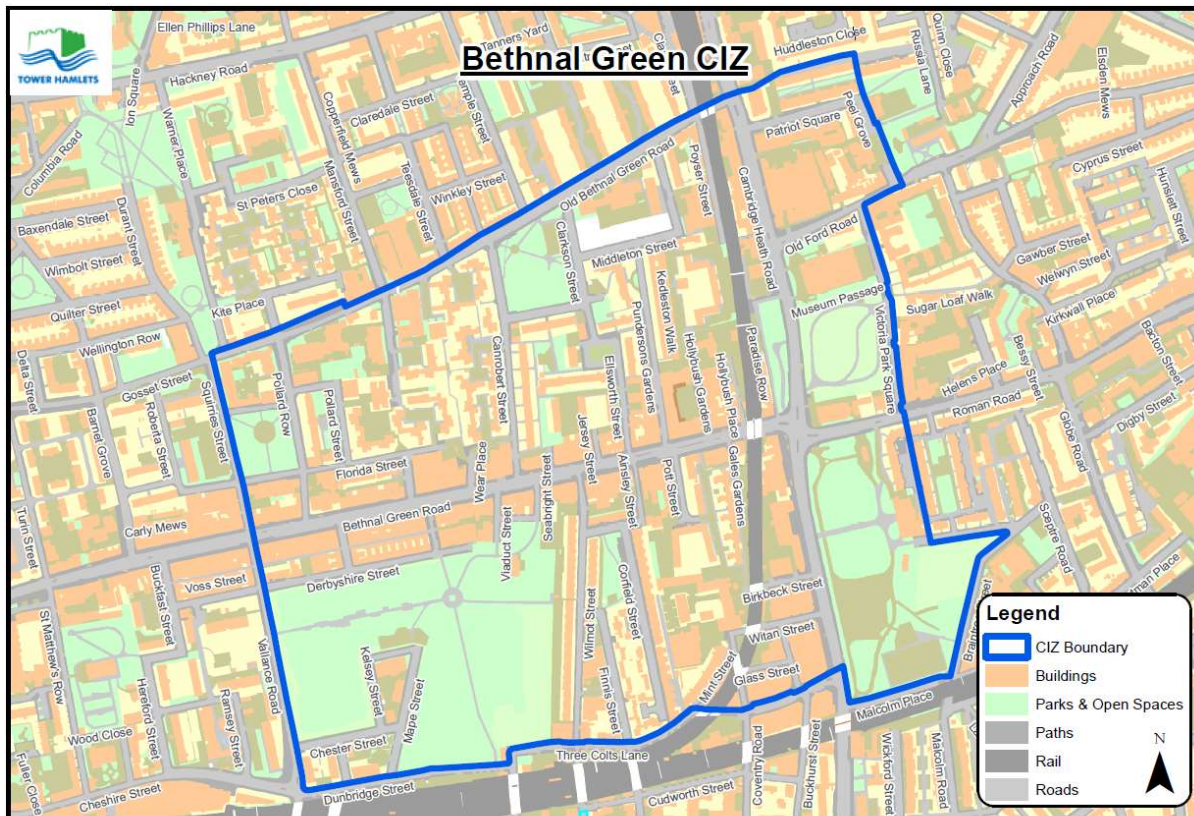
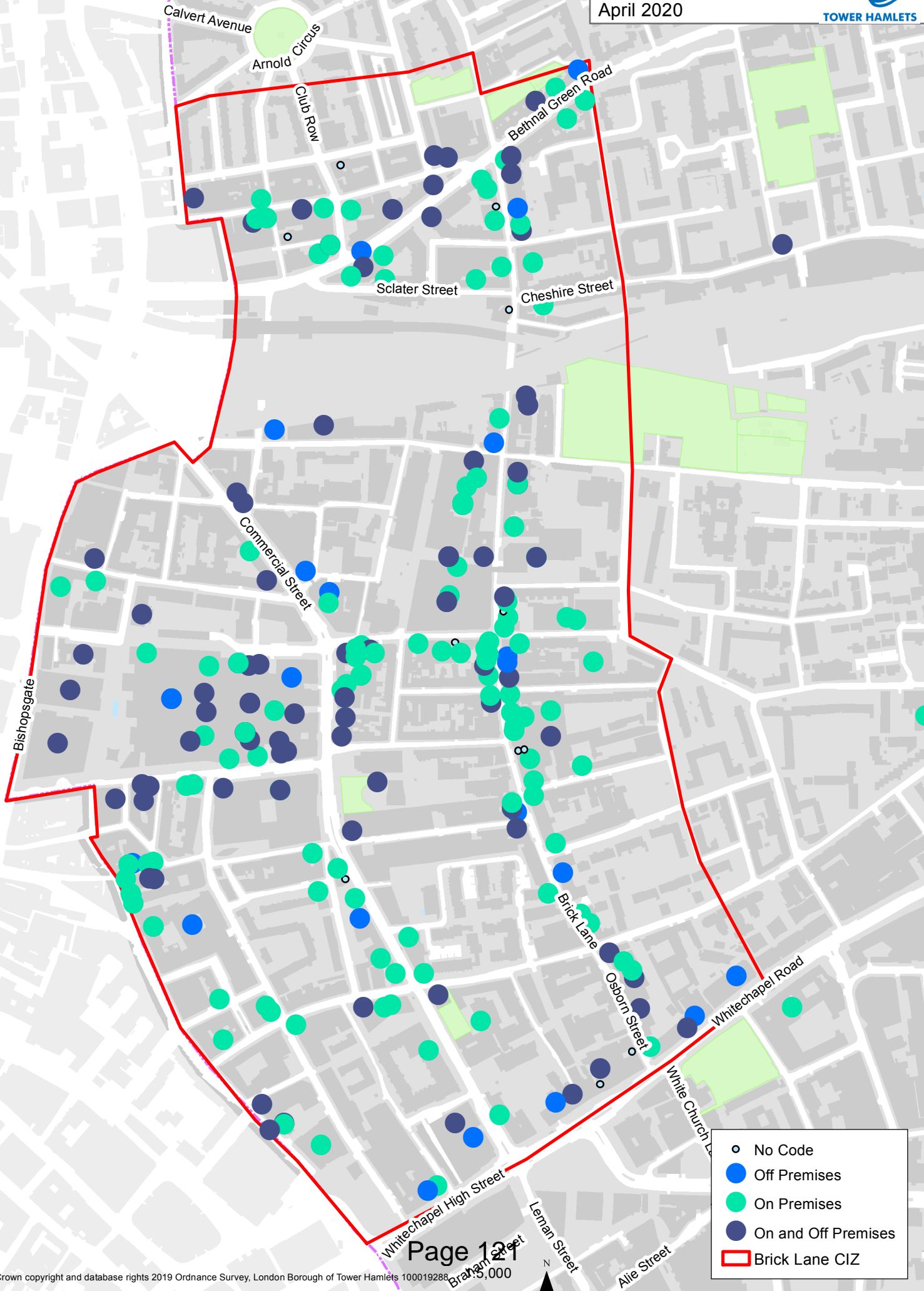


Figure Two:

# Bethnal Green Area







# Appendix 17

## **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 18

## **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.

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# Agenda Item 4.2

Committee: <b>Licensing Sub Committee</b>	Date 07 December 2021	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Katsute, 147 Brick Lane, London, E1 6SB</b>  Ward affected: <b>Weavers</b>
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## 1.0 Summary

Applicant: **Kojima Limited (Joseph Mossman)**

Name and Address of Premises: **Katsute**  
**147 Brick Lane**  
**London**  
**E1 6SB**

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

Objectors: **Licensing Authority**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Katsute, 147 Brick Lane, London, E1 6SB.
- 3.2 The applicant has described the premises as: A Japanese Boutique and tea room selling Japanese food, tea, sake, whiskey & beer.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

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

Monday – Sunday 08:00 – 22:30 hours

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

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

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

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

### 6.0 **Representations**

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



- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- Licensing Authority – **Appendix 7**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

6.11 The objections relate to:

- Public nuisance
- Crime & disorder
- ASB
- The LBTH Cumulative Impact Zone

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. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hrs of any request free of charge.
2. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
3. Alcoholic products shall be strictly limited to Sake, Shochu, Japanese wine, Japanese whisky and bottled or canned craft beers.

4. The licence holder shall enforce the challenge 25 proof of age scheme.
5. Emergency lighting, emergency exit signs and fire alarms system will be installed covering the entire retail premises and protected escape route. The escape routes will be clearly signed and accessed via a door with a push bar emergency operating mechanism.
6. Staff will be fully trained regarding emergency egress, and fire drills will be performed on a regular basis.
7. No more than 15% of the front of house trading area shall be used for the display of alcoholic drinks.
8. The sale of alcohol shall be ancillary to the premises operating as a shop selling Japanese cooking equipment, food and drink.
9. All off sales shall be in sealed containers.
10. The supply of alcohol shall only be to persons seated.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 46 persons.
12. There shall be no provision of draft beers.

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

##### Conditions agreed with the Police – **Appendix 8**

1. 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
2. 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/finds 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.
3. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so 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.
  4. There shall be no sales of alcohol for consumption off the premises after (22:30 HOURS).
  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.
  6. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.
  7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  8. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
  9. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
  10. A Challenge 21 or 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.
  11. 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.

## 9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2022 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Further Guidance on this can be found at

<https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

- 9.2 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - unamplified live music between 8am and 11pm in all venues.
  - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.3 The following is intended 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.

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing

condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)

- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.5 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.8 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.9 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.10 In **Appendices 11 - 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

## 12.0 Appendices

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



# Appendix 1

## Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

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

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

### Applicant Business

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

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

Registration number

Business name

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

VAT number

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

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

District

City or town

County or administrative area

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

Limited Company

**Address**

Building number or name

District

City or town

County or administrative area

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality

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

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

An application for a Japanese Boutique and Tea Room to selling Japanese food, tea, sake, whiskey and beer. The premises will have antique Japanese furniture, an elegant early 20th century aesthetics and be a haven of tranquillity.

Its sister site in Islington (see <https://www.katsute100.com/>) has the benefit of a premises licence and opened in 2018. It has a flawless trading record with no complaints having ever been received in respect of licensing matters.

*Continued from previous page...*

Hours within framework are being sought and it is anticipated that alcohol sales will be approximately 25%. The number of covers is approximately 46. Therefore, given the proposed style of operation, the track record of the applicant, the conditions proffered and that the operation is not alcohol led, the applicant considers that a grant of a premises licence as sought will not add to cumulative impact. Hence, this application should be considered an exception to policy.

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

Continued from previous page...

**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

FRIDAY

Start

End

Start

End



Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

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

**Name**

First name

Family name

Date of birth

Continued from previous page...

**Enter the contact's address**

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

**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.

None
------

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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.

*Continued from previous page...*

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

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

Please see the attached Annex A which has been uploaded with the consent form as there was not an option to add any other documents.

b) The prevention of crime and disorder

Please see the attached Annex A which has been uploaded with the consent form as there was not an option to add any other documents.

c) Public safety

Please see the attached Annex A which has been uploaded with the consent form as there was not an option to add any other documents.

d) The prevention of public nuisance

Please see the attached Annex A which has been uploaded with the consent form as there was not an option to add any other documents.

e) The protection of children from harm

Please see the attached Annex A which has been uploaded with the consent form as there was not an option to add any other documents.

**Section 19 of 21**

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

*Continued from previous page...*

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

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

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

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

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

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

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

*Continued from previous page...*

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

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

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

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

*Continued from previous page...*

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

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

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

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

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

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

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

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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



*Continued from previous page...*

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

## Section 21 of 21

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Keystone Law

\* Capacity

Solicitors on behalf of Applicant

\* Date

03 / 09 / 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="KOJ2/3"/>
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 >](#)







KATSUTE  
147 BRICK LANE, E1 6SB

ANNEX A – CONDITIONS

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
2. These products shall be strictly limited to sake, shochu, Japanese wine, Japanese whisky and bottled or canned craft beers.
3. The licence holder shall enforce the challenge 25 proof of age scheme.
4. Emergency lighting, emergency exit signs and fire alarms system will be installed covering the entire retail premises and protected escape route. The escape routes will be clearly signed and accessed via a door with a push bar emergency operating mechanism.
5. Staff will be fully trained regarding emergency egress, and fire drills will be performed on a regular basis.
6. The premises shall be maintained to the highest standard to ensure the physical safety of customers.
7. No more than 15% of the front of house trading area shall be used for the display of alcoholic drinks.
8. The sale of alcohol shall be ancillary to the premises operating as a shop selling Japanese cooking equipment, food and drink.
9. All off sales shall be in sealed containers.
10. The supply of alcohol shall only be to persons seated.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 46 persons.
12. There shall be no provision of draft beers.

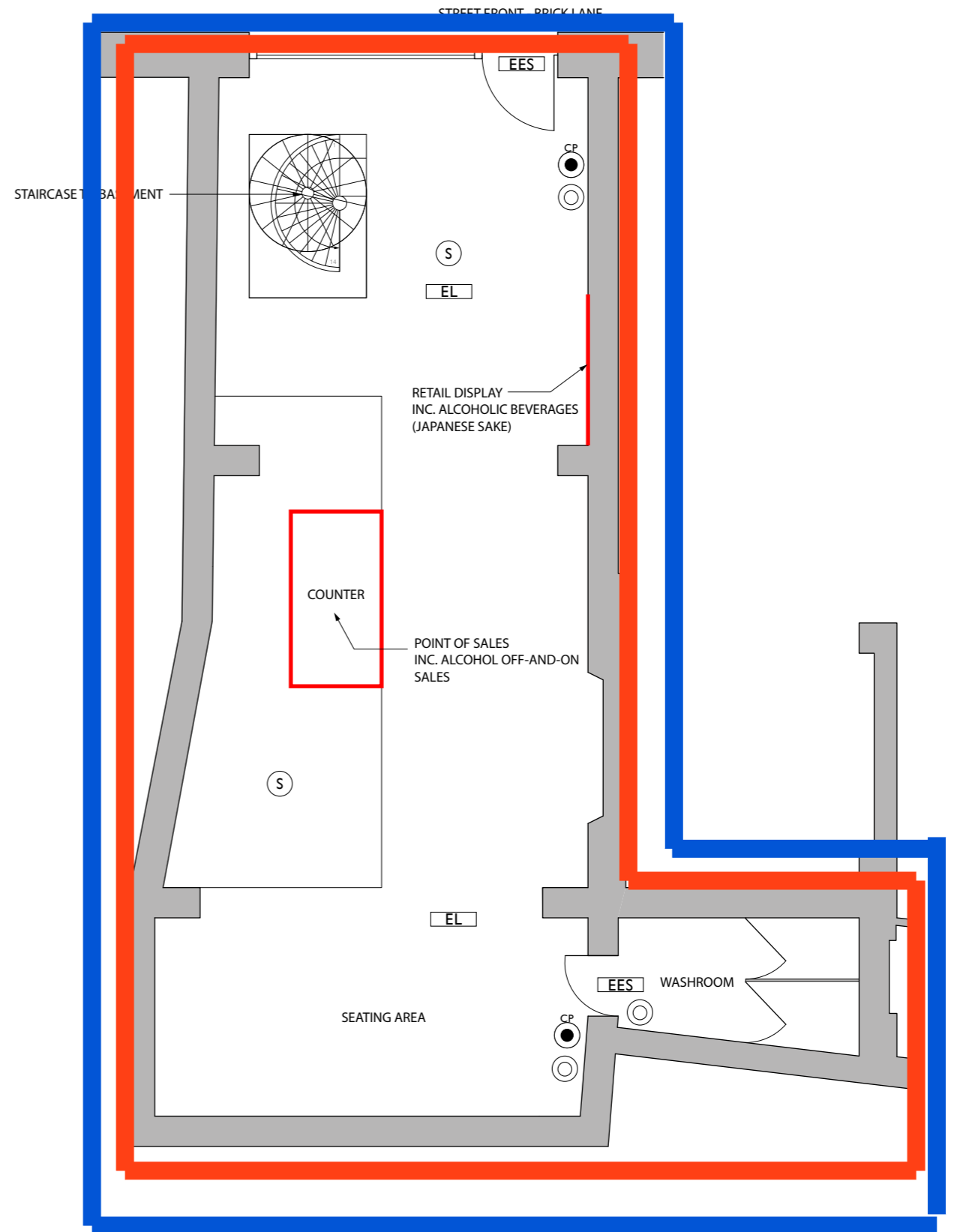
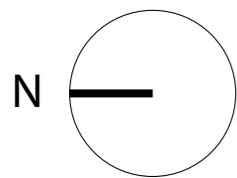
# Appendix 2

KEY TO SAFETY FEATURES







-  Smoke Detector
-  Fire Alarm Call Point
-  Fire Alarm Sounders
-  Emergency Exit Sign
-  Emergency Exit Light
-  Emergency Lighting

Blue line = Boundary of Premises  
 Red line = Licensable Activities

FIRST FLOOR PLAN	
SITE	
SCALE 1:75	SHEET A3
DATE	

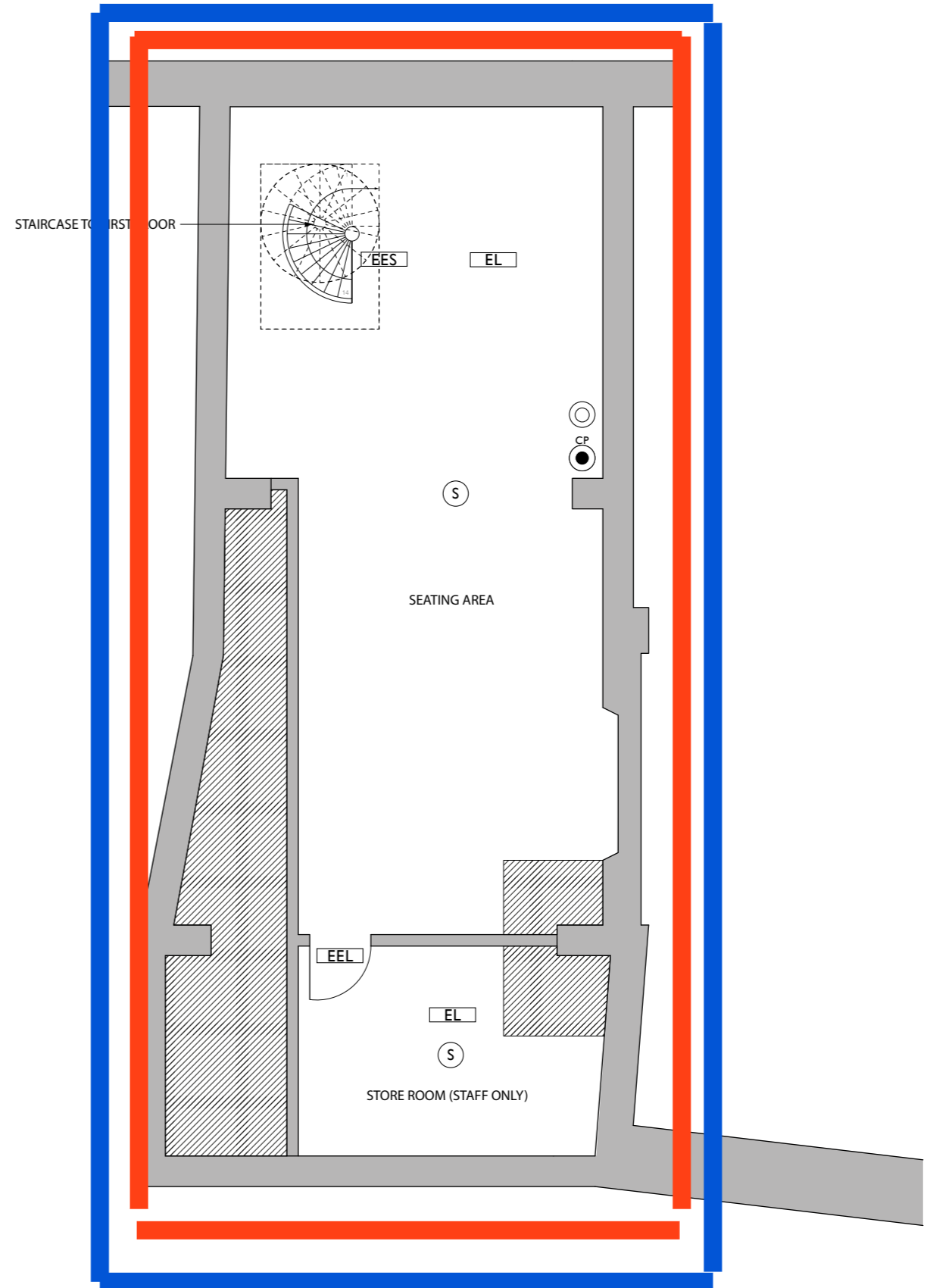
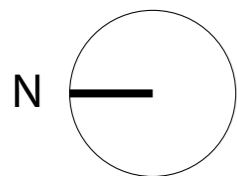


KEY TO SAFETY FEATURES

-  Smoke Detector
-  Fire Alarm Call Point
-  Fire Alarm Sounders
-  Emergency Exit Sign
-  Emergency Exit Light
-  Emergency Lighting

Blue line = Boundary of Premises  
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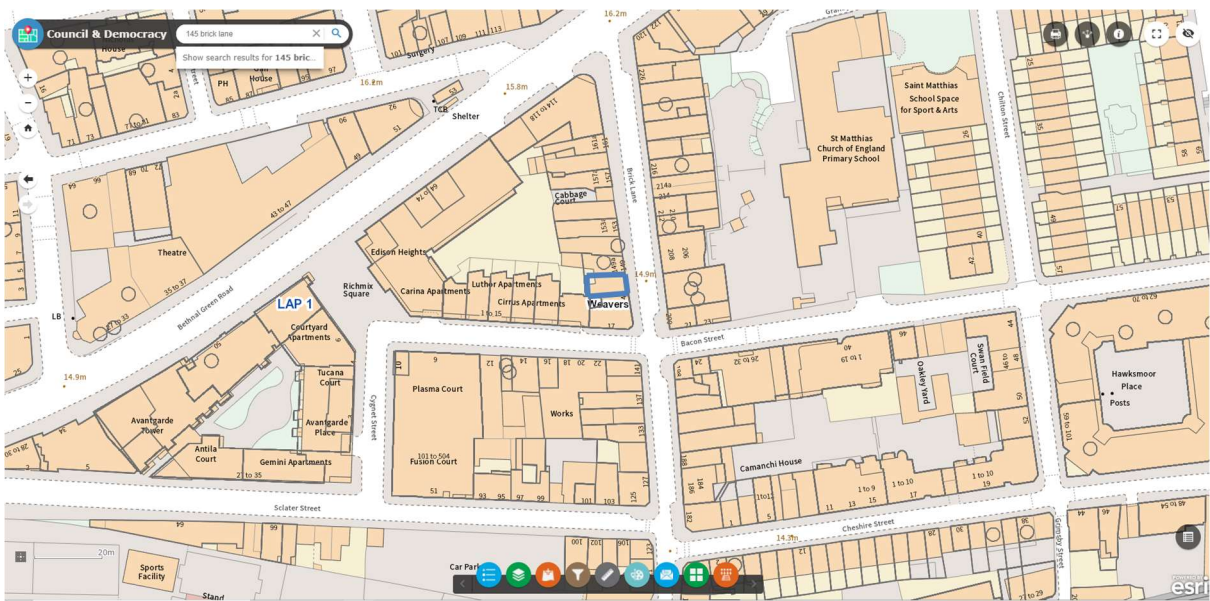
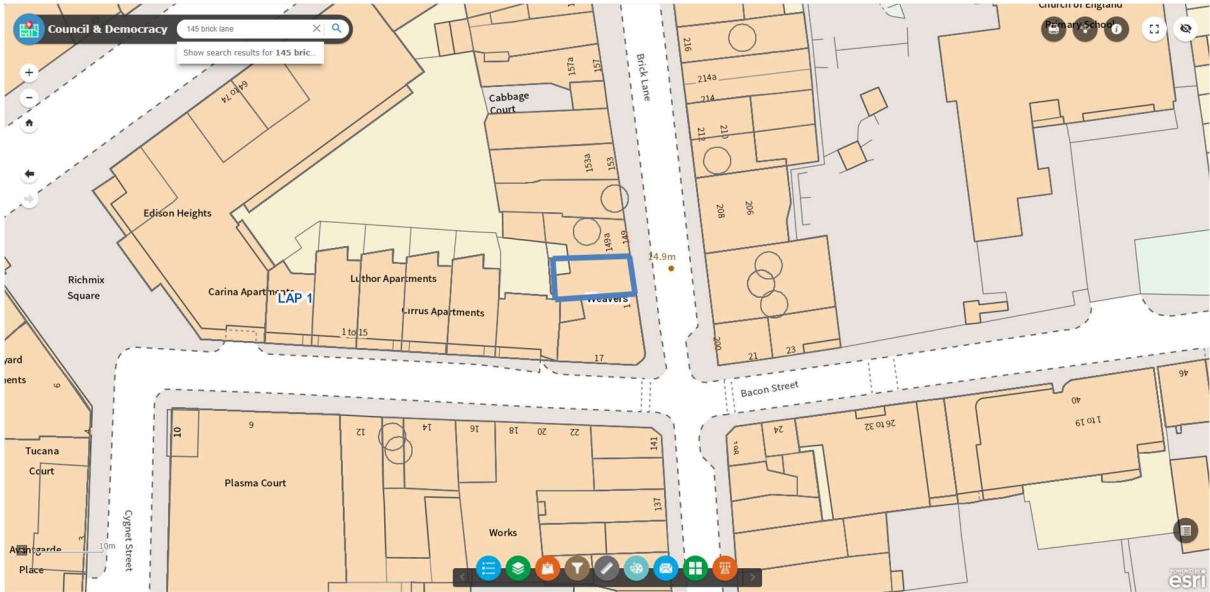
BASEMENT FLOOR PLAN	
SITE	
SCALE 1:75	SHEET A3
DATE	



# Appendix 3

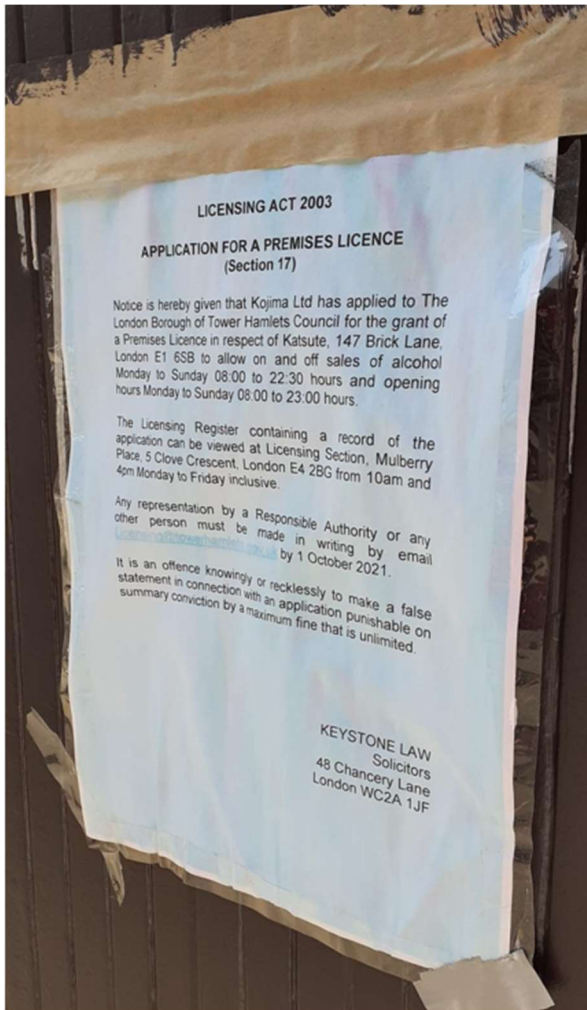


# Maps – 147 Brick Lane



# Appendix 4

## Photos – 147 Brick Lane







# Appendix 5

**147 Brick Lane - Nearest licences**

<b>Name and address</b>	<b>Licensable activities and hours</b>	<b>Opening hours</b>
<b>(Subway)</b> 222 Brick Lane London E1 6SA	The provision of late night refreshment, Friday & Saturday, 23.00pm to 04.00am the following day.	Monday to Thursday, 07.00am to 23.00pm. Friday, 07.00am to 04.00am the following day. Saturday, 09.00am to 04.00am the following day. Sunday, 09.00am to 22.00pm.
<b>AM2PM</b> 210 Brick Lane London E1 6SA	<b>Alcohol</b> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 06:00 hours to 01:30 hours</li> <li>• Friday and Saturday, from 06:00 hours to 02:00 hours</li> <li>• Sunday, from 06:00 hours to 01:00 hours</li> </ul>	<b>Alcohol</b> Monday to Thursday, from 06:00 hours to 01:30 hours Friday and Saturday, from 06:00 hours to 02:00 hours Sunday, from 06:00 hours to 01:00 hours
<b>(I Mattoni)</b> 224 Brick Lane London E1 6SA	<b>Alcohol (On and off supplies)</b> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 12:00 hours to 23:00</li> <li>• Friday and Saturday, from 12:00 hours to 12midnight</li> </ul> <b>Late Night Refreshment</b> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 23:00 hours to 12midnight</li> <li>• Friday and Saturday, from 23:00 hours to 01:00 hours the following day</li> </ul>	Sunday to Thursday, from 09:00 hours to 12midnight  Friday and Saturday, from 09:00 hours to 01:00 hours the following day
<b>(3AKE)</b> 204 Brick Lane London E1 6SA	<b><u>Sale of Alcohol (Off Sales)</u></b> Monday to Saturday from 10:00 to 23:00 hours Sunday 12:00 hours to 22:30 hours  <b><u>Sale of Alcohol (On Sales)</u></b> <ol style="list-style-type: none"> <li>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight.</li> <li>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</li> <li>(3) On Christmas Day: 12 noon to 11:30pm;</li> <li>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</li> <li>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</li> <li>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on</li> </ol>	There are no restrictions on the hours during which this premises is open to the public

**147 Brick Lane - Nearest licences**

	the following day, midnight on 31st December).	
<b>Hopscotch</b> 202 Brick Lane London E1 6SA	<p><b>The sale of alcohol (On and off sales)</b></p> <ul style="list-style-type: none"> <li>▪ Sunday to Thursday, from 11:00 hours to 23:00 hrs</li> <li>▪ Friday and Saturday, from 11:00 hours to 00:30 hrs</li> </ul> <p><b>Provision of late night refreshment:</b></p> <ul style="list-style-type: none"> <li>▪ Sunday to Thursday, from 23:00 hours to 23:30 hrs</li> <li>▪ Friday and Saturday, from 23:00 hours to 01:00 hrs</li> </ul>	<p>Sunday to Thursday, from 10:00 hours to 23:30 hrs</p> <p>Friday and Saturday, from 10:00 hours to 01:00 hrs</p>
<b>(Cereal Killer Cafe)</b> 192 Brick Lane London E1 6SA	<p><u>The sale by retail of alcohol (On sales only)</u></p> <ul style="list-style-type: none"> <li>• Monday to Friday, from 11:00 hours to Midnight</li> <li>• Saturday, from 11:00 hours to 01:00 hours</li> <li>• Sunday, from 11:00 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Friday, from 07:00 hours to Midnight</li> <li>• Saturday, from 07:00 hours to 01:00 hours</li> <li>• Sunday, from 07:00 hours to 23:00 hours</li> </ul>
<b>(Evering Bakery)</b> 155 Brick Lane London E1 6SB	The provision of late night refreshment Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 23:00 hours to 05:00 hours.	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 24 hours
<b>161 Brick Lane London E1 6SB</b>	<p>The sale by retail of alcohol (On sales only)</p> <p><b>Monday, Tuesday, Wednesday:</b> 09:30 hours until 01:30 hours the following day</p> <p><b>Thursday, Friday and Saturday :</b> 09:30 hours until 02:00 hours the following day</p> <p><b>Sunday:</b> 09:30 hours until midnight</p> <p><b>New Years Eve, 30<sup>th</sup> April, 31<sup>st</sup> October, 12<sup>th</sup> &amp; 13<sup>th</sup> December, Christmas Eve and Christmas Day:</b> 09:30 hours until 03:30 hours the following day:</p>	<p><b>Monday, Tuesday, Wednesday:</b> 09:30 hours until 01:30 hours the following day</p> <p><b>Thursday, Friday and Saturday :</b> 09:30 hours until 02:00 hours the following day</p> <p><b>Sunday:</b> 09:30 hours until midnight</p> <p><b>New Years Eve, 30<sup>th</sup> April, 31<sup>st</sup> October, 12<sup>th</sup> &amp; 13<sup>th</sup> December, Christmas Eve and Christmas Day:</b> 09:30 hours until 03:30 hours the following day:</p>



**147 Brick Lane - Nearest licences**

<p><b>(Beigal Bake)</b> 159 Brick Lane London E1 6SB</p>	<p>The hours of opening for provision of late night refreshment shall be between 11pm and 5am Monday to Sunday</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p><b>(Hookah Lounge)</b> 133 Brick Lane London E1 6SB</p>	<p><b>Alcohol (On sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, 11:00 hrs to 12 midnight</li> <li>• Friday and Saturday, 11:00 hrs to 01:40 hrs</li> <li>• Sunday, 11:00 hrs to midnight</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, 23:00 hrs to 12 midnight</li> <li>• Friday and Saturday, 23:00 hrs to 01:40 hrs</li> <li>• Sunday, 23:00 hrs to midnight</li> </ul> <p><u>Non-standard times</u> New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<ul style="list-style-type: none"> <li>• Monday to Thursday, 11:00 hrs to 12 midnight</li> <li>• Friday and Saturday, 11:00 hrs to 02:00 hrs</li> <li>• Sunday, 11:00 hrs to midnight</li> </ul>
<p><b>(The Vintage Emporium)</b> Ground Floor 14 Bacon Street</p>	<p><b>Sale by retail of alcohol (on sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 12:00 hours to 19:00 hours</li> <li>• Friday to Sunday, from 12:00 hours to 22:00 hours</li> </ul> <p><b>The provision of regulated entertainment – Indoors</b></p> <p><u>Recorded Music</u></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 12:00 hours to 19:00 hours</li> </ul> <p>Friday to Sunday, from 12:00 hours to 22:00 hours</p>	<ul style="list-style-type: none"> <li>• Monday to Thursday, from 12:00 hours to 20:00 hours</li> <li>• Friday to Sunday, from 12:00 hours to 22:30 hours</li> </ul>

# Appendix 6

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

### Relevant, vexatious and frivolous representations

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

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

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

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

# Appendix 7

Licensing Authority :

[Corinne.Holland](#) [REDACTED]

PLACE Directorate  
Public Realm

CC: Applicant – Ke stone Law  
[REDACTED]

Environmental Health & Trading Standards  
Licensing & Safety Team  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

1<sup>st</sup> October 2021

Tel: [REDACTED]

Fax: 020 7364 0863

Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Your reference

My reference: LIC/141305/MA

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

Dear Licensing Authority,

### **Licensing Act 2003**

New premises licence application: Katsute, 147 Brick Lane, London E1 6SB

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

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

### Cumulative Impact Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Licensable activities and times

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

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

*Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.*

*a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).*

*b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.*

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

*d) Where the premises have been previously licensed, the past operation of the premises.*

*e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.*

*f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.*

The applicant has applied for times within the "framework hours" for the basement and ground floor. However, *the end times set out in the policy are not*



*(and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.*

### The Home Office guidance

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

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

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

On a balance of probability, this Authority is concerned by the addition of another premises selling alcohol, potentially adding to the existing anti-social issues in the area, particularly through the "off sales" and access and egress. As this is a new premises, there is no history of complaints. However, the addition of alcohol to the premises could change the dynamic of customers in high spirits and therefore potentially undermining the licensing objectives.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected.

However, if the Sub-Committee is minded to grant a licence then I would ask that conditions are added to ensure there is no vertical drinking and that the supply of alcohol shall be ancillary to a meal. The following conditions are also recommended:

- 1. 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.*

2. *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
3. *Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.*
4. *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
5. *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.*

Yours faithfully



o s n

**Senior Licensin Officer**



# Appendix 8

## Corinne Holland

---

**From:** Marilyn.Gayle [REDACTED]  
**Sent:** 01 October 2021 16:59  
**To:** Barry.D.Leban [REDACTED]  
**Subject:** RE: PREMISES LICENCE AND DPS APPLICATION  
**Attachments:** KATSUTE.docx

**Importance:** High

Good Afternoon Barry,

Having taken instructions from my client, I can confirm my client is in agreement to the proposed conditions attached.

Kind regards,

**Marilyn Gayle | Legal Assistant**  
*Licensing, Gambling & Regulatory*

WINNER  
Law Firm of the Year

THE LAWYER  
Awards 2020  
In association with  
TRAVELERS

KEYSTONE LAW



**From:** Barry.D.Leban [REDACTED]  
**Sent:** 01 October 2021 08:31  
**To:** Marilyn Gayle <Marilyn.Gayle [REDACTED]>  
**Subject:** PREMISES LICENCE AND DPS APPLICATION

Good morning,

I have been assigned the above application. The consultation period is due to close on the 4<sup>th</sup> October 2021.

Apologies for the late discussion, I thought I had sent these on the 17<sup>th</sup> September. ☹️

I have attached some additional standard licence conditions for your consideration. If you agree, please let me know via email. Alternatively, if you would like to discuss. Please let me know a contact number and convenient time to call.

Kind regards,

Barry LEBAN PC1485CE

Stoke Newington police station licensing unit

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## **CRIME AND DISORDER**

1. 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
2. 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/finds 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.
3. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so 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.

## **PUBLIC NUISANCE**

4. There shall be no sales of alcohol for consumption off the premises after (22:30 HOURS).
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.
6. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.

7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
8. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
9. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

### **PROTECT CHILDREN FROM HARM**

10. A Challenge 21 or 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.
11. 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.

# Appendix 9

## Prevention of Public Nuisance

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



# Appendix 10

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

Updated April 2018

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 11

## Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

## **Smuggled goods**

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

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

## **Olympic Park – Football Ground**

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

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



# Appendix 12

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

Updated April 2018

## Crime and disorder

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

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

# Appendix 13

## **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 198**

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

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

# Appendix 14



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

1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
  - Brick Lane
  - Bethnal Green

**This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.**

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

#### Review of Cumulative Impact Assessment - Supporting Evidence

3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
  - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
  - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
  - Licence Application data for the defined areas for 2017 to 2020
  - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=12361>.

## Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim 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 the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
  - 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).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or,
- the provision of late night refreshment.

7. **This Policy will be strictly applied and where relevant representations are received and 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 CIAs if they wish to rebut this presumption.**
8. 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 (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
  
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
  - Prevention of Crime and Disorder;
  - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

12. 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.

### **Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments**

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
  - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
  - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
  - Have arrangements to prevent vertical drinking, for example fully seated venues;
  
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
  
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

- 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.

### The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One

Brick Lane area:

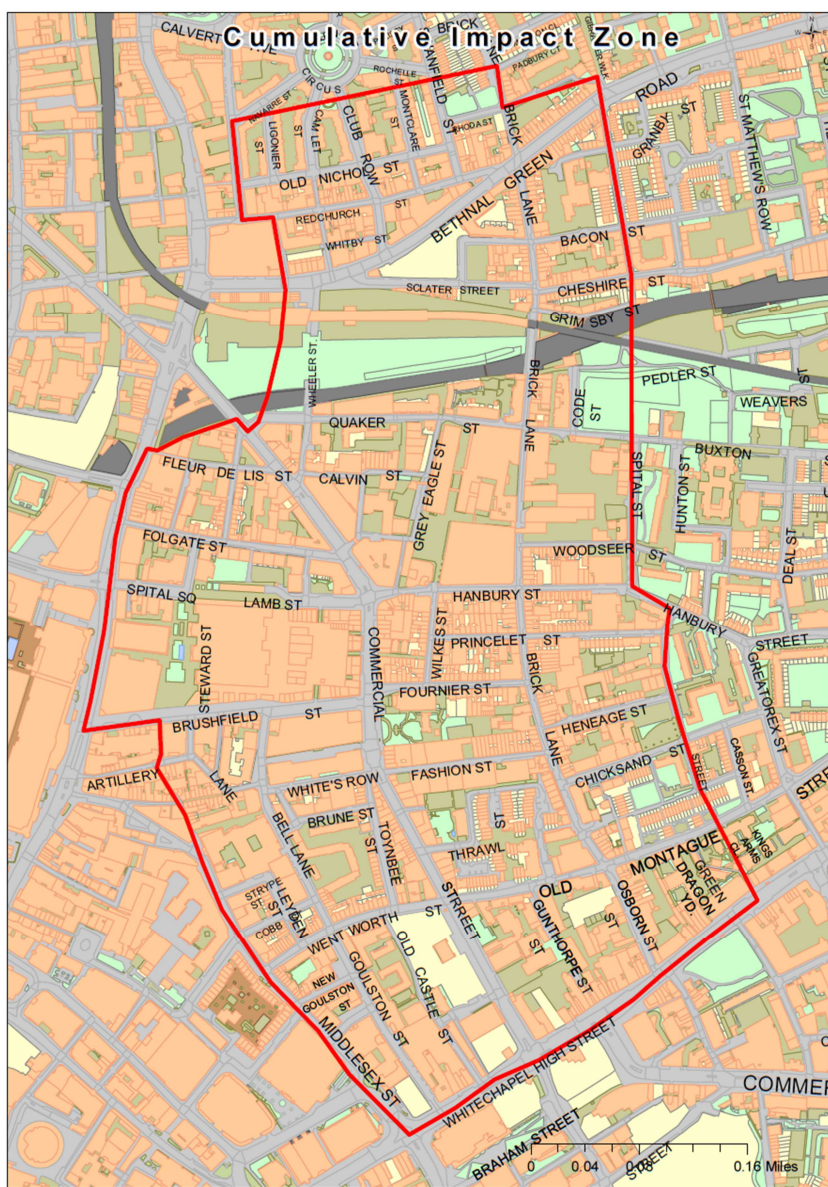
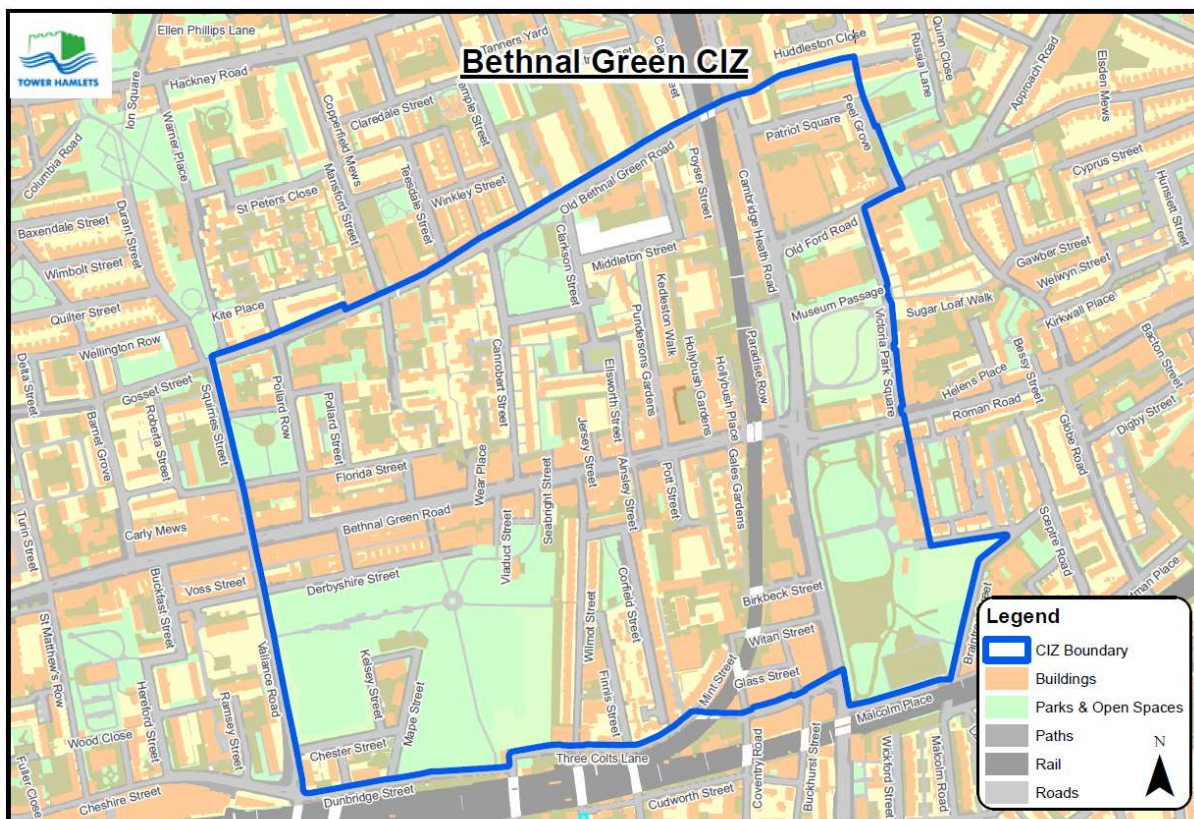
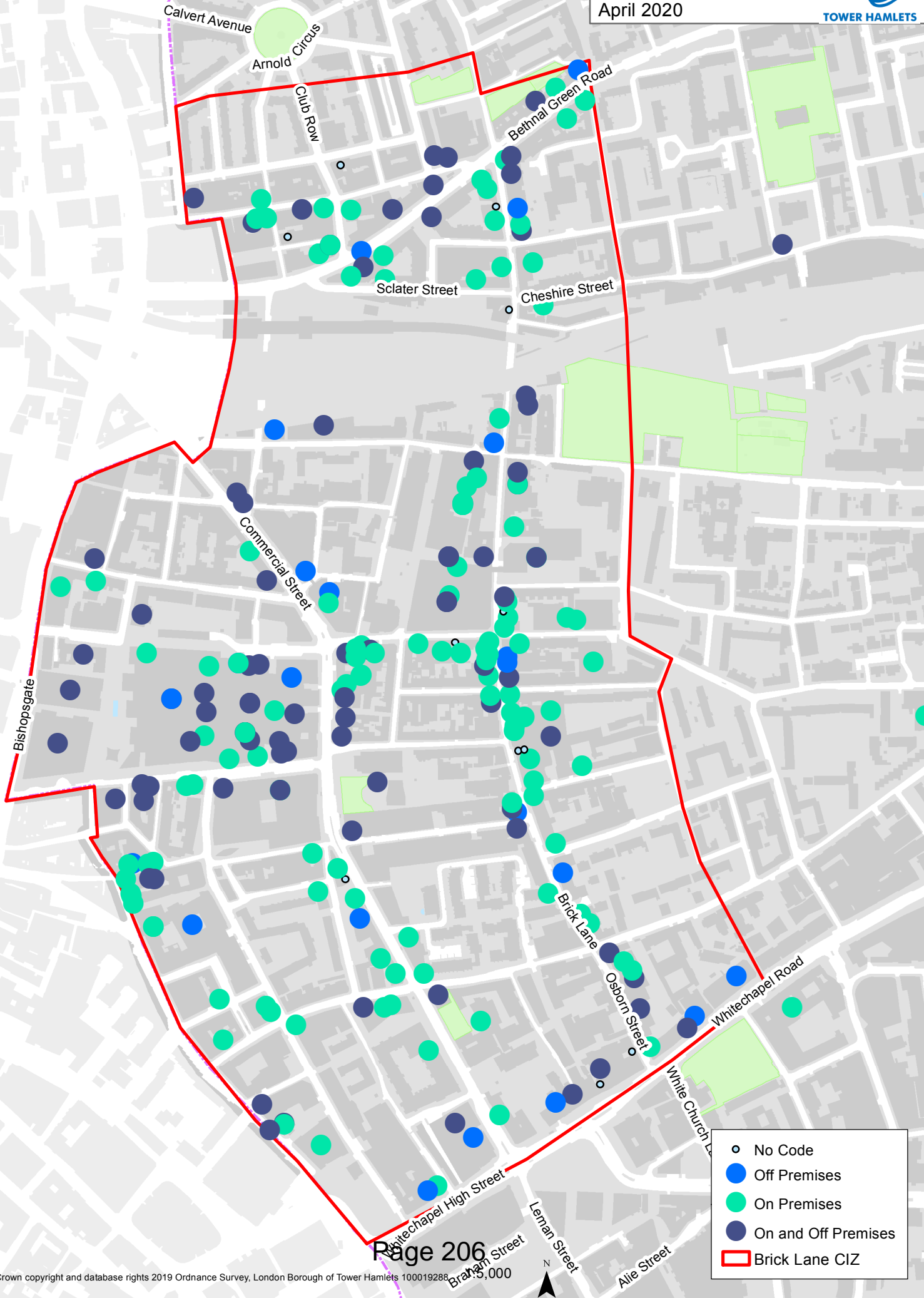


Figure Two:

# Bethnal Green Area





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

# Appendix 15

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

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates



# Appendix 16

## **Planning**

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

# **Appendix 17**

## **Supporting documents submitted on behalf of the Applicant**

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**Kojima Ltd****(the “Applicant”)****Application for a New Premises Licence****Katsute, 147 Brick Lane, London E1 6SB (the “Premises”)****Written Submissions**

This statement is made in support of an application for a new Premises Licence with the intention of outlining the Applicant’s case and seeking to address the concerns of the Licensing Authority which is maintaining a representation.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing.

**Background**

The Premises opened on 12 September 2021 as a Japanese Boutique and Team Room. It currently sells Japanese food and tea with the hope that it will be permitted to also sell Japanese sake, whiskey and beer as is permitted at its sister establishment in Islington which opened in 2018 and has traded without complaint. Further information can be found at <https://www.katsute100.com/> drink menu at **annex 1**. Please also see pictures of the Premises at **annex 2**.

**The Application & Layout**

The Premises does not intend to operate as a traditional bar or off-licence, hence the Applicant has applied for a relatively early terminal hour of 22.30 throughout the week and conditions were proffered (more of which below) which limit the breadth of any alcohol sales.

The layout is very simple. Unlike Katsute Islington there is no outside area. The ground floor level has a central service counter, loose tables and chairs, a display counter and a WC. The basement has further loose tables and chairs and a storeroom.

### **The Representations**

The Applicant is very pleased that no representations were received from any local residents or residents' groups. Furthermore, the following additional conditions have been agreed with the Metropolitan Police:

1. 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
2. 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/finds 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.
3. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so 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.
4. There shall be no sales of alcohol for consumption off the premises after (22:30 HOURS).
  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.
  6. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.
  7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  8. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
  9. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
  10. A Challenge 21 or 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.

11. 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.

However, there is a single representation from the Licensing Authority, predominately on the grounds of policy. The Applicant's comments on this representation are as follows:

The Cumulative Impact Zone was established as the majority of 'late night' licensed premises are concentrated in one area and, after consultation, it was thought that 'there might be exceptional problems of nuisance, disturbance and/or disorder on or away from those licensed premises as a result of their combined effect'. The key question is whether a grant of a new premises licence for the Premises will add to these problems.

After the further conditions were agreed with the Metropolitan Police (the experts on what can cause crime and disorder) they were satisfied that a grant would not add to the existing problems. The same can be said for Environmental Health (the experts on public nuisance) as they did not raise a representation.

The Representation from the Licensing Authority helpfully quotes from the London Borough of Tower Hamlets Statement of Licensing Policy which cites three examples of factors which could be seen as an exception to policy. Two are relevant in this case. **The Premises is small with a capacity of fifty persons or fewer, is not alcohol led and operates within framework hours.** By way of reference, the sale of alcohol at Katsute Islington accounts for only 5% of overall sales.

Furthermore, the conditions proffered and agreed will prevent the Premises from morphing into an operation which could add to cumulative impact. Alcoholic products are limited to Japanese food and drink, sake, shochu, Japanese wine, Japanese whisky and bottled or canned craft beers – a niche offer too restrictive for a conventional bar or café – and only 15% of the front of house can be used for the display of alcoholic drinks, hence the Premises cannot become a dedicated off-licence. The alcohol that is sold is a delicacy of interest to connoisseurs of Japanese culture. For example the cheapest glass of sake is £6.75 (for only 100ml) and bottles to takeaway start at £23 for 300ml with the majority being



considerably more expensive. Such an offer will not appeal to the heavy drinkers which add to cumulative impact in the Brick Lane area.

In the event of a grant, the Licensing Authority has listed several conditions it would like to be added to the premises licence, namely:

1. 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.

2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

3. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

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

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

These are all acceptable to the Applicant. However, it has also been suggested that there are conditions added to ensure that there is no vertical drinking and that the supply of alcohol is ancillary to a meal. The former has been proffered as a condition but having the supply of alcohol ancillary to a meal is not acceptable to the Applicant. Whilst the Premises offers a wide range of cakes and a full afternoon tea (which are very popular) it does not have proper cooking facilities and hence is not able to provide full meals.

## **Conclusion**

The Applicant sincerely hopes that the above addresses the concerns raised by the Licensing Authority. The promised offer is strictly limited and numerous enforceable conditions have been proffered or agreed. It is hoped that the Premises will be a welcome addition to Brick Lane and the licensing sub-committee is respectfully asked to grant the application as sought.

**Niall McCann**  
**KEYSTONE LAW**

**YANAGI** 柳

Exotic and fruity, featuring Yuzushu, pineapple juice, shochu, lemon peel and matcha on the top.

-

**£7.50****KANARIA** 金糸雀

Refreshing and spicy with Yuzushu, shochu, ginger ale, lemon peel.

-

**£7.50****HITOEUME** 一重梅

Sweetness of Umeshu with the milky cloudiness of calpico, with shochu and cranberry juice.

-

**£7.50****KOUZOME** 香染

Hakushu distillers reserve whisky, ginger, cinnamon, clove, cardamom, oat milk foam  
Served warm - the perfect autumn tippie

-

**£8.00****SAKE MIMOSA**

Mio sparkling sake with orange juice

-

**£6.50****SALTY DOG**

Sado Hojicha gin with grape juice

**£7.50****OTHER****MIO SPARKLING**

Light and refreshing sparkling sake with lower alcohol content.

-

**£12.50 / 180ML BOTTLE****TORO TORO NO UMESHU**

-

**100ML £8 / 720ML £54****AOTAN NO YUZU SHU**

-

**100ML £6.85 / 720ML £47**

**JUNMAI**

RICE GRAINS POLISHED TO AROUND 70% OF THEIR ORIGINAL SIZE, GIVING A MORE EARTHY AND FULL FLAVOUR.

**YAMATO SHIZUKU  
YAMAHAI JUNMAI**

Deep Umami, rich and distinctive

—

**100ML £6.85 / 720ML £39**

**HOT SHOCHIKUBAI  
CLASSIC JUNMAI**

Smooth and rounded easy-drinking sake.

—

**100ML £4.25**

**JUNMAI GINJO**

GINJO USES MORE HIGHLY-POLISHED RICE, BETWEEN 50 AND 60% OF ITS ORIGINAL SIZE FOR A REFINED BUT WELL-BALANCED CHARACTER.

**KIKUSUI JUNMAI GINJO**

Subtly fruity, fresh, medium dry

—

**100ML £6.75 / 730ML £36.60**

**HOURAISEN 'WA'  
JUKUSEI JUNMAI GINJO  
NAMA SAKE**

—

**100ML £8.50 / 720ML £57**

**GINJO**

GINJO IS PREMIUM SAKE THAT USES RICE THAT HAS BEEN POLISHED TO AT LEAST 60 PERCENT, WHICH BRING A LIGHT, FRUITY, AND COMPLEX FLAVOUR THAT IS USUALLY QUITE FRAGRANT.

**KONISHI SILVER**

—

**100ML £6.85 / 720ML £37**

**DAIGINJO**

A MINIMUM OF 50% OF THE OUTER RICE LAYERS MUST BE POLISHED AWAY TO CLASSIFY A SAKE AS DAIGINJO.

**KONISHI GOLD**

—

**100ML £7.85 / 720ML £45**

**JUNMAI DAIGINJO**

DAIGINJO USES RICE POLISHED TO 50% OR LESS OF ORIGINAL SIZE, UNLOCKING THE MOST AROMATIC FLAVOURS.

**TATENOKAWA 50  
'STREAM'**

A mellow and floral Daiginjo perfect with food or without

—

**100ML £8.95 / 720ML £59**

**ANNEX 2 – PHOTOGRAPHS OF THE PREMISES**











# Agenda Item 4.3

Committee : <b>Licensing Sub Committee</b>	Date 07 December 2021	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Principal Licensing Officer</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG</b>  Ward affected: <b>Spitalfields &amp; Banglatown</b>
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## 1.0 Summary

Applicant: **Mr Fatih Colakoglu**

Address of Premises: **The Gun  
54 Brushfield Street  
London E1 6AG**

Objectors: **Environmental Health  
Metropolitan Police**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections 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

Licensing Act 2003 Section 182 Guidance  
Licensing Policy  
File Only

**Kathy Driver**  
020 7364 5171

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.3 The applicant has described the nature of the application as follows:  
Extending the trading hours for the festive period for the sale of alcohol, regulated entertainment and late night refreshment for capacity of 300.
- 3.4 The premises that has been applied for is:  
The Gun, 54 Brushfield Street, London E1 6AG
- 3.5 The dates and timings that have been applied for are as follows:  
Thursday 9<sup>th</sup> December 2021 23:00 to 03:00 hours  
Friday 10<sup>th</sup> December 2021 23:30 to 03:00 hours  
Saturday 11<sup>th</sup> December 2021 23:30 to 03:00 hours
- 3.6 A map showing the relevant premises and immediate area is included as **Appendix 2**.

### 4.0 **Premises Licence**

- 4.1 The venue holds a premises licence. Members can impose one or more conditions of the existing licence on the TEN (in so far as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. A copy of the licence is attached in **Appendix 3**.

### 5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 15 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 The Police objections are contained in **Appendix 4**.
- 6.2 Environmental Protection objections are contained in **Appendix 5**.

## 7.0 Advice to Members

- 7.1 The Police Reform and Social Responsibility Act 2011 amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Premises Licence
<b>Appendix 4</b>	Police Objection
<b>Appendix 5</b>	Environmental Protection objection

# Appendix 1

## Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr		
Surname	Colakoglu		
Forenames	Fatih		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<div style="background-color: black; width: 100%; height: 100%;"></div>			
Post town London		Postcode	
7. Other contact details			
Telephone numbers Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
C/O Marilyn Gayle Keystone Law Solicitors 48 Chancery Lane	
Post town London	Postcode WC2A 1JF
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	██████████
Fax number (optional)	
E-Mail address (if available)	██

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
The Gun 54 Brushfields Street London E1 6AG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	29557
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Bar and Kitchen	
Please describe the nature of the event below. (Please read note 5)	
Extended trading hours for the festive season.	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	✓
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	✓
The provision of late night refreshment	✓
Are you giving a late temporary event notice? (Please read note 8)	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
Thursday 9 December 2021 Friday 10 December 2021 Saturday 11 December 2021	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
Thursday 9 December 2021 - 23:00 to 03:00 the following day Friday 10 December 2021 - 23:30 to 03:00 the following day Saturday 11 December 2021 - 23:30 to 03:00 the following day	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	300
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only
	Off the premises only
	Both
	✓

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Recorded music</p>
--

4. Personal licence holders (Please read note 14)	
Do you currently hold a valid personal licence? (Please tick)	Yes ✓
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	London Borough of Hackney




Licence number	LBH/PER/N/0898
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	6	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	✓
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated <b>ONLINE APPLICATION LA TO SERVE</b>	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated <b>ONLINE APPLICATION LA TO SERVE</b>	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority <b>ONLINE APPLICATION LA TO SERVE</b>	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police <b>ONLINE APPLICATION LA TO SERVE</b>	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions <b>ONLINE APPLICATION LA TO SERVE</b>	
Made or enclosed payment of the fee for the application	✓
Signed the declaration in Section 9 below	✓

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	19 November 2021
Name of Person signing	Keystone Law, Solicitors & Authorised Agents for Applicant.

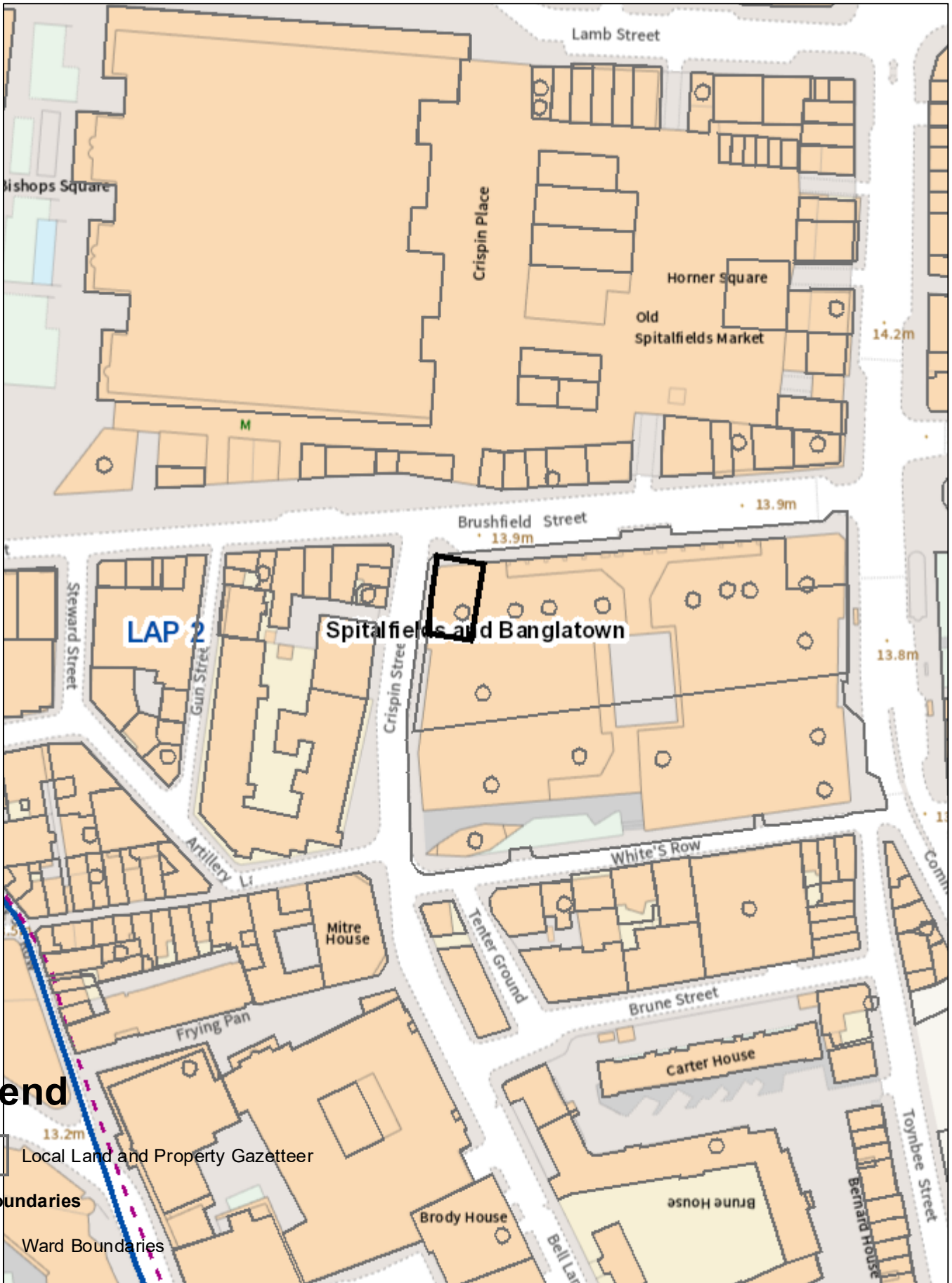
For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

# Appendix 2

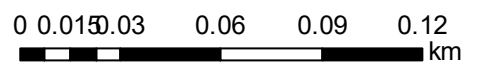


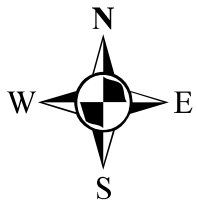
# 54 Brushfield Street



## Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries





# 54 Brushfield Street



## Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries

# Appendix 3

**(The Gun)**  
54 Brushfield Street  
London  
E1 6AG

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

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

**Signed by**

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

**Date: 1<sup>st</sup> November, 2014**

- 3<sup>rd</sup> November 2018, amended by variation (change of plans)
- 4<sup>th</sup> February 2020, amended by variation



**Part A - Format of premises licence**

Premises licence number

29557

**Part 1 - Premises details**

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

**(The Gun)**  
54 Brushfield Street

**Post town**  
London

**Post code**  
E1 6AG

**Telephone number**  
None

**Where the licence is time limited the dates**  
N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol



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

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

- Monday to Thursday 11.00 hours to 23.00 hours
- Friday and Saturday 11.00 hours to 23.30 hours
- Sunday 12:00 hours to 22.30 hours

**The provision of regulated entertainment – Indoors**

(Recorded Music)

- Monday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 11:00 hours to 23:30 hours
- Sunday from 12:00 hours 22:30 hours

Non-Standard Timings

- Sale by retail of alcohol and recorded music – an additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

**The opening hours of the premises**

- Monday to Thursday 11.00 hours to 23.30 hours
- Friday and Saturday 11.00 hours to 00:00 hours (midnight)
- Sunday 12:00 hours to 23.00 hours

Non-Standard Timings

An additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

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

On and off sales

**Part 2**

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

East London Pub Co Limited  
84 Commercial Street  
London  
E1 6LY

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

Company number: 08974608

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

Fatih Colako lu



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

**Personal Licence Number:** LBH/PER/N/0898

**Personal Licence Issuing Authority:** London Borough of Hackney

## **Annex 1 - Mandatory conditions**

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that

these measures are available.

5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
$$P = D + (D \times V)$$
where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
      - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
    - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
      - (i) the holder of the premises licence
      - (ii) the designated premises supervisor (if any) in respect of such a licence, or
      - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
    - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
    - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
  3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be

different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

(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**

None

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

### Conditions attached following the Licensing Sub-committee hearing of 4<sup>th</sup> February 2020

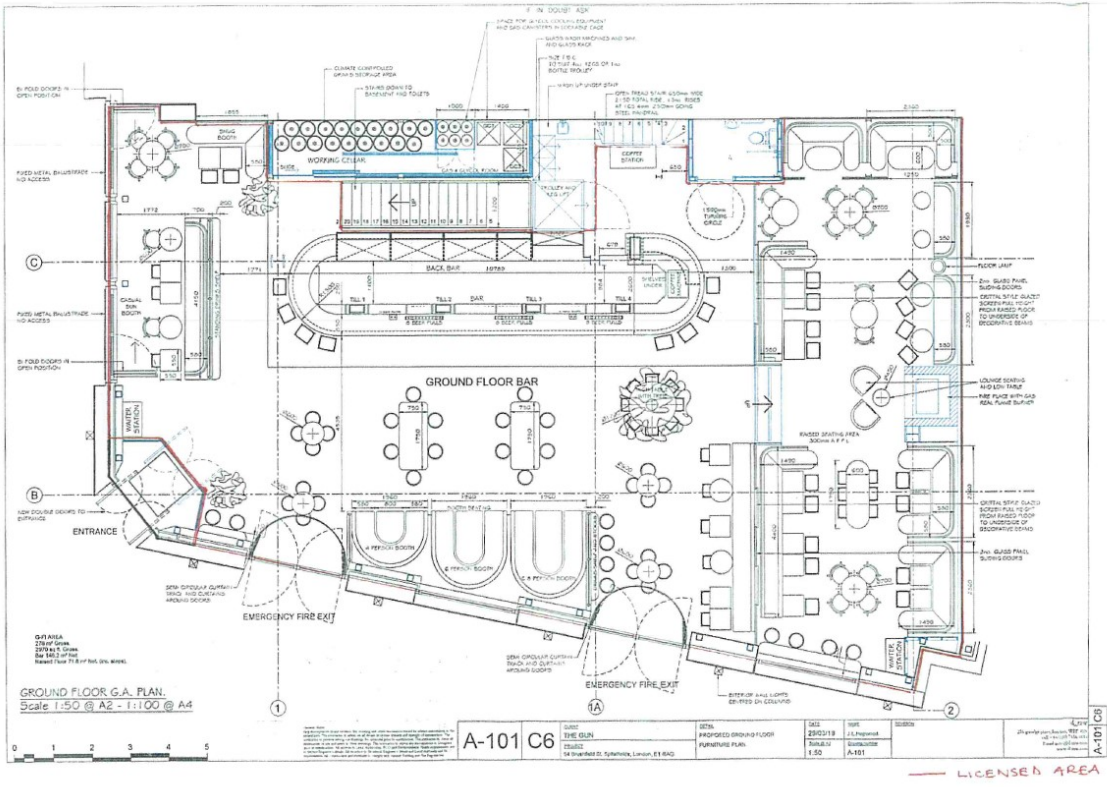
1. No customer shall be allowed to use the external area after 21:00, except for customers permitted to temporarily leave the premises to smoke and no drinks shall be permitted to be taken into the external area after this time
2. A dedicated telephone number will be given to any resident on request to allow complaints to be made directly at all times the premises are open
3. Refuse, such as bottles, shall not be placed into receptacles outside the premises between 23:00 hours and 07:00 hours the following day
4. Notices shall be prominently displayed at all public exits requesting customers to respect the needs of local residents and leave the premises and area quietly
5. Staff shall monitor customers outside to the front of the premises to ensure they do not cause a public nuisance
6. When regulated entertainment is taking place, in the form of recorded music, all windows and external doors shall be kept closed, except in the event of an emergency and for the immediate access & egress
7. A cctv camera system covering both internal and external to the premises is to be installed and recordings are to be maintained for 31 days and to be provided upon request to either a police officer or an officer of any other responsible authority. A system shall be in place to maintain the

- quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
8. At all times the premises are open, a person who can operate the cctv system must be present on the premises who can download images and present them immediately on request to a police officer or other responsible authority
  9. 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 made available for inspection at the premises by either a police officer or an officer of any other responsible authority at all times whilst the premises are open
  10. An incident log shall be maintained at the premises and details of all known incidents recorded within the log. The log shall be kept on the premises and produced to either a police officer or an officer of any other responsible authority at all times whilst the premises are open
  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

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

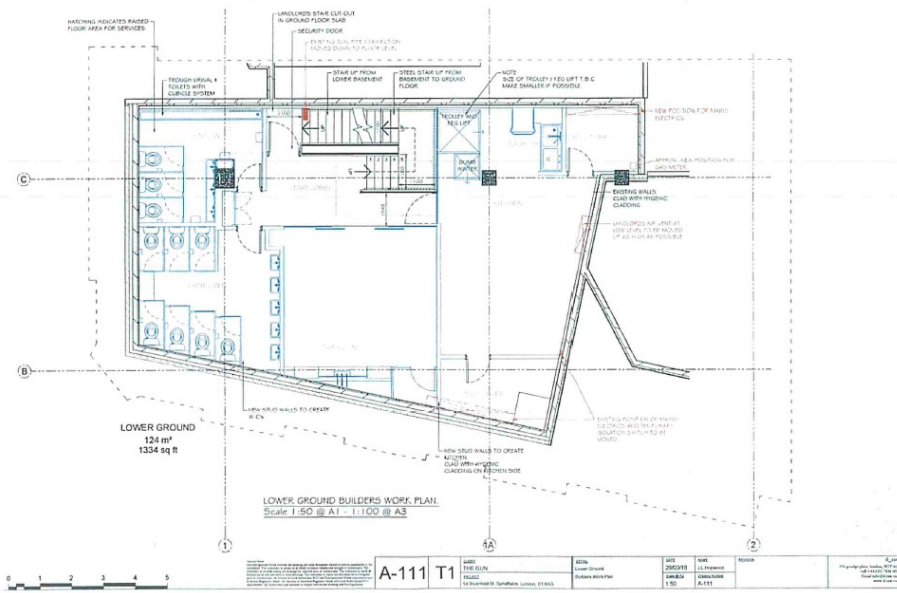
The plans are those submitted to the licensing authority on the following date:

- 5<sup>th</sup> October 2018 - Ground Floor (Drawing no. A-101, dated 29/03/18)  
Lower Ground Floor (Drawing no. A-111, dated 29/03/18)



# THE GUN Lower Ground Plan

23





**Part B - Premises licence summary**

**Premises licence number**

29557

**Premises details**

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

**(The Gun)**  
54 Brushfield Street

**Post town**  
London

**Post code**  
E1 6AG

**Telephone number**  
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol



The times the licence authorises the carrying out of licensable activities

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

- Monday to Thursday 11.00 hours to 23.00 hours
- Friday and Saturday 11.00 hours to 23.30 hours
- Sunday 12:00 hours to 22.30 hours

**The provision of regulated entertainment – Indoors**  
(Recorded Music)

- Monday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 11:00 hours to 23:30 hours
- Sunday from 12:00 hours 22:30 hours

Non-Standard Timings

Sale by retail of alcohol and recorded music – an additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

The opening hours of the premises

- Monday to Thursday 11.00 hours to 23.30 hours
- Friday and Saturday 11.00 hours to 00:00 hours (midnight)
- Sunday 12:00 hours to 23.00 hours

Non-Standard Timings

An additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

Name, (registered) address of holder of premises licence

East London Pub Co Limited  
84 Commercial Street  
London  
E1 6LY

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

On and off sales

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

Company number: 08974608

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

Fatih Colakoglu

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

No restrictions

# Appendix 4

## Kathy Driver

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 24 November 2021 11:49  
**To:** Licensin  
**Cc:** [REDACTED]  
**Subject:** Gun TEN objection.doc  
**Attachments:** Gun TEN objection.doc

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

Dear all,

Please see objection to TEN's applications for the Gun, Brushfield Street.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email mark.j.perry [REDACTED]  
A: Licensing Office, 1<sup>st</sup> Floor Stoke Newington Police Station



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**HT - Tower Hamlets Borough**

Tom Lewis  
Head of Licensing  
Tower Hamlets Council

Licensing Office  
Shoreditch Police Station

Email: mark.j.perry [REDACTED]  
www.met.police.uk

24/11/2021

Dear Sir,

Central East Police Licensing formally object to the application for the temporary Event Notice for The Gun Brushfields Street, E1 6AG. The three Temporary Event Notice Applications cover the following dates 2 – 4 December, 9 – 11 December and the 16 – 18 December, on each date they wish to be selling alcohol and provide regulated entertainment until 3am.

The rejection is on the grounds of both preventing crime and disorder and public nuisance. Sadly since the summer we have seen people becoming more intoxicated, and taking illegal drugs which has led to an increase in alcohol related crime and disorder.

A premises that is open and serving alcohol until 3am is therefore much more likely to have customers who become intoxicated who are more likely to be the victim or alcohol related crime and disorder. Their inhibitions are reduced and their decision making process is impaired. This is an obvious risk, yet the applicant has not said how this risk will be managed, what measures they will put in place to protect their customers, such as welfare officers, free water etc.

At 3 am when the premises closes there is little in the way of public transport so how will their customers get home? People going home in the early hours of the morning while intoxicated are very vulnerable to being the victim of crime. Again we would expect the applicant to of thought of this and included it in their application.

We also have concerns that the venue will not be able to control its customers outside. On previous visits to the venue we have seen their customers spread out across the street with no control or supervision from the venue.

We fear that being open until 3 am will also lead to increased noise nuisance to local residents, especially with drinkers who are outside. No measures have been outlined as to how the venue will prevent such noise nuisance occurring.

Given the risk of increased crime and disorder and public nuisance and the lack of measures put in place to mitigate this risk we ask that the application is rejected.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [mark.j.perry](mailto:mark.j.perry) [REDACTED]  
A: Licensing Office, 1st Floor Stoke Newington Police Station

# Appendix 5

## Kathy Driver

---

**From:** Nicola Cadzow  
**Sent:** 24 November 2021 10:57  
**To:** Licensin  
**Cc:** [REDACTED]  
**Subject:** MAU REPRESENTATION TENs x 2 applications for The Gun 54 Brushfield Street London E1 6AG 9-11th Dec 21 (143815) & 16-18th Dec 21 (143816)

Dear Licensing,

I have considered the temporary event (TENs) applications (x2) for The Gun 54 Brushfield Street London 9-11th Dec 21 (143815) & 16-18th Dec 21 (143816) and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and consideration has to be given to the fact the premise is in the Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend the permitted opening hours for 9-11th Dec 21 (143815) & 16-18th Dec 21 (143816) for licensable activities sale of alcohol, provision of regulated entertainment and late night refreshment:-

Thursday, Friday and Saturday from 23:30 hours until 03:00 hours (an extension of an three and a half hours)

**Noise Sensitive premises:** residential premises in close proximity to 54 Brushfield Street London E1 6AG

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

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

### **CONCLUSION**

Environmental Protection **does not** support the TENs applications (x2) for The Gun 54 Brushfield Street London as there is great likelihood of disturbance to residential premises at the late hours sought, with particular consideration to the fact that the premises is in the Brick Lane Cumulative Impact Zone.

Kind regards

### **Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG

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

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# Agenda Item 4.4

Committee : <b>Licensing Sub Committee</b>	Date 07 December 2021	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Principal Licensing Officer</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG</b>  Ward affected: <b>Spitalfields &amp; Banglatown</b>
--	---

## 1.0 Summary

Applicant: **Mr Colakoglu Fatih**

Address of Premises: **The Gun  
54 Brushfield Street  
London E1 6AG**

Objectors: **Environmental Health  
Metropolitan Police**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections 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

Licensing Act 2003 Section 182 Guidance  
Licensing Policy  
File Only

**Kathy Driver**  
020 7364 5171

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.3 The applicant has described the nature of the application as follows:  
Extending the trading hours for the festive period for the sale of alcohol, regulated entertainment and late night refreshment for capacity of 300.
- 3.4 The premises that has been applied for is:  
The Gun, 54 Brushfield Street, London E1 6AG
- 3.5 The dates and timings that have been applied for are as follows:  
Thursday 16<sup>th</sup> December 2021 23:00 to 03:00 hours  
Friday 17<sup>th</sup> December 2021 23:30 to 03:00 hours  
Saturday 18<sup>th</sup> December 2021 23:30 to 03:00 hours
- 3.6 A map showing the relevant premises and immediate area is included as **Appendix 2**.

### 4.0 ***Premises Licence***

- 4.1 The venue holds a premises licence. Members can impose one or more conditions of the existing licence on the TEN (in so far as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. A copy of the licence is attached in **Appendix 3**.

### 5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 15 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 The Police objections are contained in **Appendix 4**.
- 6.2 Environmental Protection objections are contained in **Appendix 5**.

## 7.0 Advice to Members

- 7.1 The Police Reform and Social Responsibility Act 2011 amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Premises Licence
<b>Appendix 4</b>	Police Objection
<b>Appendix 5</b>	Environmental Protection objection

# Appendix 1

## Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr		
Surname	Colakoglu		
Forenames	Fatih		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
		■	■
4. Your place of birth		■	
5. National Insurance Number		■■■■■	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
■■■■■■■■■■ ■■■■■■■■■■ ■■■■■■■■■■			
Post town London		Postcode ■■■■	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
C/O Marilyn Gayle Keystone Law Solicitors 48 Chancery Lane	
Post town London	Postcode WC2A 1JF
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	██████████
Fax number (optional)	
E-Mail address (if available)	██

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
The Gun 54 Brushfields Street London E1 6AG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	29557
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Bar and Kitchen	
Please describe the nature of the event below. (Please read note 5)	
Extended trading hours for the festive season.	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	✓
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	✓
The provision of late night refreshment	✓
Are you giving a late temporary event notice? (Please read note 8)	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
Thursday 16 December 2021 Friday 17 December 2021 Saturday 18 December 2021	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
Thursday 16 December 2021 - 23:00 to 03:00 the following day Friday 17 December 2021 - 23:30 to 03:00 the following day Saturday 18 December 2021 - 23:30 to 03:00 the following day	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	300
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only
	Off the premises only
	Both
	✓

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Recorded music</p>
--

4. Personal licence holders (Please read note 14)	
Do you currently hold a valid personal licence? (Please tick)	Yes ✓
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	London Borough of Hackney




Licence number	LBH/PER/N/0898
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	10	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	✓
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated <b>ONLINE APPLICATION LA TO SERVE</b>	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated <b>ONLINE APPLICATION LA TO SERVE</b>	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority <b>ONLINE APPLICATION LA TO SERVE</b>	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police <b>ONLINE APPLICATION LA TO SERVE</b>	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions <b>ONLINE APPLICATION LA TO SERVE</b>	
Made or enclosed payment of the fee for the application	✓
Signed the declaration in Section 9 below	✓

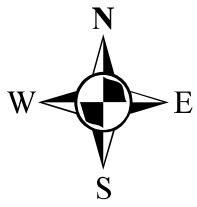
8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	19 November 2021
Name of Person signing	Keystone Law, Solicitors & Authorised Agents for Applicant.

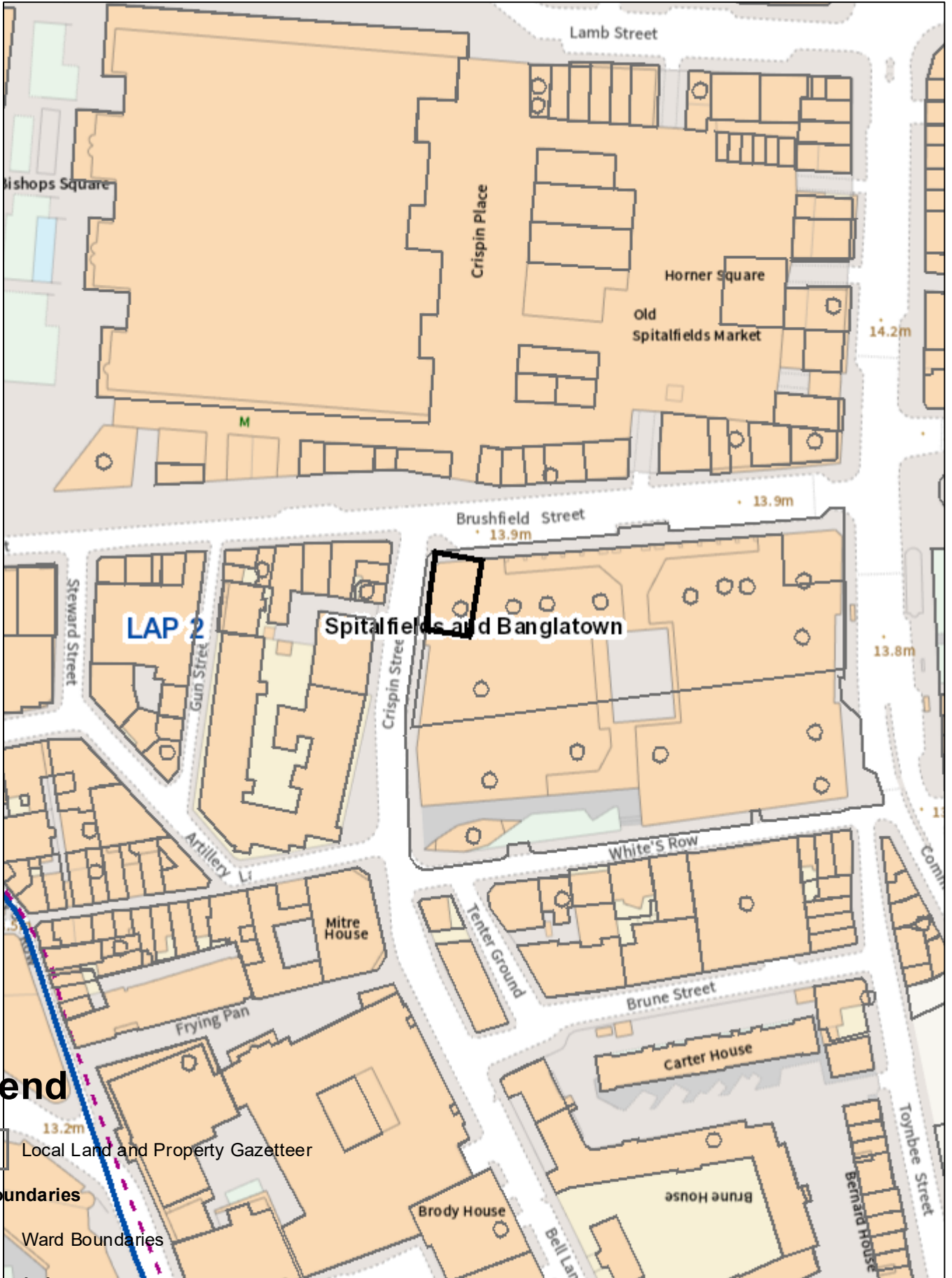
For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

# Appendix 2

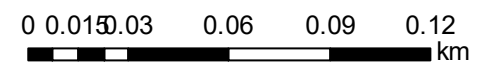


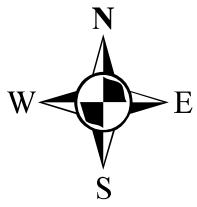
# 54 Brushfield Street



## Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries



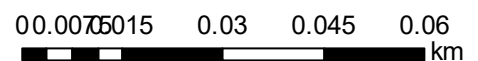


# 54 Brushfield Street



## Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries



# Appendix 3

**(The Gun)**  
54 Brushfield Street  
London  
E1 6AG

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

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

**Signed by**

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

**Date: 1<sup>st</sup> November, 2014**

- 3<sup>rd</sup> November 2018, amended by variation (change of plans)
- 4<sup>th</sup> February 2020, amended by variation



**Part A - Format of premises licence**

Premises licence number

**29557**

**Part 1 - Premises details**

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

**(The Gun)**  
54 Brushfield Street

**Post town**  
London

**Post code**  
E1 6AG

**Telephone number**  
None

**Where the licence is time limited the dates**  
N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol



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

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

- Monday to Thursday 11.00 hours to 23.00 hours
- Friday and Saturday 11.00 hours to 23.30 hours
- Sunday 12:00 hours to 22.30 hours

**The provision of regulated entertainment – Indoors**

(Recorded Music)

- Monday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 11:00 hours to 23:30 hours
- Sunday from 12:00 hours 22:30 hours

Non-Standard Timings

- Sale by retail of alcohol and recorded music – an additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

**The opening hours of the premises**

- Monday to Thursday 11.00 hours to 23.30 hours
- Friday and Saturday 11.00 hours to 00:00 hours (midnight)
- Sunday 12:00 hours to 23.00 hours

Non-Standard Timings

An additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

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

On and off sales

**Part 2**

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

East London Pub Co Limited  
84 Commercial Street  
London  
E1 6LY

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

Company number: 08974608

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

Fatih Colako lu



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

**Personal Licence Number:** LBH/PER/N/0898

**Personal Licence Issuing Authority:** London Borough of Hackney

## **Annex 1 - Mandatory conditions**

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that

these measures are available.

5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
$$P = D + (D \times V)$$
where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
      - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
    - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
      - (i) the holder of the premises licence
      - (ii) the designated premises supervisor (if any) in respect of such a licence, or
      - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
    - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
    - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
  3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be

different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

(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**

None

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

### Conditions attached following the Licensing Sub-committee hearing of 4<sup>th</sup> February 2020

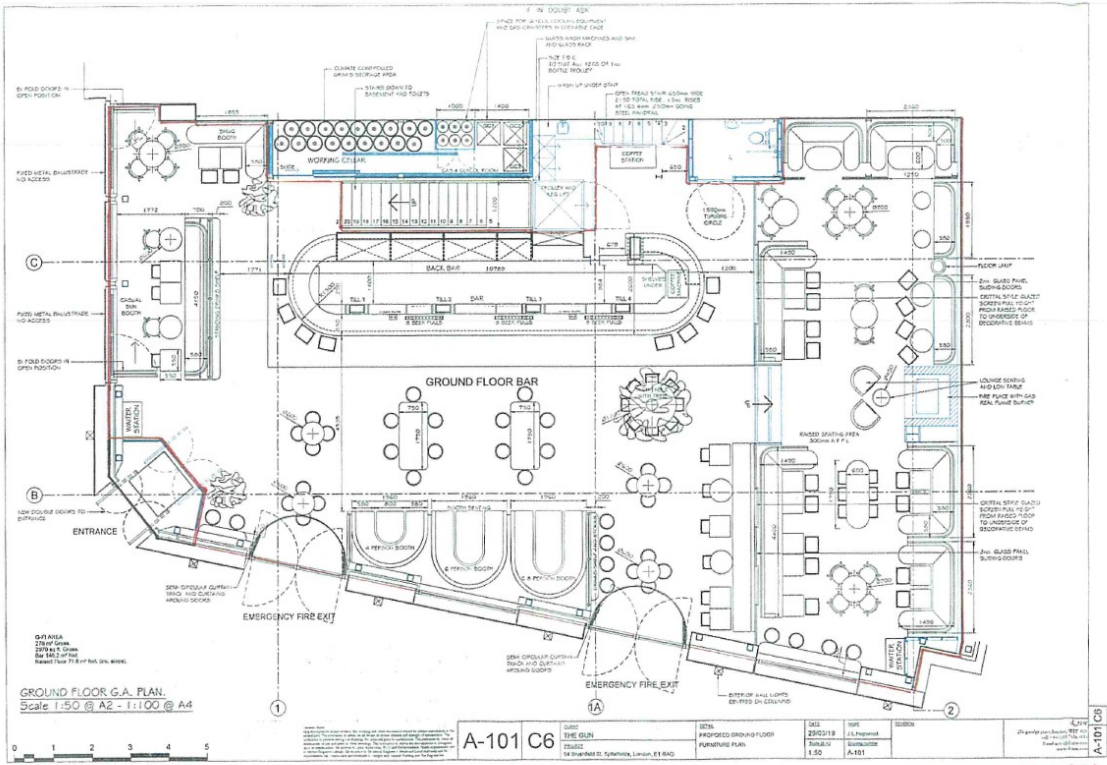
1. No customer shall be allowed to use the external area after 21:00, except for customers permitted to temporarily leave the premises to smoke and no drinks shall be permitted to be taken into the external area after this time
2. A dedicated telephone number will be given to any resident on request to allow complaints to be made directly at all times the premises are open
3. Refuse, such as bottles, shall not be placed into receptacles outside the premises between 23:00 hours and 07:00 hours the following day
4. Notices shall be prominently displayed at all public exits requesting customers to respect the needs of local residents and leave the premises and area quietly
5. Staff shall monitor customers outside to the front of the premises to ensure they do not cause a public nuisance
6. When regulated entertainment is taking place, in the form of recorded music, all windows and external doors shall be kept closed, except in the event of an emergency and for the immediate access & egress
7. A cctv camera system covering both internal and external to the premises is to be installed and recordings are to be maintained for 31 days and to be provided upon request to either a police officer or an officer of any other responsible authority. A system shall be in place to maintain the

- quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
8. At all times the premises are open, a person who can operate the cctv system must be present on the premises who can download images and present them immediately on request to a police officer or other responsible authority
  9. 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 made available for inspection at the premises by either a police officer or an officer of any other responsible authority at all times whilst the premises are open
  10. An incident log shall be maintained at the premises and details of all known incidents recorded within the log. The log shall be kept on the premises and produced to either a police officer or an officer of any other responsible authority at all times whilst the premises are open
  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

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

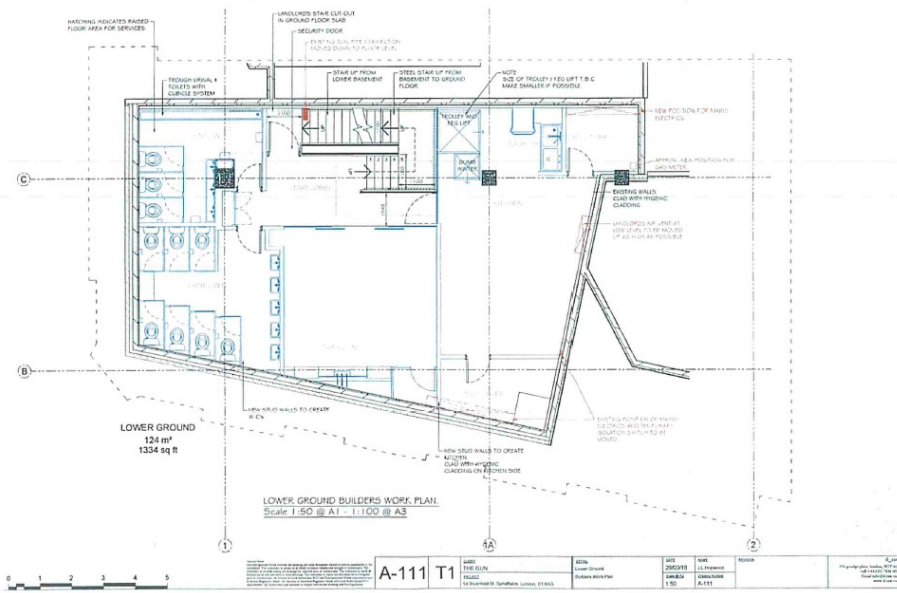
The plans are those submitted to the licensing authority on the following date:

- 5<sup>th</sup> October 2018 - Ground Floor (Drawing no. A-101, dated 29/03/18)  
Lower Ground Floor (Drawing no. A-111, dated 29/03/18)



# THE GUN Lower Ground Plan

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**Part B - Premises licence summary**

**Premises licence number**

29557

**Premises details**

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

**(The Gun)**  
54 Brushfield Street

**Post town**  
London

**Post code**  
E1 6AG

**Telephone number**  
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol



The times the licence authorises the carrying out of licensable activities

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

- Monday to Thursday 11.00 hours to 23.00 hours
- Friday and Saturday 11.00 hours to 23.30 hours
- Sunday 12:00 hours to 22.30 hours

**The provision of regulated entertainment – Indoors**  
(Recorded Music)

- Monday to Thursday from 11:00 hours to 23:00 hours
- Friday and Saturday from 11:00 hours to 23:30 hours
- Sunday from 12:00 hours 22:30 hours

Non-Standard Timings

Sale by retail of alcohol and recorded music – an additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

The opening hours of the premises

- Monday to Thursday 11.00 hours to 23.30 hours
- Friday and Saturday 11.00 hours to 00:00 hours (midnight)
- Sunday 12:00 hours to 23.00 hours

Non-Standard Timings

An additional one hour to the terminal hour on the Sunday preceding all Bank Holidays, Christmas Eve and New Year's Eve.

Name, (registered) address of holder of premises licence

East London Pub Co Limited  
84 Commercial Street  
London  
E1 6LY

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

On and off sales

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

Company number: 08974608

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

Fatih Colakoglu

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

No restrictions

# Appendix 4

## Kathy Driver

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**From:** MARK.J.Perry [REDACTED]  
**Sent:** 24 November 2021 11:49  
**To:** Licensin  
**Cc:** [REDACTED]  
**Subject:** Gun TEN objection.doc  
**Attachments:** Gun TEN objection.doc

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

Dear all,

Please see objection to TEN's applications for the Gun, Brushfield Street.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [mark.j.perry@met.police.uk](mailto:mark.j.perry@met.police.uk)  
A: Licensing Office, 1<sup>st</sup> Floor Stoke Newington Police Station



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**HT - Tower Hamlets Borough**

Tom Lewis  
Head of Licensing  
Tower Hamlets Council

Licensing Office  
Shoreditch Police Station

Email: mark.j.perry [REDACTED]  
www.met.police.uk

24/11/2021

Dear Sir,

Central East Police Licensing formally object to the application for the temporary Event Notice for The Gun Brushfields Street, E1 6AG. The three Temporary Event Notice Applications cover the following dates 2 – 4 December, 9 – 11 December and the 16 – 18 December, on each date they wish to be selling alcohol and provide regulated entertainment until 3am.

The rejection is on the grounds of both preventing crime and disorder and public nuisance. Sadly since the summer we have seen people becoming more intoxicated, and taking illegal drugs which has led to an increase in alcohol related crime and disorder.

A premises that is open and serving alcohol until 3am is therefore much more likely to have customers who become intoxicated who are more likely to be the victim or alcohol related crime and disorder. Their inhibitions are reduced and their decision making process is impaired. This is an obvious risk, yet the applicant has not said how this risk will be managed, what measures they will put in place to protect their customers, such as welfare officers, free water etc.

At 3 am when the premises closes there is little in the way of public transport so how will their customers get home? People going home in the early hours of the morning while intoxicated are very vulnerable to being the victim of crime. Again we would expect the applicant to of thought of this and included it in their application.

We also have concerns that the venue will not be able to control its customers outside. On previous visits to the venue we have seen their customers spread out across the street with no control or supervision from the venue.

We fear that being open until 3 am will also lead to increased noise nuisance to local residents, especially with drinkers who are outside. No measures have been outlined as to how the venue will prevent such noise nuisance occurring.

Given the risk of increased crime and disorder and public nuisance and the lack of measures put in place to mitigate this risk we ask that the application is rejected.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [mark.j.perry](mailto:mark.j.perry) [REDACTED]  
A: Licensing Office, 1st Floor Stoke Newington Police Station

# Appendix 5

## Kathy Driver

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**From:** Nicola Cadzow  
**Sent:** 24 November 2021 10:57  
**To:** Licensin  
**Cc:** [REDACTED]  
**Subject:** MAU REPRESENTATION TENs x 2 applications for The Gun 54 Brushfield Street London E1 6AG 9-11th Dec 21 (143815) & 16-18th Dec 21 (143816)

Dear Licensing,

I have considered the temporary event (TENs) applications (x2) for The Gun 54 Brushfield Street London 9-11th Dec 21 (143815) & 16-18th Dec 21 (143816) and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and consideration has to be given to the fact the premise is in the Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend the permitted opening hours for 9-11th Dec 21 (143815) & 16-18th Dec 21 (143816) for licensable activities sale of alcohol, provision of regulated entertainment and late night refreshment:-

Thursday, Friday and Saturday from 23:30 hours until 03:00 hours (an extension of an three and a half hours)

**Noise Sensitive premises:** residential premises in close proximity to 54 Brushfield Street London E1 6AG

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

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

### **CONCLUSION**

Environmental Protection **does not** support the TENs applications (x2) for The Gun 54 Brushfield Street London as there is great likelihood of disturbance to residential premises at the late hours sought, with particular consideration to the fact that the premises is in the Brick Lane Cumulative Impact Zone.

Kind regards

### **Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG

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

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# Agenda Item 4.5

Committee : <b>Licensing Sub Committee</b>	Date 07 December 2021	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for The Atrium 124-126 Cheshire Street London E2 6AG</b>  Ward affected: <b>Weavers</b>
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## 1.0 Summary

Applicant: **Mr Wolid Ali**

Address of Premises: **The Atrium  
124-126 Cheshire Street  
London E2 6AG**

Objectors: **Metropolitan Police**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections 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

Licensing Act 2003 Section 182 Guidance  
Licensing Policy  
File Only

**Lavine Miller-Johnson**  
020 7364 2665

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.3 The applicant has described the nature of the application as follows:  
Events Venue for the sale by retail of alcohol and for the provision of regulated entertainment.
- 3.4 The premises that has been applied for is:  
**The Atrium 124-126 Cheshire Street London E2 6AG**
- 3.5 The dates and timings that have been applied for are as follows:  
Saturday 11<sup>th</sup> December 2021 from 14:00 hours- 22:00 hours
- 3.6 A map showing the relevant premises and immediate area is included as **Appendix 2**.

### 4.0 **Premises Licence**

- 4.1 The Premises does not hold a premises licence

### 5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 15 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.
- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority

- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 The Police objections are contained in **Appendix 3**.

## 7.0 Advice to Members

- 7.1 The Police Reform and Social Responsibility Act 2011 amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Police Objection

# Appendix 1



LONDON BOROUGH OF TOWER HAMLETS  
**Temporary Event Notice**

<b>Fee: £21</b>
<b>Receipt No: PK3X-9RV8-SRVJ</b>

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>			
1. Your name			
Title	Mr	<input checked="" type="checkbox"/>	Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Ali		
Forenames	Wolid		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr	<input type="checkbox"/>	Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname			
Forenames			
3. Your date of birth		<input type="text"/>	<input type="text"/>
4. Your place of birth		<input type="text"/>	
5. National Insurance Number		<input type="text"/>	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<input type="text"/>			
Post town London		<input type="text"/>	
7. Other contact details			
Telephone numbers	<input type="text"/>		
Daytime			
Evening (optional)			
Mobile (optional)			

Fax number (optional)	
E-Mail Address (if available)	████████████████████

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
The Atrium London 124 Cheshire Street London E2 6EJ	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	N/A
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
Events Venue	

Please describe the nature of the event below. (Please read note 5)

--

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please tick all the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
11 <sup>th</sup> December 2021	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
14:00-22:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	450
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate) (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>



	Both	<input type="checkbox"/>
--	------	--------------------------

Please if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)

<b>4. Personal licence holders (Please read note 13)</b>		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

<b>5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)</b>		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>


6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No X
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No X

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No X
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No X

7. Checklist (Please read note 16)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent a copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>

Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 18)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	22/11/2021
Name of Person signing	Mr Wolid Ali

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 19)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## **NOTES**

### **General**

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below explains the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### **Note 1**

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003. **Note 2**

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### **Note 3**

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### **Note 4**

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### **Note 5**

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### **Note 6**

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club; •  
the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### **Note 7**

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### **Note 8**

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### **Note 9**

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### **Note 10**

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

#### **Note 11**

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### **Note 12**

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment – see note 6 above). A temporary event notice may be given for this purpose.

#### **Note 13**

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### **Note 14**

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business

involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 15 below sets out the definition of an “associate”.

#### **Note 15**

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### **Note 16**

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

#### **Note 17**

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### **Note 18**

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

#### **Note 19**

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of the receipt of the notice.

### **Advice for applicants:**



Under the above Act, by applying for temporary events notice (TEN) and you are not a Personal Licence Holder you are limited to 5 standard TENs of which 2 can be Late TENs per calendar year (1<sup>st</sup> January to 31<sup>st</sup> December) although each event can last up to 168 hours (seven days).

Personal licence holders can apply for a maximum of fifty TENs of which 10 can be Late TEN per calendar year.

A venue can hold up to 15 TENs per year, subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any year.

For the purposes of determining the overall limits of 50 temporary event notices in a calendar year and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business also involves carrying on licensable activities) counts towards these totals.

### **Under 500 person capacity**

If the proposed event has an invited or expected attendance of **no more** than 499 persons, including staff, stewards, organisers and performers who will be present on the premises, the ACT requires that at least 10 FULL working days notice is given to the Local Authority, the Police and Environmental Protection for a standard TEN.

LATE TENs should only be used in exceptional circumstances, at least 5 FULL working days notice is to be given to Local Authority, the Police and Environmental Protection.

Please note: Should one of the responsible authorities object to a LATE TEN, a counter notice will be issued and the event will not be able to take place.

### **(Over 500 person capacity)**

If the proposed event has an invited or expected attendance of **more** than 499 persons, You will need to apply for a premise licence. You will require forms for a premise licence. If you have not been sent these forms contact me urgently. The Act requires that at least two months notice and you will see from the application forms that the process is different to that of events under 500 capacity.

**The completed notice should be returned to the Licensing Authority with any accompanying information, a photocopy of all and the relevant fee to the address given. The fee can be paid by cheque, to be made payable to the London Borough of Tower Hamlets, Telephone 020 7364 5008 or On-line:**

<http://www.towerhamlets.gov.uk/pay>

The licensing authority will endorse one of the two copies you send us and return it to you as an acknowledgement of receipt. Should objections be received, conditions may be imposed on your TEN either through the hearing process or through negotiation with the responsible authorities. You will be issued with a "Statement of Conditions" and this is required to be kept with your copy of the Notice.

You should keep a copy of the completed notice for your records. For events under 500 capacity, an additional copy of the application must be sent to:

**1) Chief Officer of Police in Tower Hamlets**

Metropolitan Police Service  
Tower Hamlets Division  
Licensing Unit  
Toby Club

Vawdrey Close  
London  
E1 4UA

**Mob:** 07825 850 906 **Tel:**

020 8721 2324

**Email:** [HT-LicensingOffice@met.police.uk](mailto:HT-LicensingOffice@met.police.uk)

**2) Environmental Protection**

John Onslow House  
1 Ewart Place  
London  
E3 5EQ

**Tel:** 020 7364 5007

**Fax:** 020 7364 6831

**Email:** [Environmental.Health@towerhamlets.gov.uk](mailto:Environmental.Health@towerhamlets.gov.uk)

For any further enquiries please contact:

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

**Telephone:** 020 7364 5008 **Fax:**  
020 7364 0863

**Email:** [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

# Appendix 2

124-126 Cheshire Street London E2- Map of the area



# Appendix 3



Tom Lewis  
Head of Licensing  
Tower Hamlets Council

**HT - Tower Hamlets Borough**

Licensing Office  
Shoreditch Police Station

Email: [REDACTED]  
www.met.police.uk

24/11/2021

Dear Sir,

Central East Police Licensing formally object to the application for the temporary Event Notice for The Atrium, 124 Cheshire Street, E2, on the 11<sup>th</sup> December 2021 between 2pm and 10pm. The rejection is on the grounds of both preventing crime and disorder.

The applicant has submitted the TEN, but not described the nature of the event, which is very concerning. I contacted the applicant and noticed the e-mail address was at UK boxing union. When I spoke to the applicant he confirmed that this was a “White Collar” boxing event.

I asked the applicant how long he had been involved in organising boxing events and he replied that he doing this for almost 10 years. I then asked why it had not been disclosed on the application it was a boxing event. That applicant said his manager was new and he forgot.

I believe this is not a credible answer, boxing promoters know that boxing events, especially “White Collar” boxing events have increased risks of crime and disorder as these events are full of people watching their friends box, and there is the real risk of disorder between the various groups if their friend losses the fight.

As such organisers of such events know they need to explain how they will manage such events, what their security plans are, how many security there will be, if they will search customers coming to the event.

The applicant has failed to say it’s a boxing event, let alone describe how the event will be safely managed. We therefore believe this event will be poorly managed and lead to crime and disorder. We therefore ask that the application is rejected.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
Email [REDACTED]  
A: Licensing Office, 1st Floor Stoke Newington Police Station

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