

Licensing Sub Committee

Agenda

Tuesday, 11 January 2022 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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<http://www.towerhamlets.gov.uk/committee>

Public Information

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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, 11 January 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 5 - 6)

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 7 - 16)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 17 - 26)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 23rd November 2021.



4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Dauns, 77 Wentworth Street, London, E1 7TD

27 - 126

Spitalfields
&
Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority

4.2 Application for a New Premise Licence for Poplar Spice, 201 East India Dock Road, London, E14 0ED

127 - 220

Lansbury

Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Local Resident(s)

4.3 Application for a Variation of a premises licence for Tower Hamlet's Pizza, 479 Cambridge Heath Road, London, London E2 9BU

221 - 284

Bethnal
Green East

Licensing Objectives:

- Public Nuisance

Representations by:

- Environmental Health

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 23 NOVEMBER 2021

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Victoria Obaze
Councillor Amina Ali

Other Councillors Present:

Councillor Rachel Blake

Officers Present:

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

Representing applicants

	Item Number	Role
Alfred Hart	4.1	(Applicant)
Niall McCann	4.2	(Legal Representative)
Jeremy Liebster	4.2	(Applicant)

Representing objectors

	Item Number	Role
Leo Charalambides	4.2	(Legal Representative)
Sue Hughes	4.2	(Resident)
Heather Corben	4.2	(Resident)
Michael Whitshire	4.2	(Resident)

Apologies

None

1. DECLARATIONS OF INTEREST

Councillor Amina Ali declared an interest on item 4.1, Application for a variation of the premises licence for Milk Float, Sweet Water Trading Mooring, Hackney Wick, London E9 5EN on the basis that the premises was in her ward. However, she confirmed that she had not discussed the application with any interested parties prior to the meeting.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 28th September and 26th October 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for variation of a Premises Licence for Milk Float Sweet Trade Water Mooring Hackney Wick London E9 5EN

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Milk Float, Sweet Water Trading Mooring, Hackney Wick, London E9 5EN. It was noted that objections had been made by a local ward councillor and on behalf of the London Legacy Development Corporation (LLDC). However, it was noted that the issues of concerns raised by the LLDC had now been addressed and therefore their objection had been withdrawn prior to the hearing.

The Chair stated that any reference to personal home addresses or personal details would be disregarded and any reference would be excluded from the minutes.

At the request of the Chair, Mr Alfie Hatt, Applicant, briefly explained that prior to making the application, the premises had been trading off sales of alcohol successfully for the six months prior to that under the temporary permissions granted to all pubs and bars in the wake of COVID 19. Mr Hatt explained that he had consulted with PC Mark Perry, Metropolitan Police, prior to submitting the application and in line with his advice, the following conditions had been stipulated: that all takeaway sales of alcohol to be sold in sealed biodegradable containers; no takeaway alcohol shall be consumed in the immediate vicinity of the premises. To support this there was signage in place, all the staff had been briefed on this and the private security firm engaged by the applicant was also aware to stop anyone loitering or drinking in the immediate area. As well as this another condition was agreed with the police, namely that no off sales of alcohol to be served one hour either side of or during sporting events at the London Stadium. It was noted that the

application subsequently received no objections from the Metropolitan Police or Environmental Health.

Mr Hatt explained that the two objections initially focused on concerns relating to the grassy bank which was overlooked directly by Omega works and was adjacent to the premises. As a result of gatherings of people on the bank, he had reached out directly to local residents and other stakeholders to discuss ways in which everyone could all work together to monitor and police the grassy bank area and the site in general and as part of that put in place a protocol for strategic escalation of any incidents or gatherings on that area. As a part of this, Mr Hatt committed to cease take-away trade immediately at the first sign of any group gatherings. In addition, he was also in direct communication with a private security firm and had a link to the Olympic Park headquarters, with a protocol in place that if there was any signs of disruption, the premises would immediately stop off sales trade and notify the relevant authorities. Thus, not only were they responding directly but also assisting in the solution to the problem. He said that this policy had been trialled and tested throughout the summer 2021 and had worked well.

It was further noted that in August 2021, LLDC had fenced off the grassy area with the view to putting in place a new planting scheme which had been designed to make that area unusable by people for gathering. The final landscaping was going to be a real improvement and it will hopefully limit the gatherings of people in that area which was the primary concern of both Cllr Blake and the LLDC. Mr Hatt stated that in advance of this hearing, with the ongoing success of the kind of escalation protocol over the summer and the new landscaping scheme, he had reached out to the objectors and other stakeholders just to make them aware of the upcoming hearing and had asked if there were any remaining concerns. During this time LLDC withdrew its objection and sent a very kind letter of support. He concluded that he had gone to great lengths to observe the licensing process and to consider the concerns of objectors in this application and has offered effective solutions and adopted conditions to mitigate any risks. He said that he remained a responsible and responsive operator with a proven track record that he operates a safe and successful business.

Members then heard from Cllr Rachel Blake. She thanked the applicant for reaching out several times on this matter and acknowledged the applicant's hard work in the area. Cllr Blake said that she was not able to withdraw her objection as she did not think that the management proposals set out in anyway addressed the issues about public safety and possible nuisance. She referred the Sub-Committee to the map of the area contained in the agenda pack and made reference to the unusual area the premises were in. It was noted that there was a growing residential community living just opposite the grassy bank area with future housing development on the way. Cllr Blake highlighted the incidents of anti-social behaviour that had taken place, particularly last summer, which occurred on a weekly basis and were unbearable for local residents. Cllr Blake stated that she recognised the work that the particular premises had in place but was of the view that the nuisance was not containable and that the anti-social behaviour would not stop and therefore the application should not be granted. However, if the Sub-

Committee was minded to grant the application she suggested that additional conditions around reviews and timing of reviews should be considered.

It was noted that the area in question was undergoing proposed planting to reduce some of the risks of anti-social behaviour. However, without those plants it creates just an area for people to congregate where the noise and disruption just goes directly into people's homes opposite the grassy bank and the new homes soon to be built

In response to questions from Members the following was noted;

- That the anti-social behaviour had reduced significantly due to the scheme put in place by LLDC, making it impossible to have large gatherings.
- That the applicant had an active interest in the area being safe and wanted it free from anti-social behaviour.
- Previously people would buy cheap alcohol from off licences nearby and drink in the open space (grassy bank area opposite the premises).
- People used to use the open space as a gathering area due to parks and open spaces being closed during the pandemic. Gatherings over the last year had been largely reduced as more public spaces and venues had reopened.
- That off licences were in closer proximity to the grassy area than the premises itself.
- That an escalation protocol was in place with the LLDC and the applicant was happy to formalise it as a condition.
- This summer the premises had operated successfully, and their customers understood that off sales of alcohol cannot be consumed outside of the immediate vicinity.
- That there was a private security firm in place, there was a very low incident rate but if there were any issues, they could be contacted for immediate response.
- That the premises had, had this arrangement in place for the past 18 months, without any issues or complaints. i.e., ceasing off sales trade at the sign of anti-social behaviour.
- That it was not possible to link problems of anti-social behaviour specifically to the premises.
- That the premises only sold craft beers/ciders and cocktails.

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:

The Prevention of Crime and Disorder;
Public Safety;

The Prevention of Public Nuisance; and
The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Moo Canoes Ltd. to vary the premises licence held in respect of The Milk Float, moored at Sweet Water Trade Mooring, London, E9 (“the Premises”). The application sought to permanently permit off-sales of alcohol within the permitted hours. The application attracted one representation, from Cllr. Blake in her capacity as ward councillor. The London Legacy Development Corporation (LLDC), the local planning authority for the area, had made a representation but that was withdrawn in advance of the hearing.

The premises benefit from the temporary permissions attaching to the licence as a result of the Business and Planning Act 2020. Alfie Hatt, on behalf of the applicant, told the Sub-Committee he had discussed the application with PC Mark Perry of the Police Licensing Unit and had agreed some conditions with them. The police had not objected. Those conditions were:

- All off-sales were to be in sealed containers;
- All off-sales would be in biodegradable containers or packaging;
- No alcohol sold for consumption off the premises was to be consumed in the immediate vicinity of the Premises;
- There would be no off-sales of alcohol one hour either side of sporting events at the London Stadium.

Mr. Hatt further told the Sub-Committee that they had private security that were linked to the Olympic Park security control so that if anything untoward should happen, they would be made aware and would cease alcohol sales until those issues were remedied. In relation to the grassed bank area referred to in Cllr. Blake’s representation, this had apparently now been fenced off by the LLDC in August and the intention was that this would be planted over and thus would deter crowds from gathering in that area.

He further informed the Sub-Committee that anti-social behaviour (ASB) in the area had reduced and that this had been acknowledged by the LLDC when they withdrew their representation. He indicated that nearby off-licences were selling alcohol more cheaply and that he was unsure what the company was said to be failing to do. He explained that they had an interest in maintaining the area and working with the authorities. He explained when asked the security processes and protocols in place.

Cllr. Blake maintained her written representation. She told the Sub-Committee that that area was an unusual one and that the previous summer anti-social behaviour (ASB) had been a weekly occurrence. She considered that the premises should be subject to periodic reviews and that there was no mention in the conditions of ceasing alcohol sales if the circumstances warranted that. She noted also that new homes were due to be built in the area opposite the grassed area in question and that those homes would be affected by noise.

The Sub-Committee considered that the licensing objectives of the prevention of public nuisance and public safety were engaged. As to the latter, the main concern seemed to be the risk of someone falling into the canal. This seemed to the Sub-Committee to be both unlikely but also an inherent risk given the nature of the area. No other concerns had been raised in this regard nor was the Sub-Committee made aware of any instance where that risk had materialised.

The Sub-Committee considered the likely impact upon the licensing objectives of granting this application. Unlike a new application, which involves a degree of speculation on the Sub-Committee's part, a variation allows the Sub-Committee to consider the past performance of the premises. In that regard, no specific concerns had been realised that linked the Premises to ASB in the area; rather, the concerns seemed to be linked to the area itself and were not caused by or exacerbated by the Premises.

In addition, the Premises had benefited from the temporary variation granted under the Business and Planning Act 2020, which allowed temporary off-sales initially until September 2021 and now to 2022. By the time of the hearing, the Premises had been trading for around a year since that Act came into force (albeit with some interruptions due to lockdowns). If that temporary permission had led to an increase in ASB, or ASB had been directly linked to the Premises, the Sub-Committee would have expected there to have been some evidence of that. Absent such evidence, the Sub-Committee could not be satisfied that there was sufficient evidence to justify refusing the application.

The Sub-Committee was advised that it could not take account of the possible impact on new homes yet to be built. That could not constitute a public nuisance at this stage.

The Sub-Committee did not think it appropriate to time-limit the variation or to subject it to regular reviews. The Premises could benefit in any event from the temporary permission under the Business and Planning Act 2020 and the applicant was entitled to seek a permanent variation. The Licensing Act 2003 already contains a review mechanism and in the event that the Premises operated in a way to undermine the licensing objectives, a review could be sought at any time.

The Sub-Committee considered that it was appropriate and proportionate to grant the application with amendments to existing conditions and additional conditions:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Milk Float, Sweet Water Trading Mooring, Hackney Wick, London E9 5EN be **GRANTED with conditions**.

Sale of alcohol (on and off sales)

Monday to Sunday from 10:00 hours to 23:00 hours

Non-Standard timings

New Year's Eve - Sale of alcohol from 10:00 hours to 00:00 hours (midnight) – opening hours of the premises from 10:00 hours to 01:00 hours (the following day)

Amendment to condition

Condition 15 - on the premise licence is amended to read "Off sales of alcohol will be for delivery or collection."

Additional Conditions

1. On any day that a sporting or other major event is being held at the London Stadium, off-sales of alcohol shall cease no earlier than hour one prior to the published event commencement time and shall resume no earlier than one hour after the published event cessation time.
2. Alcohol sold or supplied for consumption off the premises shall be not be consumed along the length of the towpath adjacent to the premises.

4.2 Application for a New Premises Licence for (The Medieval Banquet) Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Medieval Banquet, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP. It was noted that objections had been made by local residents.

At this juncture, Mr Leo Charalambides, Legal Representative on behalf of the Friends of St Katherines Dock requested to speak and address the Sub-Committee on points of procedural irregularities.

He referred the Sub Committee to the Section 182 guidance around what is relevant vexatious or frivolous on page 175 of the agenda and questioned why this was positioned right at the beginning of the representations that have been made by the local residents. Mr Jonathan Melnick, Principal Enforcement Lawyer confirmed that there was no suggestion that the representations made by the objectors are said to be irrelevant vexatious or frivolous and referred Mr Charalambides to paragraph 6.7 of the report on page 134 of the agenda which confirmed that all the representations in this report has been considered by the relevant officer and was clear that all of the representations met the required test and were clearly relevant representations in respect to this application.

Mr Charalambides then referred to another matter to which he raised an objection to, he explained that the application was submitted on 2nd February 2021, there was no tenant in place at the time and due to the number of representations the application was adjourned sine die until such time as a new tenant was identified. He explained that an application must be heard pursuant to regulation 5 of the Hearing Regulations, within 20 working days of the last date for representations. Further, he asserted that under the Provision of Services Regulations 2009 a hearing could be adjourned only once and it must be to a period that is fixed and made public in advance. He also stated that although the authority had extended a time limit for the application, it must give notice to the parties involved stating the period of the extension and the reasons for it, however his clients were never given a notice. He questioned how the applicant was able to write to the authority and be given such adjournments. Further to these points he urged the Sub-Committee to dismiss the application and invite the applicants to reapply.

Mr Niall McCann, Legal Representative on behalf of the applicant expressed his discontent by the approach taken by Mr Charalambides. He stated that they had tried to work with the residents and adopt a collegiate approach throughout the application process but have been unsuccessful. He said that he had contacted Mr Charalambides, days prior to the meeting, and was waiting to hear back from him with any concerns/queries etc. however he had not heard back until this meeting today. It was noted that these arguments had been made without allowing him sufficient time to prepare for a response or to deal with the matter. He explained that the adjournment was requested on the basis that the application was made as soon as it became apparent that the licence had lapsed and couldn't be retrieved. He said that due to the pandemic there was a delay in getting a hearing date but when a date was given, they were happy to proceed but noted that there were a number of representations which raised concerns that a prospective tenant was not in place. Therefore to help alleviate the concerns of residents, an adjournment was sought subject to them identifying a tenant and it was not because the application had insufficient information as referred to by Mr Charalambides. The application was adjourned, and a tenant had now been identified and therefore the application had been relisted. Mr McCann said it had taken many months to get to this position and in terms of persons who have been disadvantaged, it would be the applicant.

Mr McCann said that as he wasn't prepared for these arguments, and had he had been he would have done some research and made written submissions, however he referred to two key cases which refer to procedural irregularities – TC projects case, when there was a procedural irregularity because of the number of days' notice haven't been counted properly, the Judge ruled that even when legislation uses language such as must or shall it doesn't necessary mean the breaches are fatal, the authority will wish to take into account a number of considerations including as a purpose for legislation being substantially achieved even if not fully achieved, secondly has a member of the public identified have been discouraged from exercising their right to object? in this case the suggestion the application adjourned without agreed notice being a disadvantage when in fact he believed the residents were in a stronger position because there is a potential tenant looking to take

the lease and we can supply the further information if requested. The Funky Mojoe case was also referred to, which again ruled that the process should not be frustrated by minor errors. Mr McCann said that if there has been a procedural irregularity in this case, it has been a minor one Mr McCann explained to the Sub-Committee that they had taken a lot of time and effort to get to this stage and therefore suggested that it was appropriate to hear the application today and did not see the relevance of reapplying with the same application and receiving the same objections.

The Chair adjourned the meeting at 8.05pm and retired with Members of the Sub Committee in private to discuss the submissions put forward by both parties. The Chair reconvened the meeting at 815pm.

Mr Melnick, on behalf of the Sub Committee advised both parties that due to a number of legal points having been raised at very short notice, and that the point with regard to the Provision of Services Regulations in particular was likely to need further consideration, it was in the interest of natural justice to the applicant to have the benefit of the precise way the legal points would be put and to have sufficient time to consider and respond to those. The Sub Committee therefore asked for written submissions to be made on this matter by Mr Charalambides and for them to be sent to the Sub-Committee and Mr. McCann within 14 days starting from tomorrow (8th December) and Mr McCann to respond to the points raised with 14 days thereafter (22nd December). The application would then be heard by a Licensing Sub Committee on 11th January 2022.

At this point both legal advisors conferred with their clients.

At this stage, Mr McCann formally withdraw the application and advised the Sub-Committee that they would reapply and would look to engage with the residents again. It was also agreed that once an application is made and if there is a need for a hearing then this would be scheduled in at the very earliest opportunity due to the history of this application.

The application was withdrawn.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.25 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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Agenda Item 4.1

Committee: Licensing Sub Committee	Date	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a new Premise Licence for Dauns, 77 Wentworth Street, London, E1 7TD
Originating Officer: Corinne Holland Licensing Officer	Ward affected: Spitalfields & Banglatown

1.0 Summary

Applicant: **Ernst Daniel Rickard Daun**

Name and Address of Premises: **Dauns**
77 Wentworth Street
London
E1 7TD

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 Dauns, 77 Wentworth Street, London, E1 7TD.
- 3.2 The applicant has described the premises as: A vegan coffee shop and deli. Alcohol will be a small selection of Scandinavian beers, organic wines, Swedish Vodka and some seasonal spirits and beers.
- 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)

Sunday – Thursday 12:00 – 21:00 hours

Friday – Saturday 12:00 hours – 22:00 hours

Opening times

Sunday – Thursday 10:00 – 21:30 hours

Friday – Saturday 10:00 hours – 22:30 hours

4.0 **Location and Nature of the premises**

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

5.0 **Licensing Policy and Government Advice**

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
- 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 (some of these are duplicated in police agreed conditions)

1. Appropriate digital CCTV equipment and the sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use to investigate any crimes that are committed on the premises. The areas covered by the cameras will cover all areas within the premise that are open to the public. A camera will be positioned to obtain images of persons entering the building by the main entrance.
2. No persons other than the Police, the Licensing Authority, the Premises Holder, the manager or authorised persons shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation, and recording whenever the premises are open to the public.

3. Recordings made on the CCTV system shall be retained for a period of at least 30 days of recording.
4. A minimum of two notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size.
5. The license holder must ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.
6. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS).
7. Alcohol will only be served with a meal.
8. There will be a prominent signage near the door to the premises reminding the patrons to leave the area quietly.
9. The licence holder will operate a dispersal policy to be agreed with the council to ensure that patrons do not congregate outside the premises after leaving.
10. A proof of age policy agreed in writing by the Licensing Authority must be enforced.
11. Challenge 25 to be implemented whenever a young person seeks to purchase alcohol. The premises will only accept valid forms of identification, such as photo driving licence, passport and Home Office approved ID cards displaying the national proof of age standard scheme (PASS hologram).

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the Police – Appendix 8

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures/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.
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.

Conditions agreed with the Environmental Protection – **Appendix 9**

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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 10 - 17** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

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

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/ Ernst Daniel Rickard Daun
We

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
77 Wentworth Street			
Post town	London	Postcode	E1 7TD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 22,750.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)

- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname Daun			First names Rickard		
Date of birth [REDACTED]		I am 18 years		Please tick yes	
old or over					
Nationality		Swedish			

Current residential address if different from premises address		[REDACTED]	
Post town	[REDACTED]	Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]	
E-mail address (optional)	[REDACTED]		

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name

Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
ASAP

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

DD MM YYYY

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

Ground floor vegan coffee shop and deli with 20 seatings. No outside seating area. Basement area only for staff use and this area will not form part of the licensed premises. The premises will sell alcohol together with a meal. Alcohol will be a small selection of Scandinavian beers, organic wine and Swedish vodka and some seasonal spirits and beers.

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

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

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

X

Please tick all that
apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

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


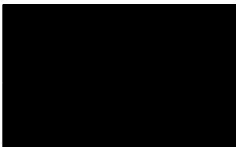


I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	X
				Off the premises	
Day	Start	Finish		Both	
Mon	1200	2100	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	1200	2100			
Wed	1200	2100	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur	1200	2100			
Fri	1200	2200			
Sat	1200	2200			
Sun	1200	2100			

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

Name Ernst Daniel Rickard Daun	
Date of birth: 	
	
Postcode	
Personal licence number (if known) 	

Issuing licensing authority (if known) [REDACTED]

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	1000	2130	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	1000	2130	
Wed	1000	2130	
Thur	1000	2130	
Fri	1000	2230	
Sat	1000	2230	

Sun	1000	2130	

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

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

Staff will be trained to adhere to the measures specified under each licensing objective below. In addition, the license holder will liaise with the responsible authorities and residents to ensure the business continues to meet the licensing objectives.

b) The prevention of crime and disorder

1. Appropriate digital CCTV equipment and the sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use to investigate any crimes that are committed on the premises. The areas covered by the cameras will cover all areas within the premise that are open to the public.
A camera will be positioned to obtain images of persons entering the building by the main entrance.
2. No persons other than the Police, the Licensing Authority, the Premises Holder, the manager or authorised persons shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation, and recording whenever the premises are open to the public.
3. Recordings made on the CCTV system shall be retained for a period of at least 30 days of recording.
4. A minimum of two notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size.

c) Public safety

1. The license holder must ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.
2. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor (DPS).
3. The fire safety measure which the premises are providing must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the regulatory reform (fire safety) order 2005.
4. An adequate and appropriate supply of first aid equipment and materials must be available on the premises.

d) The prevention of public nuisance

1. Alcohol will only be served with a meal.
2. There will be a prominent signage near the door to the premises reminding the patrons to leave the area quietly.
3. The licence holder will operate a dispersal policy to be agreed with the council to ensure that patrons do not congregate outside the premises after leaving.

e) The protection of children from harm

A proof of age policy agreed in writing by the Licensing Authority must be enforced.

Challenge 25 to be implemented whenever a young person seeks to purchase alcohol.

The premises will only accept valid forms of identification, such as photo driving license, passport and Home Office approved ID cards displaying the national proof of age standard scheme (PASS hologram).

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

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

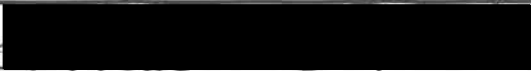
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none">• [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)
Signature	

Date	19 October 2021
Capacity	Solicitor

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

Signature	
Date	
Capacity	

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

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which

- combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience,

and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 **full birth** or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

APPLICATION OF PREMISES LICENSE FOR DAUNS

1. These submissions are provided in support of the Applicant's application of premises license for 77 Wentworth Street, E17TD. We have had careful regard to Tower Hamlets Statement of Licensing Policy and I believe that this application provides that the application is consistent with the terms of the council's licensing policy.
2. The applicant is applying for a premises license in relation to the address at 77 Wentworth Street, E17TD which is within the cumulative impact of CIZ of Tower Hamlet (CIZ area). The Licensing Act 2003 provides that where an application is made for a premises license in a CIZ area, there is a rebuttable presumption that the premises license application will not be granted unless the applicant can show that they will not add to the cumulative impact in the area. We also have careful regard to the steps of Statement of Licensing Policy which provides guidance as to the matters the council will have regard to in determining whether to grant application in a CIZ area when an objection(s) has been raised.

Background to Application

3. Dauns will be a unique vegan coffee shop and Deli providing Scandinavian dishes and drinks. The applicant believes that it is the first fully vegan Scandinavian cafe in the UK. While the applicant seeks a premises(alcohol) license, it must be stated that the business will not be "alcohol led" but alcohol will be a minor part of the business. The main focus of the business will be Scandinavian food and it is anticipated that the clientele who attend will be those who are interested in participating in Scandinavian vegan dishes. In this regard, Dauns will work closely with local small-scale producers to produce vegan cheese, Charcuterie, kimchi, Pickles and seafood alternatives. Baked goods such as cinnamon buns, danish pastry and seasonal sweets and other Scandinavian inspired dishes.
4. Dauns have a very strong health ethos and will be promoting "healthy foods". It is fully expected that this ethos will reflect in the type of Patrons that use the premises and how they conduct themselves.
5. The applicant expects to sell the following types of alcohol:

- Scandinavian beer
- Seasonal drinks (Swedish Mulled wine around Christmas)
- Organic wine
- Swedish vodka

Tower Hamlets Statement of Licensing Policy

5. Having had careful regard to the criteria set out in the Statements of Licensing Policy, the following comments made in relation to each heading are set out below:

The location of the premises and the character of the area in which the premises are situated.

6. The premises at 77 Wentworth Street are surrounded by a mix of businesses like restaurants, fast food, coffee shop, retail and market stalls and some residential premises. Above the premises is a two-floor residential building with access around the corner in a alleyway. A four floor residential building with balconies is located across the road with a restaurant and cocktail bar on the ground floor. Members will note that doors to the premises will be kept closed during licensable hours to prevent noise disturbance and AC is installed in the premises which could provide heating in winter and cool the premises in the summer. Windows will also be kept closed during licensable hours and there will be no outdoor seating. [the applicant is seeking an indoors only premises license].

Proposed hours during which licensable activities will take place and the proposed hours during which the customers will be permitted to remain on the premises.

7. The Applicant proposes the following hours:

Sale of Alcohol

Sunday to Thursday: 12:00 hours to 21:00 hours

Friday and Saturday: 12:00 hours to 22:00 hours

Opening hours:

Sunday to Thursday: 10:00 hours to 21:30 hours

Friday and Saturday: 10:00 hours to 22:30 hours

It is be noted that the proposed hours are within the council's framework hours.

The adequacy of the applicant's proposal to address the issues of the prevention of crime and disorder and the prevention of public nuisance.

8. It will be seen from the operating schedule that the Applicant proposes the use of CCTV to both deter and detect any criminal activity and to maintain a log of any incidence which arise. In relation to public nuisance it should be noted that the alcohol will be served only as part of a meal and this condition is well known to have a dampening effect on the conduct of patrons. Patrons will not be permitted to simply be allowed to go into the premises just to buy alcohol and then leave which is associated with rowdy behaviour.

Any issues that may have arisen if the premises was previously licensed

9. This is not applicable as the premises were not previously licensed as far as the applicant is aware.

Will customers have access to public transport when arriving at or leaving the premises at night-time or in the early hours of the morning.

10. Aldgate station is 5 minutes walk away from the premises and there is a bus stop less than two minutes walk from the premises. As such, the premises is well served by transport links and there should be no reason for patrons to congregate outside the premises.

The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises

11. The following premises are situated on the same road namely:

Unity diner at 60 Wentworth Street

Hungry Donkey at 56 Wentworth Street

These premises operate until 22:00 hours

CIZ Considerations

12. The council's Statement of the Licensing Policy sets out a number of factors which the council have regards in determining applications within the CIZ. We address each factor in turn:

Genuinely exceptional circumstances

13. The Applicant certainly qualifies as being genuinely exceptional in that it will essentially be a small café/deli with a capacity of under 50 persons, with around 20 seatings, and it will be operating within the framework powers of the council. The premises are also not alcoholic led as the main ethos of the premises is to provide a unique offering of Scandinavian food.

Accreditation award schemes (as applicable and any participation police drug council initiatives)

14. The Applicant has approached the managers of Unity Diner and the Hungry Donkey and has established an agreement in principle for them to work together to identify any troublesome patrons and to take appropriate action such as notify the police or council. It must be said that none of these premises have identify any problem patrons but the Applicant has gone out of his way to work with fellow businesses to promote the licensing objectives.

Further goods operations/practice arrangements in respect of any outside drinking and smoking

The Applicant will not be having any outside drinking as part of its service offering.

Measures used to promote the licensing objective (for example any relevant conditions to control noise, dispersal, litter and other anti-social issues)

15. We refer the council's attention to the operating schedule which is reports part of the premises license application. There is a note that there will be a prominent sign at the entrance/exit of the premises warning patrons to be quiet when they leave the premises, and that alcohol will only be consumed on the premises and as part of a meal. These are measures which are proven to strongly militate against inappropriate behavior by patrons.

W. Brown

Brown and Co Solicitors

19 October 2021

Appendix 2



Ground Level

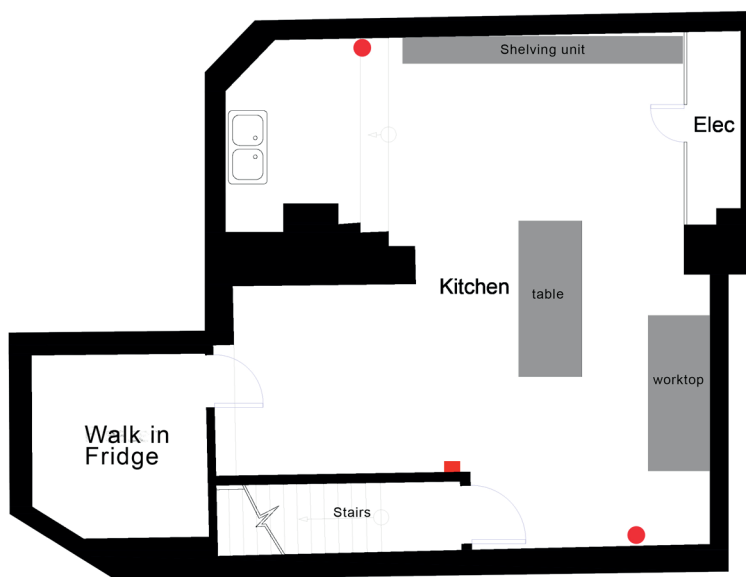
- General Notes**
- Ground floor for the public and staff
 - SMAD kitchen for serving coffee, bar food
 - Two fire extinguisher
 - Fire alarm box at entrance
 - Only one wall
 - Stairs to lower ground
 - Light orange tables is moveable
 - Tables & a counter with an opening for the kitchen and bar area for staff
 - Seatings at the window with a high table and chairs
 - Counter have fridges under for store of alcohol and other stores
 - Public toilet
 - 1/2 tables worktop
 - 2. 4 tables worktop and under counter fridges for alcohol
 - Blue line is glazing, in three sections covering entrance and 2 windows

Project Name and Address
77 Wentworth Street
London
E17 7TD

Sheet
Date
September 13th 2021
Scale
1:100 @ A4

Ground Floor Plan

- General Notes**
- Lower floor only used for staff
 - Two fire extinguisher marked with red dots
 - Fire alarm button, marked with red rectangular
 - Metal shelving unit attached to the wall
 - Two kitchen tables/worktops Able to move
 - Walk in Fridge has storage for alcohol



Lower Ground Level

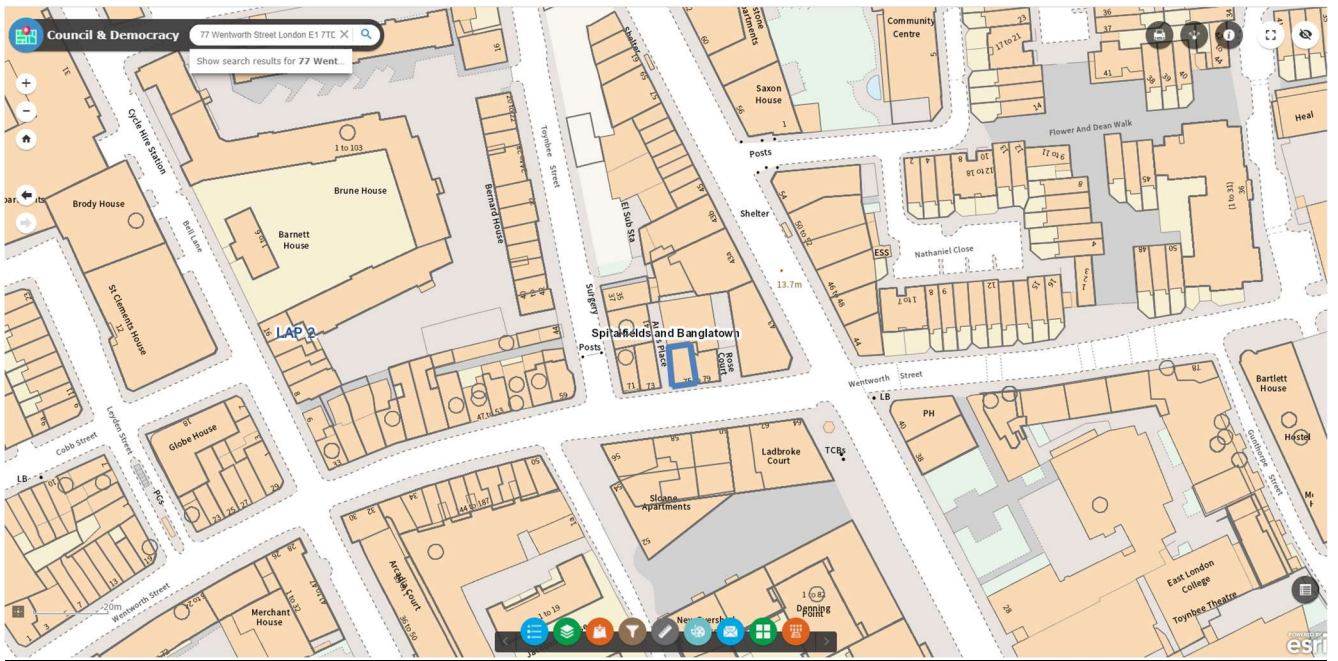
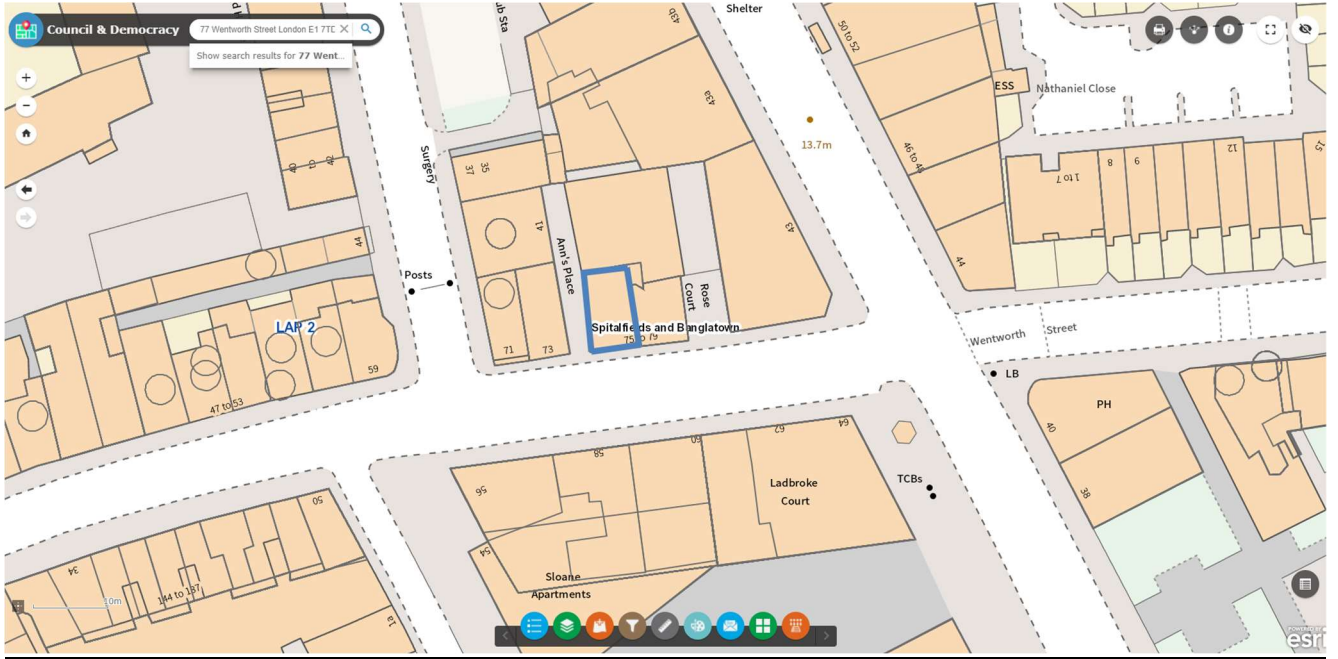
Project Name and Address
77 Wentworth Street
London
E17 7TD

Sheet
Date
September 13th 2021
Scale
1:100 @ A4

Lower Ground Floor Plan

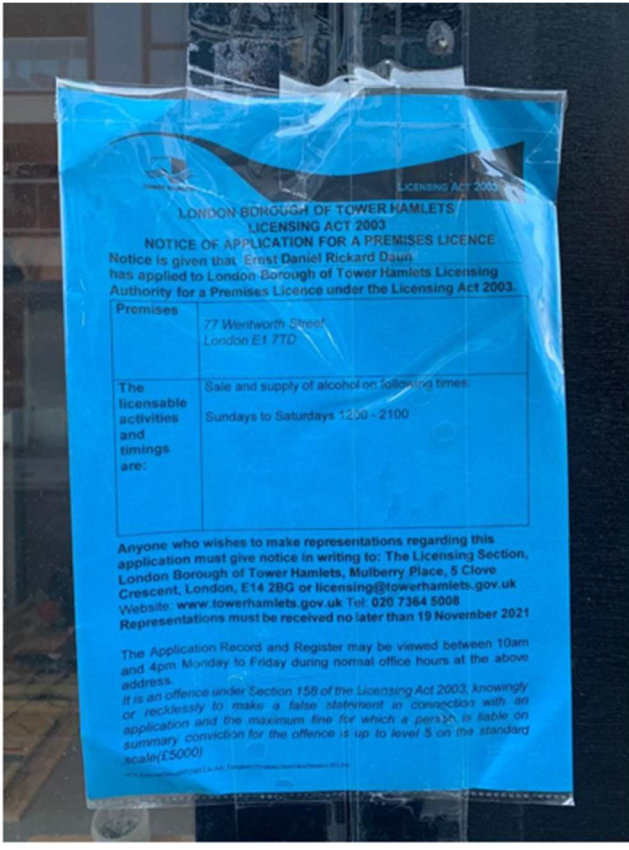
Appendix 3

Maps – Dauns, 77 Wentworth Street



Appendix 4

Photos – Dauns, 77 Wentworth Street







Appendix 5

77 Wentworth Street - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>Agah, 43 Commercial Street</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 00:30hrs the following day • Sunday from 12:00hrs (midday) to 23:00hrs <p>The Provision of Late-Night Refreshment - indoors</p> <ul style="list-style-type: none"> • (Monday to Thursday – None) • Friday and Saturday from 23:00hrs to 00:30hrs the following day • (Sunday – None) <p>The Provision of Regulated Entertainment - Indoors (in the form of Recorded Music)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 23:30hrs • Sunday from 12:00hrs (midday) to 22:00hrs 	<ul style="list-style-type: none"> • Monday to Thursday from 07:00hrs to 23:30hrs • Friday and Saturday from 07:00hrs to 01:00hrs the following day • Sunday from 07:00hrs to 23:30hrs
<p>Culpeper 40-42 Commercial Street</p>	<p>Supply of Alcohol (on and off sales), Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</p> <ul style="list-style-type: none"> ▪ Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight) ▪ Thursday to Saturday, from 07:00hrs to 03:00hrs ▪ Sunday, from 10:00hrs to 23:00hrs <p>Live music</p> <ul style="list-style-type: none"> ▪ Monday to Saturday, from 07:00hrs to 23:30hrs ▪ Sunday, from 10:00hrs to 23:00hrs 	<p>The opening hours of the premises</p> <ul style="list-style-type: none"> ▪ Monday to Wednesday, from 07:00hrs to 00:30hrs ▪ Thursday to Saturday, from 07:00hrs to 04:00hrs ▪ Sunday, from 10:00 hours to 23:30hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> ▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs ▪ Bank Holiday Mondays, from 07:00hrs to 01:30hrs ▪ St. Valentines Day, St. Patrick’s Day, St. Georges Day, Halloween, Christmas

77 Wentworth Street - Nearest licences

	<p>Late Night Refreshment</p> <ul style="list-style-type: none"> ▪ Monday to Wednesday, from 23:00hrs to 00:30hrs ▪ Thursday to Saturday, from 23:00hrs to 04:00hrs ▪ Sunday, from 23:00hrs to 23:30hrs <p><u>Non-standard timings</u></p> <p>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)</p> <ul style="list-style-type: none"> ▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs ▪ Bank Holiday Mondays, from 07:00hrs to 01:00hrs ▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs ▪ New Year's Eve, from 07:00hrs to 03:00hrs 2nd January <p>Late Night Refreshment</p> <ul style="list-style-type: none"> ▪ Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs ▪ Bank Holiday Mondays, from 23:00hrs to 01:30hrs ▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs ▪ New Year's Eve, from 23:00hrs to 04:00hrs 2nd January 	<ul style="list-style-type: none"> ▪ Eve and Boxing Day, from 07:00hrs to 04:00hrs ▪ New Year's Eve, from 07:00hrs to 03:00hrs 2nd January
<p>(The Space Spitalfields) 44 Commercial Street</p>	<p>Sale of alcohol (on sales)</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:30 hours <p>Provision of late night refreshment – Indoor and outdoor</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 23:00 hours to 23:30 hours 	<ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year's Eve, from 11:00 hours to 02:00 hours the following day

77 Wentworth Street - Nearest licences

	<p>Provision of regulated Entertainment - Indoor <u>Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description</u></p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:30 hours <p><u>Licensable activities non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year's Eve, from 11:00 hours to 01:30 hours the following day 	
<p>(Unity Diner) 60 Wentworth Street</p>	<p>The sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> • Monday to Friday from 12:00 hours to 23:00 hours • Saturday, from 12:00 hours to 23:30 hours (midnight) • Sunday, from 12:00 hours to 21:30 hours 	<ul style="list-style-type: none"> • Monday to Friday from 12:00 hours to 23:30 hours • Saturday, from 12:00 hours to 00:00 hours • Sunday, from 12:00 hours to 22:00 hours
<p>(Xian Biang Biang) 62 Wentworth Street</p>	<p>The sale by retail of alcohol (on sales) Monday to Sunday from 11:00 hours to 22:30 hours</p>	<p>Monday to Sunday from 11:00 hours to 23:00 hours</p>
<p>(Chicago Rib Shack) Retail Unit D City Scape Wentworth Street</p>	<p>On sale of alcohol (on sales) Monday to Thursday from 09:00 hrs to 23:00 hrs Friday and Saturday from 09:00 hrs to 23:30 hrs Sunday from 09:00hrs to 22:00 hrs</p> <p>Provision of late night refreshment: Monday to Thursday until 23.30 hrs Friday and Saturday until midnight</p>	<p>Monday to Thursday from 06:00 hrs to 23:30 hrs Friday and Saturday from 06:00 hrs to midnight Sunday from 06:00 hrs to 22:30 hrs</p>
<p>(Hungry Donkey) 56 Wentworth Street</p>	<p>Sale by retail of alcohol (On sale)</p> <ul style="list-style-type: none"> • Monday to Thursday from 11:00hrs to 23:00hrs • Friday and Saturday from 11:00hrs to 23:30hrs • Sunday from 11.00hrs to 22:00hrs 	<ul style="list-style-type: none"> • Monday to Thursday from 07:30hrs to 23.30hrs • Friday and Saturday from 07.30hrs to 00:00hrs (midnight) • Sunday, from 07:30hrs to 22:30hrs

77 Wentworth Street - Nearest licences

	<p>Sale by retail of alcohol (Off sale)</p> <ul style="list-style-type: none">• Monday to Saturday from 11:00hrs to 23:00hrs• Sunday from 11:00hrs to 22:00hrs <p>The provision of regulated entertainment</p> <p><u>Recorded Music</u></p> <ul style="list-style-type: none">• Monday to Thursday from 11:00hrs to 23:00hrs• Friday and Saturday from 11:00hrs to 23:30hrs• Sunday from 11:00hrs to 22:00hrs <p>Provision of late night refreshment</p> <ul style="list-style-type: none">• Monday to Thursday from 23:00hrs to 23:30hrs• Friday and Saturday from 23:00hrs to 00:00hrs (midnight)	
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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:
[REDACTED]

CC: Applicant – Rickard Daun
[REDACTED]

19th November 2021

Your reference
My reference: LIC/142756/MA

Dear Licensing Authority,

PLACE Directorate
Public Realm

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

[REDACTED]
Fax: 020 7364 0863
Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Licensing Act 2003

New premises licence application: Dauns, 77 Wentworth Street, London E1 7TD

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application.

Special Cumulative Impact Policy for the Brick Lane

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.

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.

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 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.

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 CIA if they wish to rebut this presumption.



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.

Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

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.

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.*



Licensable activities and times

The Licensing Authority has had regard to the Guidance to the Act when determining this policy. 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.

- Sunday – 06:00 hours to 22:30 hours
- Monday to Thursday – 06:00 hours to 23:30 hours
- Friday and Saturday – 06:00 hours to 00:00 hours (midnight)

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 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:



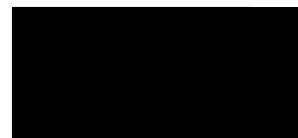
- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (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*

Yours faithfully



Mohshin Ali
Senior Licensing Officer



Appendix 8

Corinne Holland

From: Licensing
Sent: 15 November 2021 15:42
To: Corinne Holland
Subject: FW: Dauns 77 Wentworth Street, conditions agreed

From: MARK.J.Perry [REDACTED]
Sent: 15 November 2021 15:36
To: [REDACTED]
Cc: Licensing <[REDACTED]>
Subject: Dauns 77 Wentworth Street, conditions agreed

Hi Richard,

Thanks for getting back to me and agreeing conditions.

Tower Hamlets Council Licensing please see the conditions below agreed with the applicant.

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



From: rickard daun <[REDACTED]>
Sent: 10 November 2021 21:55
To: Perry Mark J - CE-CU <[REDACTED]>
Subject: Re: Premises License Application

Dear Mark,
Thank you for your email.
We accept all of the conditions outlined in your email.

We have already planned to install CCTV and will have it installed before the opening day around the 10th of December.

Kind regards
Rickard

Business owner: Rickard Daun

Email: [REDACTED]

Homepage: [DAUNS](#)

Mobile: [REDACTED]

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



From: [MARK.J.Perry](#) [REDACTED] >

Sent: Wednesday, 10 November 2021 20:03

To: rickard daun <[REDACTED]>

Subject: Premises License Application

Hi Ernst,

I am Pc Mark Perry from Central East Licensing and I am dealing with your application. I have no objection in principle to your application, but would like the following conditions added to your license:

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

3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. 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.

Please let me know if these conditions are acceptable or if you wish to discuss them.

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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Appendix 9

Corinne Holland

From: Nicola Cadzow
Sent: 17 November 2021 11:19
To: Licensing
Cc: mark.j.perr [REDACTED] Barry.D.Leban@[REDACTED]; rickard daun
Subject: 142756 New premise license application for Dauns 77 Wentworth Street London

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have no objections to the new premise license application for Dauns 77 Wentworth Street London, following agreement by the applicant to the addition of the following noise conditions (see also email trail):-

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Kind regards

Nicola Cadzow
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

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From: rickard daun [REDACTED] >
Sent: Wednesday, November 17, 2021 10:44 AM
To: Nicola Cadzow <[REDACTED]>
Subject: Re: 142756 New premise license application for Dauns 77 Wentworth Street London

Correct

Rickard

Business owner: Rickard Daun

Email: [REDACTED]

Home page: [DAUNS](#)

Mobile: [REDACTED]

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



From: Nicola Cadzow <[REDACTED]>
Sent: Wednesday, 17 November 2021 10:37
To: rickard daun [REDACTED]
Cc: [mark.j.perry](#) [REDACTED]; [Barry.D.Leban](#) [REDACTED]
<[REDACTED]>
Subject: 142756 New premise license application for Dauns 77 Wentworth Street London

Dear Rickard,

For clarity are you saying you confirming you agree to both conditions as below:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Kind regards

Nicola Cadzow
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

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From: rickard daun [REDACTED]
Sent: Wednesday, November 17, 2021 10:30 AM
To: Nicola Cadzow [REDACTED] >
Subject: Re: 142756 New premise license application for Dauns 77 Wentworth Street London

Morning, understand, yes I confirm you are agreeing to both conditions.

Kind regards
Rickard

Business owner: Rickard Daun
Email: [REDACTED]
Homepa e: [DAUNS](#)
Mobile: [REDACTED]
[Instagram](#) | [Facebook](#) | [Twitter](#)



From: Nicola Cadzow <[REDACTED]>
Sent: Wednesday, 17 November 2021 09:27
To: rickard daun <[REDACTED]>
Cc: [mark.j.perry](#) <[REDACTED]>; [Barry.D.Leban](#) <[REDACTED]>
<[REDACTED]>
Subject: RE: 142756 New premise license application for Dauns 77 Wentworth Street London

Good morning Rickard,

Thank you for your email.

It is not just through windows that sound and vibration will travel through a property, so can you confirm you are agreeing to both conditions?

Regards

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

www.towerhamlets.gov.uk

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From: rickard daun <[REDACTED]>
Sent: Monday, November 15, 2021 5:13 PM
To: Nicola Cadzow <[REDACTED]>
Cc: [mark.j.perry](#) [REDACTED] [Barry.D.Leba](#) [REDACTED]
Subject: Re: 142756 New premise license application for Dauns 77 Wentworth Street London

Dear Nicola,
thanks for your email

1. I can confirm I will not use loudspeakers at the entrance lobby or outside.
It is also no windows that are able to open at the premises so no sound will travel out if door is closed.
2. I can confirm nothing fitted at the coffee shop will apply to this.

Kind regards
Rickard

Business owner: Rickard Daun

Email: [REDACTED]

Homepa e: [DAUNS](#)

Mobile: [REDACTED]

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



From: Nicola Cadzow <Nicola.Cadzow>
Sent: Monday, 15 November 2021 12:55
To: rickard daun <info>
Cc: mark.j.perry; <mark.j.perry> Barry.D.Leban
Subject: 142756 New premise license application for Dauns 77 Wentworth Street London

Dear Mr Daun,

I am reviewing your premises license application for Dauns 77 Wentworth Street London, with particular attention to the licensing objective for the prevention of public nuisance, and would ask that the following noise conditions apply as below:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Await your confirmation

Kind regards

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

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Appendix 10

Prevention of Public Nuisance

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

Appendix 11

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

Updated April 2018

Public nuisance

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

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

Appendix 12

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 13

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

Updated April 2018

Crime and disorder

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

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

Appendix 14

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

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

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

Appendix 15

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

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:

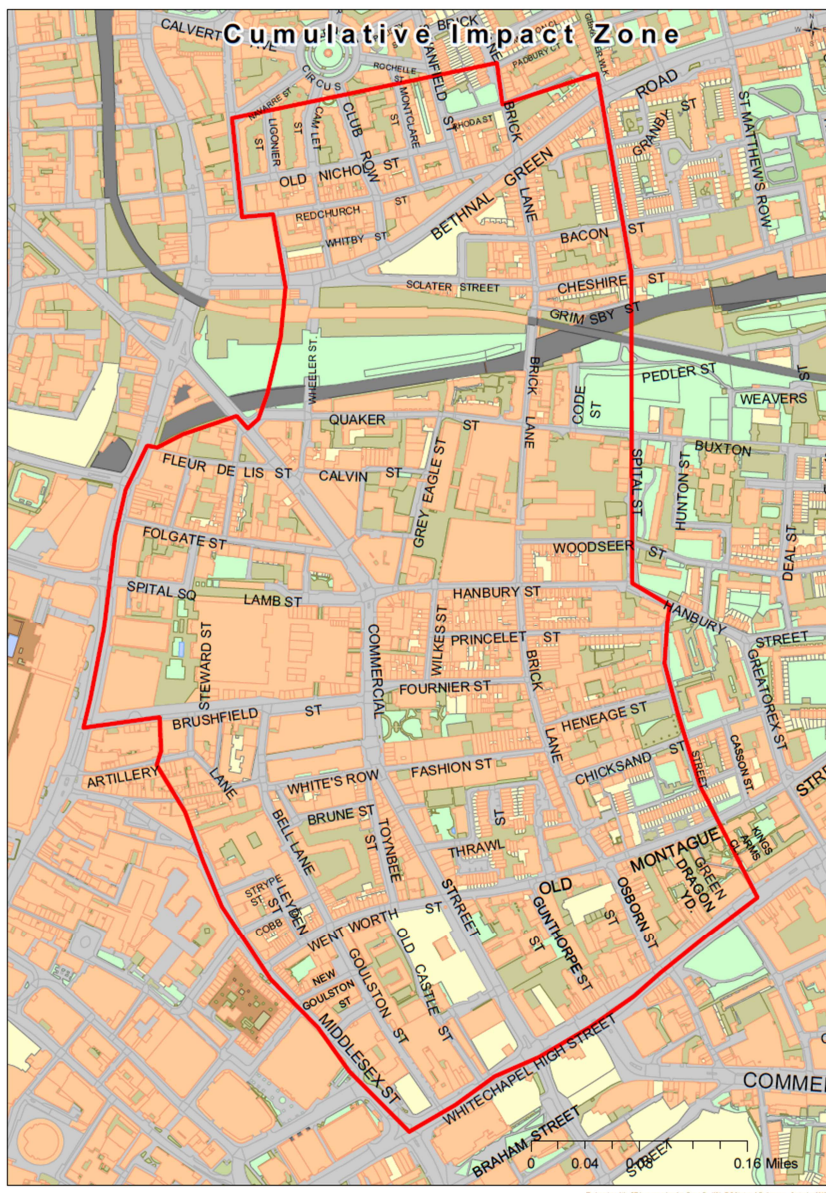
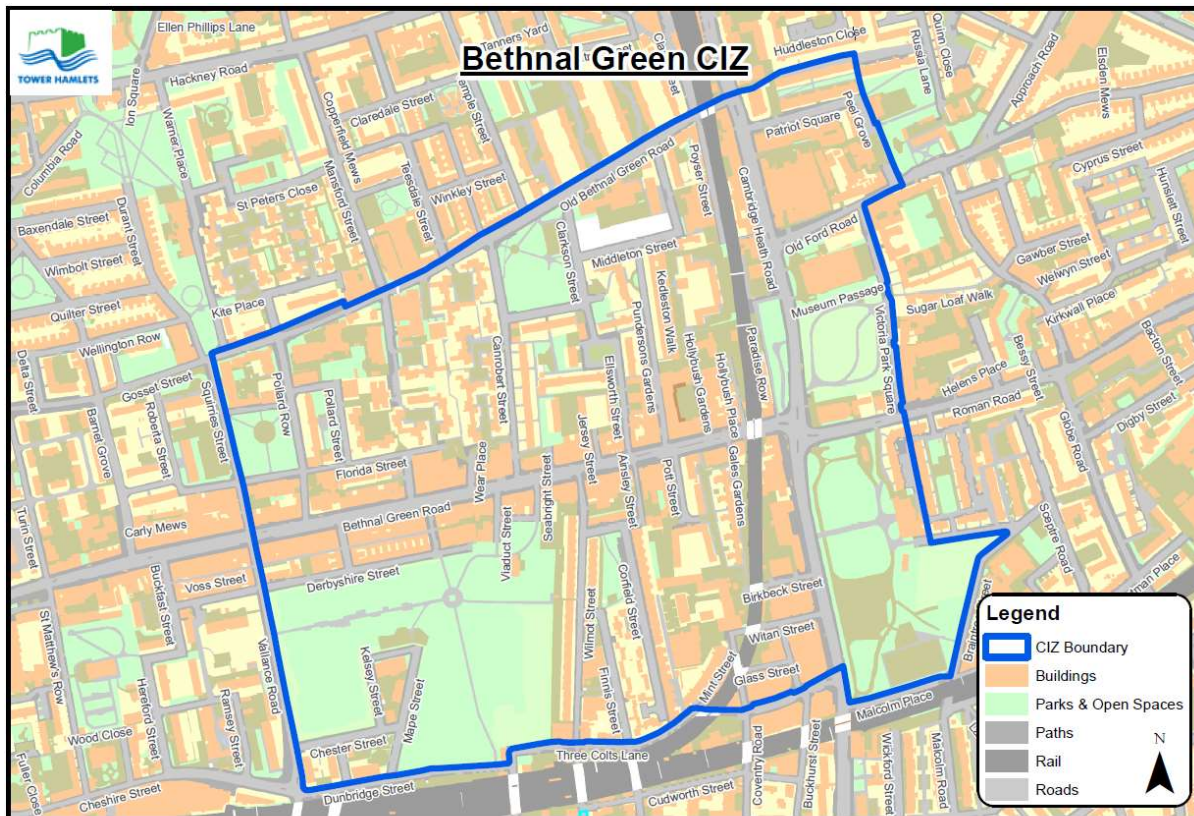
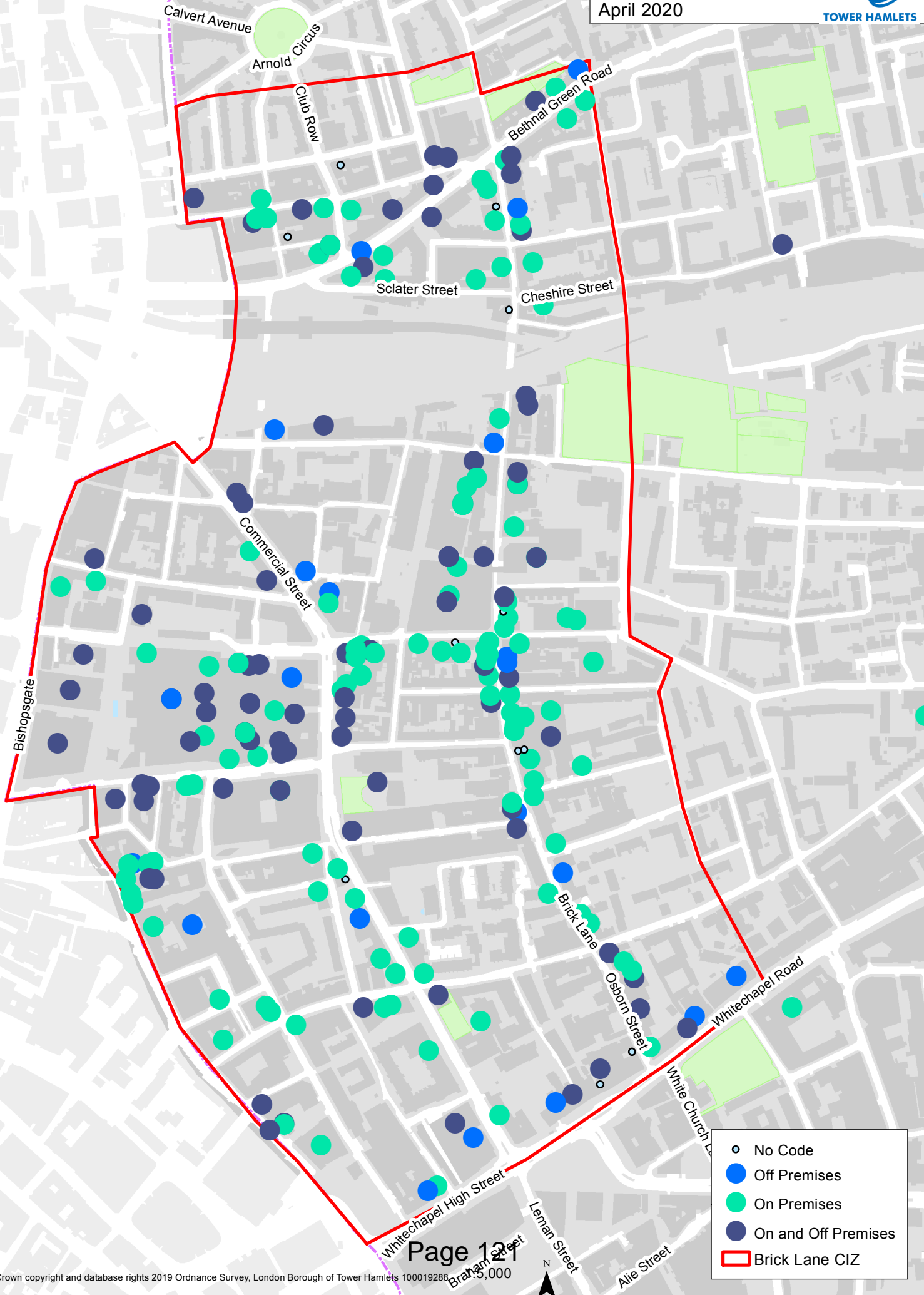


Figure Two:

Bethnal Green Area





Appendix 16

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 17

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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: Licensing Sub Committee	Date	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Poplar Spice, 201 East India Dock Road, London, E14 0ED Ward affected: Lansbury
--	--

1.0 Summary

Applicant: **Mohammad Mynul Khan**

Name and Address of Premises: **Poplar Spice**
201 East India Dock Road
London
E14 0ED

Licence sought: **Licensing Act 2003**
Provision of Late-Night Refreshments

Objectors: **Licensing Authority**
Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Poplar Spice, 201 East India Dock Road, London, E14 0ED.
- 3.2 The applicant has described the premises as: A restaurant.
- 3.3 This premise has had a licence since January 2015. The Premise Licence Holder was a company called London East Communications Ltd of which the applicant, Mohammad Mynul Khan was the Director. Companies House shows this company dissolved in September 2018. This only came to light in October 2021 when the applicant was written to, by the Licensing Authority, and informed that the licence had lapsed.
- 3.4 A copy of the lapsed licence is included to information purposes only – **Appendix 1**
- 3.5 A copy of the application is shown in **Appendix 2**.
- 3.6 The hours applied for are as follows:

Provision of Late Night Refreshments (indoors)

Monday – Sunday 23:01 – 02:00 hours
(note times states 23:01 and not 23:00 hours)

Opening times

Monday – Sunday 11:00 hours – 23:00 hours
Monday – Sunday 23:01 hours – 02:00 hours

4.0 **Location and Nature of the premises**

- 4.1 The site plan of the venue is included as **Appendix 3**.
- 4.2 Maps showing the vicinity are included as **Appendix 4**.
- 4.3 Photographs of the premises are included in **Appendix 5**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 6**.

5.0 **Licensing Policy and Government Advice**

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

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

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 7**.
- 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 8**
 - A.Ahmed – **Appendix 9**
 - K.Uddin – **Appendix 10**
 - S.Miah – **Appendix 11**

 - Correspondence from applicant's agent to LA – **Appendix 12**

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
 - Crime & disorder
- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

1. CCTV surveillance is installed inside and immediately outside the premises to deter and record disorderly behaviour. Signs will be displayed inside the premises to notify visitors of CCTV surveillance. The CCTV recordings will be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
2. At all times when the premises is open, a person who can operate the CCTV system will be present on the premises.
3. An incident report log book is kept in the premises.
4. Signs will be displayed prominently to notify visitors to be considerate of the neighbours and leave quietly.
5. Any delivery service will be arranged with non-motoring vehicle services i.e. Deliveroo; to avoid motoring noise, parking and pollution nuisance.
6. The extraction system is fitted with attenuation and filtration units, to avoid noise and odour nuisance; fan power level will be kept at minimum to reduce noise level during late night hours.
7. Visiting children will be required to be supervised by adults during the late night hours after 21:00 hours. Signs will be clearly displayed to notify visitors of this. On site supervisor will monitor the age of customers.

8.0 Conditions Agreed/Requested by Responsible Authority

None

9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

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

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 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)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 13 - 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

Appendix 1	A copy of lapsed licence
Appendix 2	Copy of application
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Photographs of the premises
Appendix 6	Other licensed venues in the area
Appendix 7	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 8	Representations from Licensing Authority
Appendix 9 -11	Resident Representations
Appendix 12	Correspondence from applicant's agent
Appendix 13	Licensing Officer comments on public nuisance
Appendix 14	S182 advice on public nuisance
Appendix 15	Licensing Officer comments on crime & disorder
Appendix 16	S182 advice on crime & disorder
Appendix 17	Licensing Policy relating to hours of trading
Appendix 18	Planning

Appendix 1

(Poplar Spice)
201 East India Dock Road
London
E14 0ED

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 20th January 2015



Part A - Format of premises licence

Premises licence number

17303

Part 1 - Premises details

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

(Poplar Spice)
201 East India Dock Road

Post town

London

Post code

E14 0ED

Telephone number

[REDACTED]

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The provision of late night refreshment

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

The opening hours of the premises

- Monday to Sunday from 11:00hrs to 02:00hrs (the following day)

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

Not applicable

Part 2

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

London East Communications Ltd
201 East India Dock Road
Poplar
London
E14 0ED

Tel: [REDACTED]

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

Company Number: 08625753

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

Not Applicable

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

Not Applicable

Annex 1 - Mandatory conditions

Not Applicable

Annex 2 - Conditions consistent with the operating Schedule

1. Signage shall be displayed advising patrons to leave the premises quietly.

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

Not applicable

Annex 4 - Plans

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

18th April 2013 – Ground Floor (Drawing Number: PS01, plan dated March 2012)



Part B - Premises licence summary

Premises licence number

17303

Premises details

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

(Poplar Spice)
201 East India Dock Road

Post town

London

Post code

E14 0ED

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The provision of late night refreshment

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

The opening hours of the premises

- Monday to Sunday from 11:00hrs to 02:00hrs (the following day)

Name, (registered) address of holder of premises licence

London East Communications Ltd
201 East India Dock Road
Poplar
London
E14 0ED

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

Not applicable

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

Company Number: 08625753

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

Not Applicable

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

No restrictions

Appendix 2



* 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?

- 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.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

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

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="201"/>
Street	<input type="text" value="East India Dock Road"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E14 0ED"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value="██████████"/>
Non-domestic rateable value of premises (£)	<input type="text" value="1,560.17"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

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

Yes No

Building number or name

District

City or town

County or administrative area

Country

Applicant Contact Details

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

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

Yes No

Telephone number

Other telephone number

* Date of birth

* Nationality

Right to work share code

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

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

Continued from previous page...

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

The premises is of A3 use class, currently trading as a restaurant. There will be no alcohol in the premises. Please see accompanied GA plan.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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 provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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 late night refreshments at different times from those listed in the column on the left, list below

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

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

Continued from previous page...

- As an attachment to this application

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

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

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

In order to provide adequate security, health and safety, nuisance and child protection, there will be various means of protection implemented within the premises to ensure the safety of visitors and general public in and around the premises. To do this effectively there will be: continued use of existing CCTV surveillance; relevant signs to inform visitors; allocated supervisor in the premises to ensure responsibility of compliance with the regulations; all incidents will be logged and recorded in file for the purpose of investigation and review where required. Details of how this will be conformed to is in sections b,c,d and e.

All staff are trained regularly to be competent in dealing with potential hazards and incidents. Records of training are and will be kept up to date.

b) The prevention of crime and disorder

- CCTV surveillance is installed inside and immediately outside the premises to deter and record disorderly behavior
 - Signs will be displayed inside the premises to notify visitors of CCTV surveillance
 - The CCTV recordings will be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority
 - At all times when the premises is open, a person who can operate the CCTV system will be present on the premises
 - An incident report log book is kept in the premises

c) Public safety

- CCTV surveillance is installed inside and immediately outside the premises to protect the safety of public from
 - Appropriate fire safety procedures are in place including fire extinguishers: foam, H2O and CO2, fire blanket
 - Internal illuminated fire exit signs and emergency lighting are installed in the premises
 - Appropriate smoke detectors, fire alarms and alarm points are installed in the premises
 - All appliances and plant systems are inspected regularly to ensure they are in good and safe working order

Continued from previous page...

- All emergency exits shall be kept free from obstruction at all times for use of emergency
- Clear instructions of designated emergency meeting point is displayed in the premises
- First aid kit is kept in a visible place in the premises at all times
- No smoking is allowed within or immediately outside the premises and signs will be displayed to notify visitors of this

d) The prevention of public nuisance

- Signs will be displayed prominently to notify visitors to be considerate of the neighbors and leave quietly
- Any delivery service will be arranged with non-motoring vehicle services i.e. Deliveroo; to avoid motoring noise, parking and pollution nuisance
- The extraction system is fitted with attenuation and filtration units, to avoid noise and odour nuisance; fan power level will be kept at minimum to reduce noise level during late night hours

e) The protection of children from harm

- Visiting children will be required to be supervised by adults during the late night hours after 21:00 hours
- Signs will be clearly displayed to notify visitors of this
- On site supervisor will monitor the age of customers

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

100.00

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

Abul Kawsar

* Capacity

Architect

* Date

20 / 10 / 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

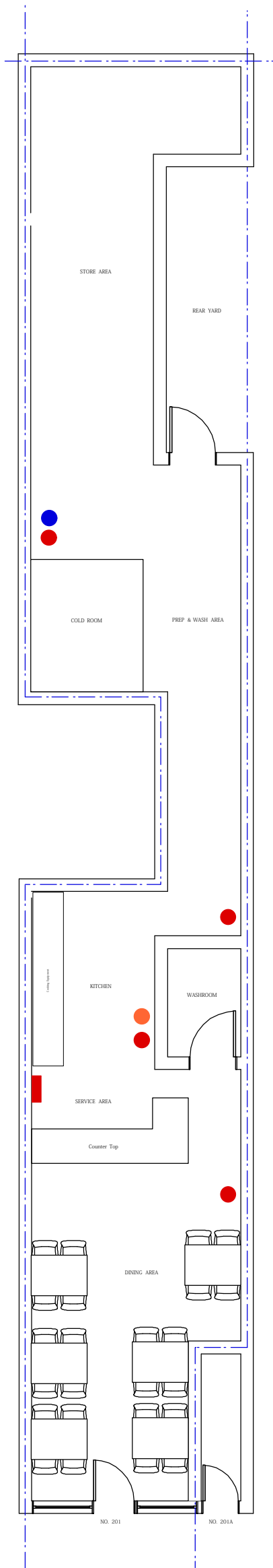
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

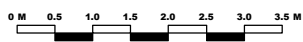
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Approval deadline	<input type="text"/>
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Appendix 3



KEY	
	CO2 EXTINGUISHER
	WET CHEMICAL EXTINGUISHER
	FOAM EXTINGUISHER
	FIRE BLANKET



1:100
Existing Floor Plan

NOTE:

This drawing is copyright and may not be reproduced without the permission of Tectonics Architecture & Build.
 All dimensions are to be checked on site and any discrepancies between this drawing and any other information given elsewhere must be reported to Tectonics before works proceed.
 No responsibility is accepted for errors made by third parties in scaling from this drawing.
 All construction information should be taken from figured dimensions only.
 All drawings to be read in conjunction with the specification reports where applicable, and all works to be carried out in accordance with the latest British Standards codes of practice.
 PLANNING DRAWINGS ARE NOT TO BE USED FOR THE PURPOSE OF BUILDING REGULATIONS. REFER TO OTHER DRAWINGS WHERE SPECIFIED.

APPLICANT: MD ALTAMASUL ISLAM KHAN
SITE: 201 EAST INDIA DOCK RD, E14 0ED

PROPOSAL: LATE NIGHT LICENCE
TITLE: EXISTING FLOOR PLAN

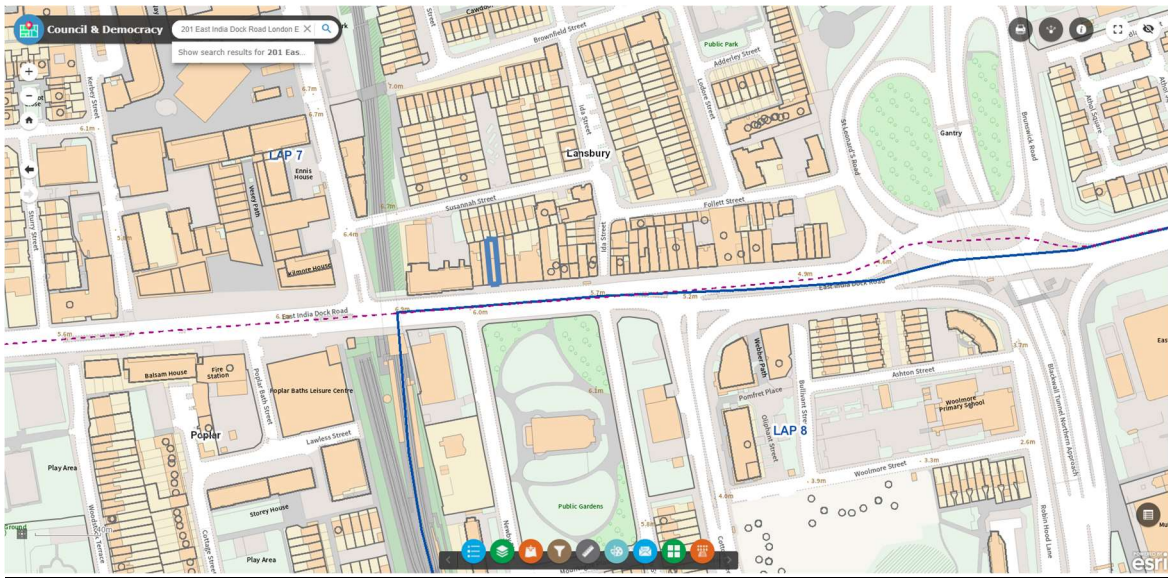
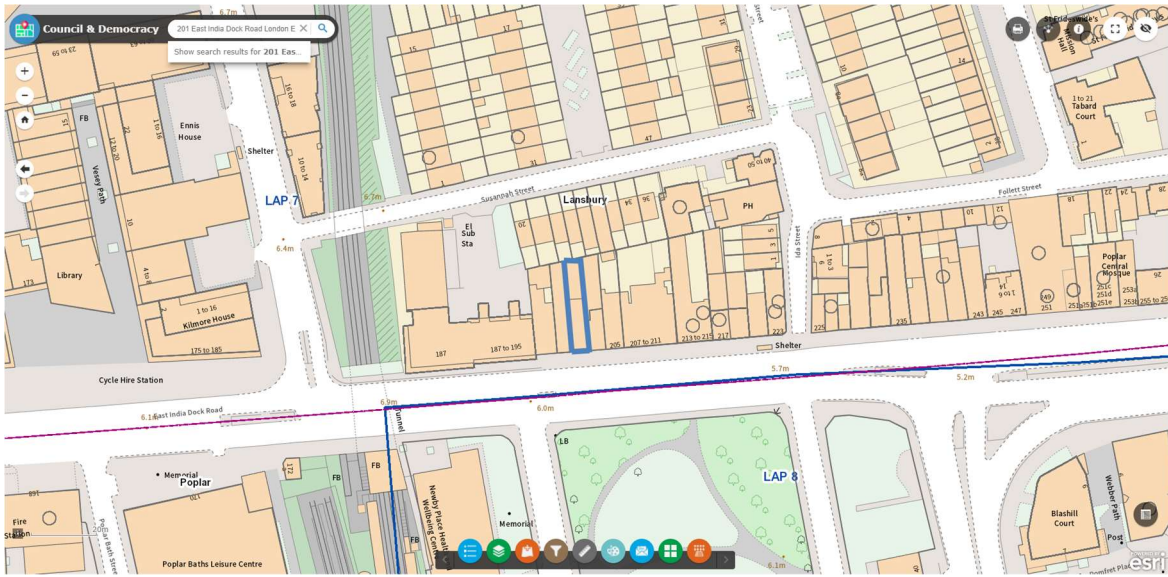
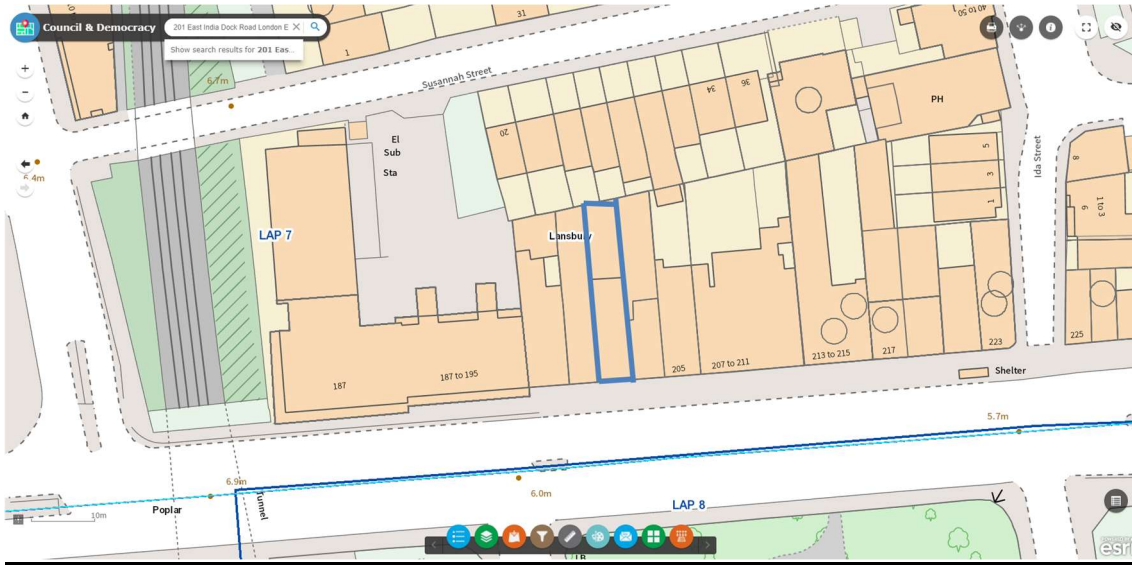
Scale : 1:100 @A3 Date: 20-10-21 Drawing No: GA-01 Revision No: 01

This Drawing is Copyright Project No. : A040/E14201 Drawn By: AK



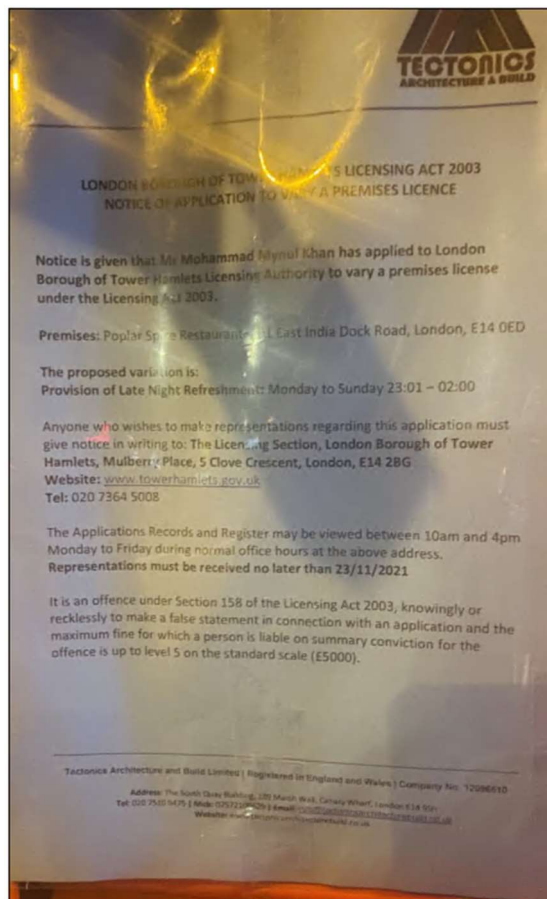
Appendix 4

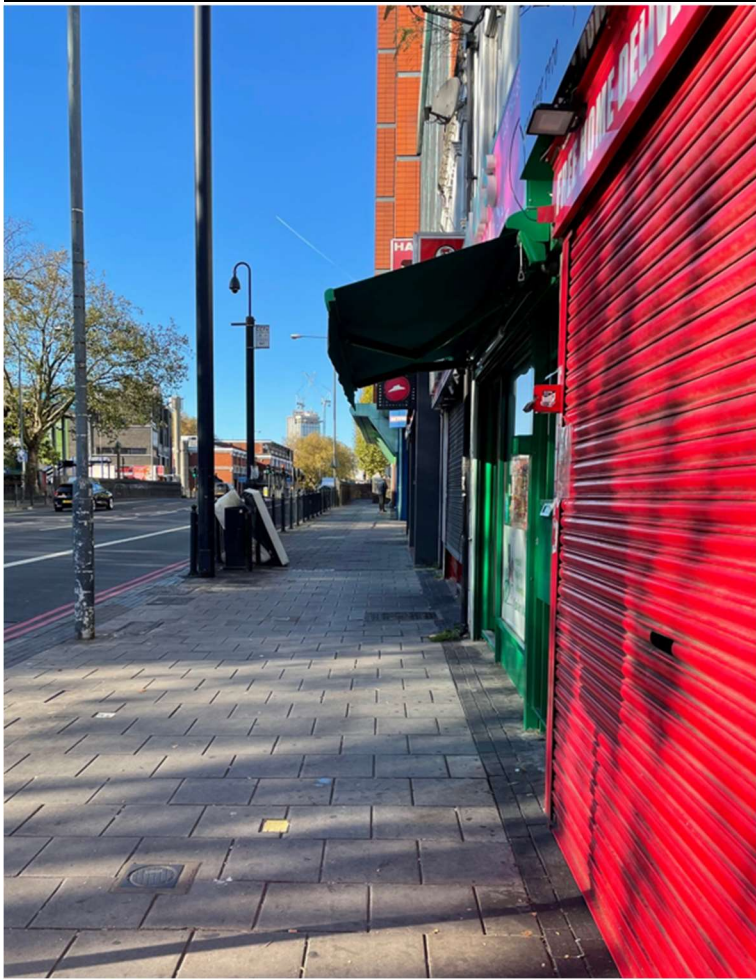
Maps – 201 East India Dock Road



Appendix 5

Photos – 201 East India Dock Road







Appendix 6

201 East India Dock Road - Nearest licences

Name and address	Licensable activities and hours	Opening hours
(Nisa) 175-179 East India Dock Road	<u>The sale by retail of alcohol(off sales)</u> Monday – Sunday from 07:00 to 23:00 hours	Monday - Sunday from 07:00 to 23:00 hours
(Perfect Fried Chicken) 197 East India Dock Road	<u>Late Night Refreshments</u> Monday to Sunday 23:00 hours – 02:00 hours (the following day)	Monday to Saturday from 11:00 hours – 02:00 hours (the following day)
(Kaymaks Off Licence) 203 East India Dock Road	<u>The sale by retail of alcohol (off sales)</u> Monday - Sunday 08:00 hours to 02:00 hours the following day	Monday – Sunday 08:00 hours to 02:00 hours the following day.
(Poplar Mini Market) 205 East India Dock Road	<u>Sale by retail of alcohol (off sales)</u> <ul style="list-style-type: none"> • Sunday to Wednesday 08:00 hours to midnight • Thursday to Saturday 08:00 hours to 01:00 hours the following days 	<ul style="list-style-type: none"> • Sunday to Wednesday 08:00 hours to midnight • Thursday to Saturday 08:00 hours to 01:00 hours the following days
(Han Restaurant) 213 East India Dock Road	<u>Late Night Refreshment</u> <ul style="list-style-type: none"> • Sunday to Thursday 23:00 hours to 23:30 hours • Friday and Saturday 23:00 hours to midnight • Christmas Eve, New Years Eve and Chinese New Years Eve 23:00 hours – 01:00 hours <u>Supply of alcohol (on sales)</u> <ul style="list-style-type: none"> • Sunday to Thursday 12:00 hours to 23:30 hours • Friday and Saturday 12:00 hours to midnight • Christmas Eve, New Years Eve and Chinese New Years Eve 23:00 hours – 01:00 hours 	<ul style="list-style-type: none"> • Sunday to Thursday 12:00 hours to 23:30 hours • Friday and Saturday 12:00 hours to midnight • Christmas Eve, New Years Eve and Chinese New Years Eve 23:00 hours – 01:00 hours
(Costcutter) 219 East India Dock Road	<u>The sale by retail of alcohol (off sales)</u> Monday - Sunday from 06:00 hours to 02:00 hours the following day	Monday - Sunday 06:00 hours to 02:00 hours the following day
(Spice Hut) 221 East India Dock Road	<u>The Provision of Late Night Refreshments (inside & outside)</u> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00 hrs to 01:00 hrs (the following day) • Friday and Saturday from 23:00 hrs to 02:00 hrs (the following day) 	<ul style="list-style-type: none"> • Sunday to Thursday from 11:00 hrs to 01:00 hrs (the following day) • Friday and Saturday from 11:00 hrs to 02:00 hrs (the following day)

Appendix 7

**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 8

Licensing Authority :

[Corinne.Holland](#) [REDACTED]

CC: Applicant's agent – Abul Kawsar
[REDACTED]

23rd November 2021

Your reference

My reference: LIC/142900/MA

Dear Sir/Madam,

Licensing Act 2003

New premises licence application: Poplar Spice, 201 East India Dock Road, London E14 0ED

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

- *the prevention of public nuisance*

Licensable activities and times

The applicant has applied for the provision of late night refreshment (indoors) for the following hours:

- Monday to Sunday, from 23:01 to 02:00 hrs the following day

It is not clear what the applicant intends to do between 23:00 hrs to 23:01. This will need to be clarified as technically there could be a breach of licence.

Licensable activities and times

The Licensing Authority has had regard to the Guidance to the Act when determining this policy. 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.

- *Sunday - 06:00 hours to 22:30 hours*
- *Monday to Thursday - 06:00 hours to 23:30 hours*
- *Friday and Saturday - 06:00 hours to 00:00 hours (midnight)*

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.

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

- 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 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."*

It is noted the London East Communications Ltd (lapsed) had a licence until 02:00 hrs and the new individual applicant Mohammed Mynul Alam KHAN was the director.

This Authority is concerned that allegations have been made that the premises has been conducting licensable activities beyond licensed times. The Licensing Authority's warning letter dated 8th July 2021 is attached. There are also previous complaints as follows:

- 08/06/2021, alleging the premises has been trading until 03:00 hrs
- 16/12/2020, breach of covid 19 curfew



On a balance of probability, the above allegations show there is a concern that the premises may be unable to comply with the Licensing Act 2003. However, in the two recent visits by the Licensing Authority the premises was found to be compliant.

The Licensing Authority may consider withdrawing this representation if the applicant is able to provide assurance that the Licensing Act 2003 would not be breached by offering appropriate conditions for the promotion of the licensing objectives.

In addition, I would also ask the applicant to accept the following conditions:

1. *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.*
 - (a) *All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
 - (b) *The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*
 - (c) *All recordings shall be stored for a minimum period of 31 days with date and time stamping.*
 - (d) *Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
2. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
3. *An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.*
4. *Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.*

Yours faithfully


Mohshin Ali
Senior Licensin Officer

London East Communications Ltd
201 East India Dock Road
Poplar
London
E14 0ED

PLACE Directorate
Public Realm

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

8th July 2021

Your reference
My reference: EHTS/LIC/CMU - 105901/MA

Tel: 020 7364 5498
Fax: 020 7364 0863
Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Premises: (Poplar Spice), 201 East India Dock Road, London E14 0ED
Licence number: 17303

I write to you as the licence holder of the above premises. The Licensing Authority has received a complaint (on the 29th June 2021) alleging that you are conducting licensable activities past 03:00 hours and making a lot of noise.

Please be advised that your licensed times are as follows:

“The provision of late night refreshment

- *Monday to Sunday from 23:00hrs to 02:00hrs (the following day)*

The opening hours of the premises

- *Monday to Sunday from 11:00hrs to 02:00hrs (the following day)”*

In addition you have the following condition on your licence:

“Annex 2 - Conditions consistent with the operating Schedule

1. *Signage shall be displayed advising patrons to leave the premises quietly”.*

I must advise you that:

A breach of a condition of the licence is a criminal offence.

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please be advised that you also have a duty to comply with the four licensing objectives, namely:

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

Please be advised that responsible authorities/other persons can trigger a review of your premises licence if the licensing objectives are not being promoted or if the conditions of the licence are being breached. If the review gets triggered then the application will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-committee. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

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

Your premises will be monitored for compliance of the Licensing Act 2003. Should you be found to be in breach of the licence, enforcement action may be sought in the form of a prosecution or a review of the licence. The issues have been raised with Environmental Health Noise Team and the Met Police Licensing as part of the Licensing Enforcement Forum.

Please also see attached the leaflet regarding Covid-19.

If you are experiencing financial difficulties as a result of Covid-19 please visit the Council's "Coronavirus – support for businesses" webpage where you can find out what the support the Council is able to provide. This page also links directly to the Government Guidance pages that have further information relating to business support that might be available.

https://www.towerhamlets.gov.uk/lqnl/business/Coronavirus_business.aspx

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to the attention of the premises holder, and invite you to make any comments you consider appropriate.

Yours faithfully



Mohshin Ali

Senior Licensing Officer





Hands



Face



Space



Fresh air



Coronavirus Business Restrictions (Hospitality) **(Step 3 Restrictions, Post 17th May 2021)**

• **Risk assessment**

Review the Risk Assessment. Controls Measures must be adequate to reduce the risk of coronavirus transmission as far as reasonably practicable.

Risk Assessment and Control Measures must have regard to the Governments Guidance: Working safely during coronavirus and the Coronavirus Business Restrictions detailed in the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

The Risk Assessment also needs to consider:

- Safe capacity and how this will be managed
- Safe queuing and how this will be managed
- Measures to prohibit those with symptoms of coronavirus from entering, see link for symptoms: <https://www.nhs.uk/conditions/coronavirus-covid-19/symptoms/>

Playing of music, dancing and singing

Government Guidance on Working safely during coronavirus, stresses that venues need to take all reasonable steps to:

- Prevent singing or dancing on the premises; and
- Prevent music being played on the premises which could cause people unduly needing to raise their voices

This is to reduce transmission of coronavirus through contact and aerosol spread.

Guidance and Support

Tower Hamlets Coronavirus Support for Businesses web page provides links to the Health and Safety Executive (HSE) pages on “Working Safety with Coronavirus” and their template risk assessments. It also provides information on support available locally and nationally.

https://www.towerhamlets.gov.uk/lqnl/business/Coronavirus-business/Coronavirus_business.aspx

• **Take Away Food and Drink (including Alcohol)**

Restricted Businesses are permitted to sell food or drink for consumption off the premises, i.e. to be consumed away from the premises.

In respect of Off Sales of Alcohol Tower Hamlets expects venues to:

1. take proactive steps to prevent customers loitering/gathering in the immediate vicinity of the premises to consume alcohol.
(This is not in respect to venues permitted outside areas covered by either the Premises Licence or Pavement Licence.)
2. consider the use of their refusal system for customers who are seen causing nuisance (including loitering/gathering in the immediate vicinity).
3. have effective management systems in place to ensure designated outside areas where Table Service is occurring complies with Coronavirus Businesses Restrictions and reduces any negative effect on residents.



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Space



Fresh air



• **Hospitality Restrictions**

Table Service

Restricted Businesses **must**;

- a) where they **sell alcohol** (see below for exception for Cinemas, Theatres, Concert Halls & Sports Grounds);
 - i. only serve food or drink that is ordered by, and served to, a customer who is seated on the premises, and
 - ii. take all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.
- b) Where they do **not sell alcohol**;
 - take all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

Please note that the restrictions in relation to "Table Service" above includes consumption of food or drink on an area adjacent to the Restricted Business:

- where seating is made available for its customers (whether or not by the business or the provider of the service), or
- which its customers habitually use for consumption of food or drink served by the business or service.

Table Service exception for Cinemas, Theatres, Concert Halls and Sports Grounds

These venues who **sell alcohol** do not have to comply with a) above if:

- the food or drink is ordered by a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, and
- the food or drink is served to the customer to consume in the area where the audience is seated at the venue to watch the exhibition, performance or event.

The above exception does not apply where a customer has a seat in a corporate box.

Further exceptions for hospitality businesses are detailed in the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

• **Hospitality Group Restrictions**

Indoors

All hospitality businesses **must**:

- Take all reasonable measures to ensure that no bookings are accepted for a group of more than six persons;
- Take all reasonable measures to ensure that no persons are admitted into the premises in a group of more than six persons;
- Take all reasonable measures to ensure that there is no mingling between groups.

Exceptions to the rule of 6 apply if all the persons are members of no more than two households.

Outdoors

All hospitality businesses **must**:

- Take all reasonable measures to ensure that no bookings are accepted for a group of more than thirty persons;



Hands



Face



Space



Fresh air



- Take all reasonable measures to ensure that no persons are admitted into the premises in a group of more than thirty persons;
- Take all reasonable measures to ensure that there is no mingling between groups.

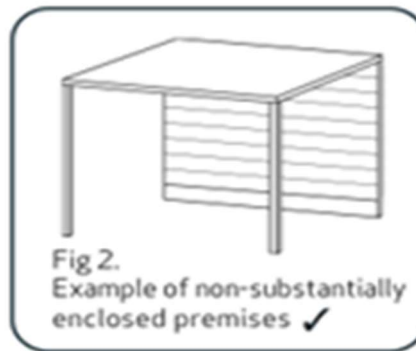
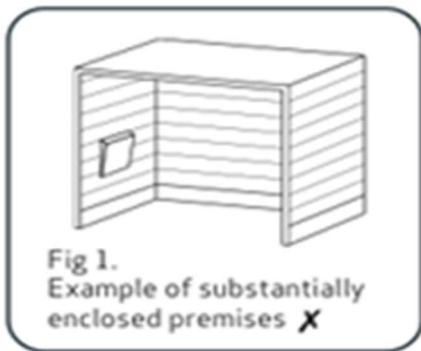
Outdoor/Indoor distinction

A place is indoors if it would be considered to be enclosed, or substantially enclosed, for the purposes of section 2 of the Health Act 2006, under the Smoke-free (Premises and Enforcement) Regulations 2006.

Therefore, care is needed where considering use of marquees or similar outdoor shelters. Such places must:

- have spaces for air that must be not less than 50% of the substantial construction,
- not be wholly enclosed, or substantially enclosed,
- not have sides, including doors, windows or other fittings that can be opened or shut (including curtains), that enclose more than 50% of the shelter.

Below is an example of Substantially and Non-substantially:



• Hospitality and Social Distancing

All hospitality businesses must take all reasonable measures to ensure that an appropriate distance is maintained between tables occupied by persons who are not in the same qualifying group (see rule of six above):

- appropriate distance” means a distance between tables of at least two metres; or one metre, if:
 - o there are barriers or screens between tables; or,
 - o the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or,
 - o other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables.

• Face coverings

Responsible person of a relevant places (indoors) (see link below for list relevant places) must:

- display a notice in a conspicuous location or take other measures to inform people of their legal obligation to wear a face-covering, unless they are exempt; or,
- take other measures to ensure that any person who enters the relevant area without wearing a face covering is given the information that the person is required to wear a face covering unless an exemption applies to the person or the person has a reasonable excuse not to wear a face covering,
- ensure that staff in retail, leisure and hospitality working in any indoor area that is open to the public and where they are likely to come into contact with a member of the public must wear a Face Covering.



Hands



Face



Space



Fresh air



See link below for more guidance:

<https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own>

• **Test and Trace**

All premises that provide food and drink (for consumption on the premises), leisure and tourism services, close physical contact services, services provided for social, cultural and recreational purposes **must**:

- a) Display an official NHS QR Poster.
- b) Request that all customers and visitors scan the NHS QR Code or provide their contact details.
- c) Keep a record of all staff working on their premises and shift times on a given day and their contact details.
- d) Have an alternative method to collect contact details, which doesn't require a smart phone.
- e) Keep these records any contact records securely for 21 days before destroying it and provide this data to NHS Test and Trace if requested.
- f) Adhere to General Data Protection Regulations.

Hospitality businesses **must** also take reasonable steps to refuse entry to those who refuse to provide contact details.

Where there is reason to believe that the individual cannot provide their details because of physical or mental disability or other reason related to their health or is under the age of 16 they are exempt from the above.

See links below for more guidance: <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

• **Self-isolation of workers**

Employers must not knowingly require or encourage someone who is being required to self-isolate to come to work.

Failure to comply with the above may result in financial penalties by way of fines issues against your business.

Please note that the above is not a definitive list of how to comply with Covid-19 restrictions and you should visit the Government and Health and Safety Executive Guidance in the Council's support for businesses page below.

Useful links

Tower Hamlets: Coronavirus – support for businesses

https://www.towerhamlets.gov.uk/lgn/business/Coronavirus-business/Coronavirus_business.aspx

Government Guidance on Closing certain businesses and venues in England

<https://www.gov.uk/government/publications/further-businesses-and-premises-to-close>

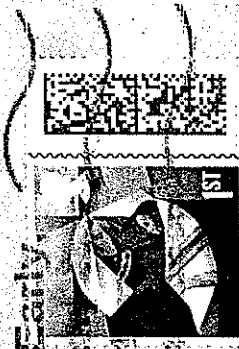
New Temporary off-sales permissions

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

Appendix 9

Royal Mail
Romford
Mail Centre
19/11/2021
20:30:07
245440059

Shop Early
Send Ea
Chris
send.roya



TO

THE LICENSING SECTION

13 OF TOWER HAMLETS

5 CLOVE CRESCENT, MULBERRY PLACE

E14 2BA

A Ahmed



Dear Whoever it may concern

I am writing in concern to the application for a late licence applied for the property of Poplar Spice at 201 east India Dock road E14 0ED.

I would like to leave my comments regarding this application. This business, when it did have its late licence, there's been several occasions I have seen the shutters half down, and customers and drivers outside, which I find severely unfair. Since they have been closed that side of the high road has considerably been better.

Kind regards
A Ahmed

Appendix 10

Royal Mail
Romford
Mail Centre
19111/2021
20.30.16
243445814

Shop Early.

Send Early

Chris

sendroya



To

THE LICENSING SECTION
LONDON BOROUGH OF TOWER HAMLETS
MULBERRY PLACE
5 CLOVE CRESCENT
E14 2BA

Mr Kamal Uddin



Dear Licensing Team

I am writing to appeal against the application for a late premises licence applied for the property 201 east India Dock road E14 0ED. I recently found out that they lost their late licence which has been good for the neighbourhood for the last month or so. I am the landlord of [REDACTED] east India Dock road E14 0ED, and I have received many complaints from my tenants and guests that stay at my rooms above about them abusing their late licence. I myself when I have stayed there have seen the store after 2am, when other shops are shut or shutters down, I have seen customers being served with their shutters half down and the shop still being open and running reduced after 2am. I would advise against granting them their licence again up until 2am.

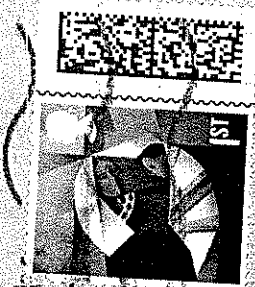
Kind regards

Mr Kamal Uddin

Appendix 11

Royal Mail
Romford
Mail Centre
1911 102021
20 00 10
2434 10012

Shop Early
Send Early
Christmas
send.royalmail



TO

THE Licensing section
London borough of Tower Hamlets
Mulhens Place
5 Clove Crescent
E14 2BA

Shopon Miah



Dear Whoever it may concern

I am writing in concern to the application for a late licence applied for the property of Poplar Spice at 201 east India Dock road E14 0ED.

I would like to leave my comments regarding this application. I believe granting another late licence to this road will be detrimental to the high street. This property in question, has always had complaints from my tenants, at my properties in the local area, for not following the late licence rules completely which causes people to still be loitering around the high road, which feels unsafe when walking past.

Kind regards

Shopon Miah

Appendix 12

Corinne Holland

From: Tectonics Architecture & Build <[REDACTED]>
Sent: 09 December 2021 14:17
To: Mohshin Ali; Corinne Holland
Subject: RE: LA Rep: Poplar Spice, 201 East India Dock Road, London E14 0ED
Attachments: IMG-20211125-WA0000.jpg; IMG-20211125-WA0001.jpg; IMG-20211125-WA0003.jpg; IMG-20211125-WA0004.jpg; IMG-20211130-WA0008.jpg; IMG-20211130-WA0009.jpg; IMG-20211202-WA0000.jpg; IMG-20211209-WA0000.jpg; IMG-20211209-WA0001.jpg; IMG-20211209-WA0002.jpg; IMG-20211209-WA0003.jpg; IMG-20211209-WA0004.jpg; IMG-20211209-WA0005.jpg; IMG-20211209-WA0006.jpg

Dear Mr Ali,

In order to comply with the Licensing Act 2003, my client has implemented/will implement the following:

1. New CCTV cameras will be installed to the front of the premises to identify every person entering and exiting the premises, this is in addition to the CCTV surveillance already in existing in the premises. The recordings will be continuous during the hours of operation in line with the licensable activities, and stored for a minimum of 31 days with date and time stamped.
2. A competent supervisor will be available in the premises at all times during hours of operation.
3. An incident log book has been placed within the premises to record all incidents of crime and disorder, to be made available to the Authorities upon request.
4. Signs have been prominently displayed inside and out of the premises to ensure visitors are reminded to respect the local residents.

Please find herewith evidence of the conditions already in place, in the pictures provided in the attachments.

Furthermore, the last orders will be taken 30 minutes prior to closing time to ensure the premises is emptied in time of the licensable hours; and during time between 23.00 - 23.01 the late night changeover will take place and there will be no trading activity taking place within the premises.

I hope all of the above satisfactory, if you have any further concerns please don't hesitate to contact me.

Kind regards,

Abul Kawsar
Architect Technologist (BA Hons)
RTPI Associate

For and on behalf of **Tectonics Architecture & Build**.

Tectonics Architecture & Build is a affiliate member of: Local Authority Building Control | Tower Hamlets Council | Newham Council

[REDACTED]
[REDACTED]

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On 9 December 2021 at 13:25:36 -00:00, Mohshin Ali <Mohshin.Ali [REDACTED]>

Dear Mr Kawsar,

Thank you for your email and accepting the conditions proposed by the Licensing Authority.

However, your client will need to provide assurance that the Licensing Act 2003 would not be breached by offering additional appropriate conditions to promote the licensing objectives. They may wish to think about how the premises will emptied within time.

Also, it is still not clear what the applicant intends to do between 23:00 hrs to 23:01 hrs.

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

[REDACTED]

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

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From: Tectonics Architecture & Build <[REDACTED]>
Sent: 24 November 2021 15:23
To: Mohshin Ali [REDACTED]
Subject: Re: LA Rep: Poplar Spice, 201 East India Dock Road, London E14 0ED

Dear Mr Ali,

I write to you, as the agent acting on behalf of my clients who are the premises owners, in response to the representation made against the new premises licence application for Poplar Spice, 201 East India Dock Road, London E14 0ED.

I have addressed your points of concerns raised in the letter and can assure you moving forwards my clients will be better advised and guided with the activities to be taken place within the premises, in order to comply the all the licensing requirements. They sincerely apologise for past instances of non-compliance where they have unintentionally breached restrictions.

I can now assure you they have been instructed to follow the guidelines and the conditions as set out in your letter, as below:

"1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.

(a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

(b) The CCTV system shall continually record whilst the premises is open for licensable

activities and during all times when customers remain on the premises.

(c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

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

3. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.

4. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises."

If you have any further concerns with regards to this matter please don't hesitate to contact me to take further action.

I look forward to hearing from you.

Kind regards,

Abul Kawsar
Architect Technologist (BA Hons)

RTPI Associate

For and on behalf of **Tectonics Architecture & Build**.

Tectonics Architecture & Build is a affiliate member of: Local Authority Building Control | Tower Hamlets Council | Newham Council



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On 23 November 2021 at 17:31:34 -00:00, Mohshin Ali < wrote:

Licensing Authority:

[Corinne.Holland](#) 

CC: Applicant's agent – Abul Kawsar



23rd November 2021

Your reference

My reference: LIC/142900/MA

Dear Sir/Madam,

Licensing Act 2003
New premises licence application: Poplar Spice, 201 East India Dock Road,
London E14 0ED

Please see attached the Licensing Authority's (responsible authority) representation.

Kind regards,

Mohshin Ali

Senior Licensing Officer

Licensing and Safety Team

Environmental Health & Trading Standards

Place Directorate

Mulberry Place

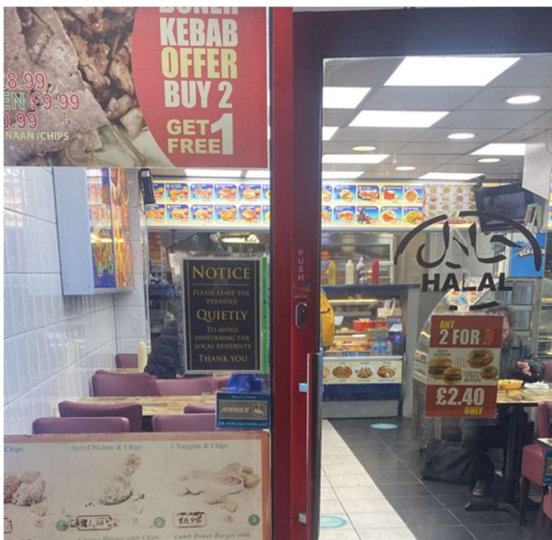
5 Clove Crescent

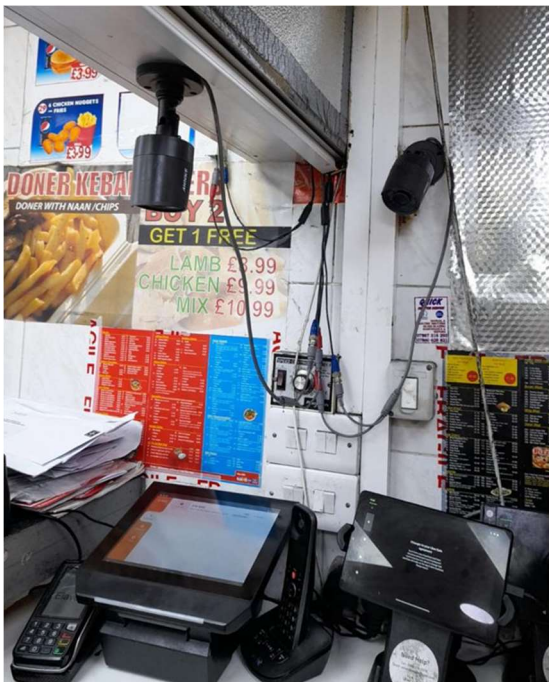
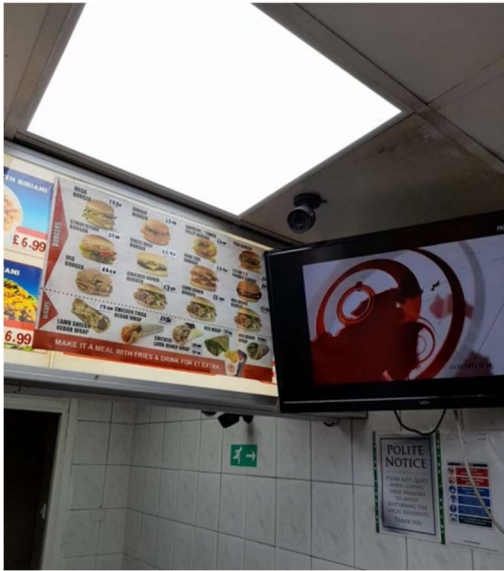
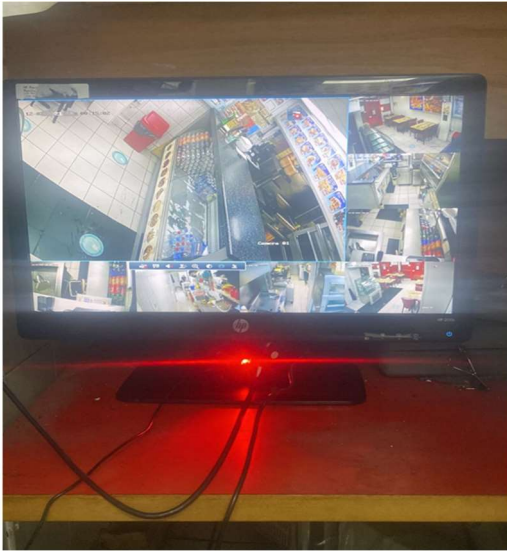
London E14 2BG



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

Agents Photos sent 09/12/21







Appendix 13

Prevention of Public Nuisance

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

Appendix 14

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 15

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 16

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 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.

Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee		Unclassified		

Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (Tower Hamlet's Pizza) 479 Cambridge Heath Road, London, London E2 9BU Ward affected: St. Peter's
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1.0 Summary

Licence holder:	Mr Haroon Hamidi
Name and	Tower Hamlet's Pizza
Address of Premises:	479 Cambridge Heath Road London E2 9BU
Licence sought:	Licensing Act 2003 - variation <ul style="list-style-type: none">To extend the times for the provision of late night refreshment
Representations:	Environmental Protection

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">Guidance Issued under Section 182 of the Licensing Act 2003Tower Hamlets Licensing PolicyFile		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a variation of a premises licence for (Tower Hamlet's Pizza) 479 Cambridge Heath Road, London, London E2 9BU.

3.2 A copy of the existing licence is enclosed as **Appendix 1**. The timings are as follows:

“The provision of late night refreshment - Indoors

- *Sunday to Thursday, from 23:00 hours to 01:00 hours the following day*
- *Friday and Saturday, from 23:00 hours to 02:00 hours the following day*

The opening hours of the premises

- *Sunday to Thursday, from 11:00 hours to 01:30 hours the following day*
- *Friday and Saturday, from 11:00 hours to 02:30 hours the following day”*

3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the variation as follows:

“... We would like to increase our delivery hours because business is busiest after 0200 which is the time on our current license. Our business would be majorly affected if this change doesn't happen...”

3.4 The licensable activities and timings that have been applied for are as follows:

“The provision of late night refreshment - Indoors

- *Monday to Sunday, from 23:00 hours to 05:00 hours the following day*

The opening hours of the premises

- *Monday to Sunday, from 11:00 hours to 05:00 hours the following day*

4.0 **Location and Nature of the premises**

4.1 Maps of the venue are included as **Appendix 3**.

4.2 Photographs showing the vicinity are included as **Appendix 4**.

4.3 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 **Licensing Policy and Government Advice**

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

- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in November 2021.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Protection (see **Appendix 6**)
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning Department
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.4 Essentially, the relevant party opposes the application because the applicant has not explained how within the context of the application they will meet the licensing objective(s), particularly the prevention of public nuisance.
- 6.5 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

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

7.0 Conditions consistent with Operating Schedule

7.1 The following are conditions are contained within the existing premises licence:

“Annex 2 - Conditions consistent with the operating Schedule

1. *A CCTV system shall be put in place; the cameras are to be of sufficient quality so that people’s faces are clearly identifiable from the footage.*
 - a. *The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.*
 - b. *The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours.*
 - c. *While the premises are open to the public a member of staff must be on duty who can operate the CCTV system*
2. *Customers will not be sought by means of personal solicitation outside or in the vicinity of the premises.*
3. *Prominent, clear and legible notices shall be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.*
4. *Customers shall not be admitted to the premises beyond the opening hours*
5. *All details provided in staff training record book shall be made available to an authorise officer on request.*
6. *Log Book shall be kept on the premises and made available to an authorised officer on request”.*

7.2 No additional enforceable conditions have been offered as part of this variation.

8.0 Conditions in consultation with the responsible authorities/other person

8.1 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 simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart

from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.4 Guidance issued under section 182 of the Licensing Act 2003

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

Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.5 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.8 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.9 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.10 In **Appendices 7 - 11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Maps of the venue
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Representation of Environmental Protection
Appendix 7	Licensing Officer comments on noise while the premise is in use
Appendix 8	Licensing Officer comments on access/egress problems
Appendix 9	Planning
Appendix 10	Licensing Policy relating to hours of trading
Appendix 11	Tower Hamlets Cumulative Impact Zone

Appendix 1

(Pizza Pizza)
479 Cambridge Heath Road
London
E2 9BU

Licensable Activities authorised by the licence

The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 16th January 2018



Part A - Format of premises licence

Premises licence number

26688

Part 1 - Premises details

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

(Pizza Pizza)
479 Cambridge Heath Road

Post town

London

Post code

E1 0HY

Telephone number

[REDACTED]

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The provision of late night refreshment - Indoors

- Sunday to Thursday, from 23:00 hours to 01:00 hours the following day
- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

The opening hours of the premises

- Sunday to Thursday, from 11:00 hours to 01:30 hours the following day
- Friday and Saturday, from 11:00 hours to 02:30 hours the following day

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

Not applicable

Part 2

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

Mr Haroon Hamidi

[REDACTED]

[REDACTED]

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

Not Applicable

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

Not Applicable

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

Not Applicable

Annex 1 - Mandatory conditions

Not Applicable

Annex 2 - Conditions consistent with the operating Schedule

1. A CCTV system shall be put in place; the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage.
 - a. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police.
 - b. The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours.
 - c. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system
2. Customers will not be sought by means of personal solicitation outside or in the vicinity of the premises.
3. Prominent, clear and legible notices shall be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
4. Customers shall not be admitted to the premises beyond the opening hours
5. All details provided in staff training record book shall be made available to an authorised officer on request.
6. Log Book shall be kept on the premises and made available to an authorised officer on request.

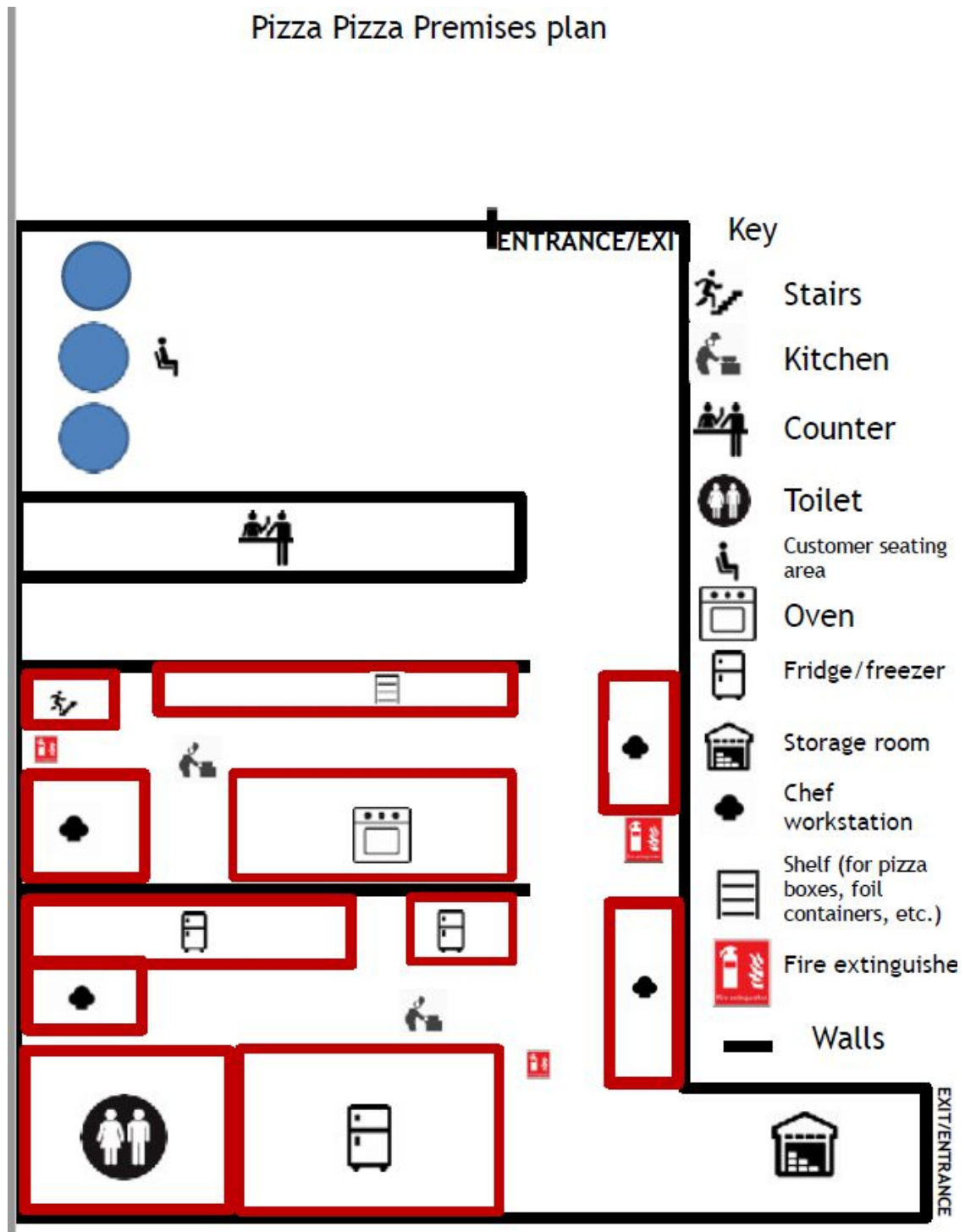
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

11th December 2017 - Ground Floor





Part B - Premises licence summary

Premises licence number

26688

Premises details

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

(Pizza Pizza)
479 Cambridge Heath Road

Post town

London

Post code

E2 9BU

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The provision of late night refreshment - Indoors

- Sunday to Thursday, from 23:00 hours to 01:00 hours the following day
- Friday and Saturday, from 23:00 hours to 02:00 hours the following day

The opening hours of the premises

- Sunday to Thursday, from 11:00 hours to 01:30 hours the following day
- Friday and Saturday, from 11:00 hours to 02:30 hours the following day

Name, (registered) address of holder of premises licence

Mr Haroon Hamidi



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

Not applicable

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

Not Applicable

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

Not Applicable

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

Not restricted

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Haroon Hamidi
(Insert name(s) of applicant)

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

Premises licence number F279TH479/1

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 479 Cambridge Heath Road			
Post town	Greater London	Postcode	IG1 2EW

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£6900

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

--	--	--	--	--	--	--	--

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

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

On this premises freshly prepared fast food and cold drinks are sold. The front area has two fridges that keep the drinks cold, it also has one table with two seats, to avoid a nuisance that would disturb our neighbours. We would like to increase our delivery hours because business is busiest after 0200 which is the time on our current license. Our business would be majorly affected if this change doesn't happen. The business does not have any equipment or appliances that would be loud enough to disturb the neighbours. Any customer that may cause a nuisance are kindly asked to leave the premises and customers that eat in are also reminded to keep the noise to a minimum.

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1100	0500	<u>Please give further details here</u> (please read guidance note 5) The fast food and drinks are sold online and over the phone and customers will not be able to purchase anything instore after 0200.		
Tue	1100	0500			
Wed	1100	0500	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) N/A		
Thur	1100	0500			
Fri	1100	0500	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) N/A		
Sat	1100	0500			
Sun	1100	0500			

J

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

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>There will be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) N/A Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) N/A
Day	Start	Finish	
Mon	1100	0500	
Tue	1100	0500	
Wed	1100	0500	
Thur	1100	0500	
Fri	1100	0500	
Sat	1100	0500	
Sun	1100	0500	

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

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
I'm not sure exactly I'm being asked of.

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

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

CCTV cameras have been put in place for public safety and prevention of crime. Customers making a nuisance are asked to keep it down and be mindful of the neighbours. There is sufficient lighting to help with prevention of crime. There would be a designated premises supervisor, that would be in day-to-day control of the premises, to provide good training for staff and to make or authorize each sale.

b) The prevention of crime and disorder

We have set up CCTV cameras in place so there is footage of any crimes that may take place. There is a large open space with lots of lighting at the front of the shop which also a camera overlooking it, the reasoning for this layout to help with the prevention of a crime. The outside of the shop has a huge lit up sign and lit signs hanging on the window which provides lighting on the outside of the shop. Alcohol is not sold at this shop which would help in the prevention of disorder. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises license during which licensable activities are permitted. We aim to prevent and be vigilant in illegal drug use at the retail unit area, a clear and conspicuous notice will be displayed, warning anyone that any potential criminal activity will not be tolerated.

c) Public safety

There is usually no overcrowding but in the rarest of occasions when there is overcrowding, we would ask the customers to wait outside but they must be mindful of the neighbours and keep the noise down. All the staff have been informed of the necessary safety measures. All parts of the premises and all fittings and apparatus inside, door fastenings and notices, lighting, heating, electrical, sanitary accommodation, and other installations, will be maintained at all times in good order and in a safe condition. A log book shall be kept upon the premises in which shall be entered particulars of inspections made and information compiled to comply with any public safety condition attached to the premises license. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

d) The prevention of public nuisance

There is usually no overcrowding but in the rarest of occasions when there is overcrowding, we would ask the customers to wait outside but they must be mindful of the neighbours and keep the noise down and they are asked not to stand around once they've received their food. We do not use machinery or equipment that make any loud noises that would disturb the neighbours. We have lit sign on our shop and lit signs on the window, but they are not bright enough to cause light pollution. Clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly. Staff will also be asked not to stand around after their shifts to avoid causing disturbance to nearby residents.

e) The protection of children from harm

There would no scenario in which a child would be in any harm.

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	25/10/2021
Capacity	Owner

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	

Telephone number (if any)	██████████
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
██████████	

Notes for Guidance

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

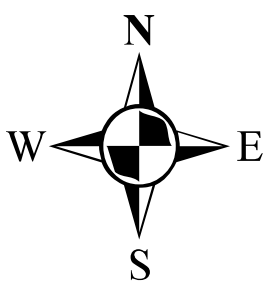
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

- relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not

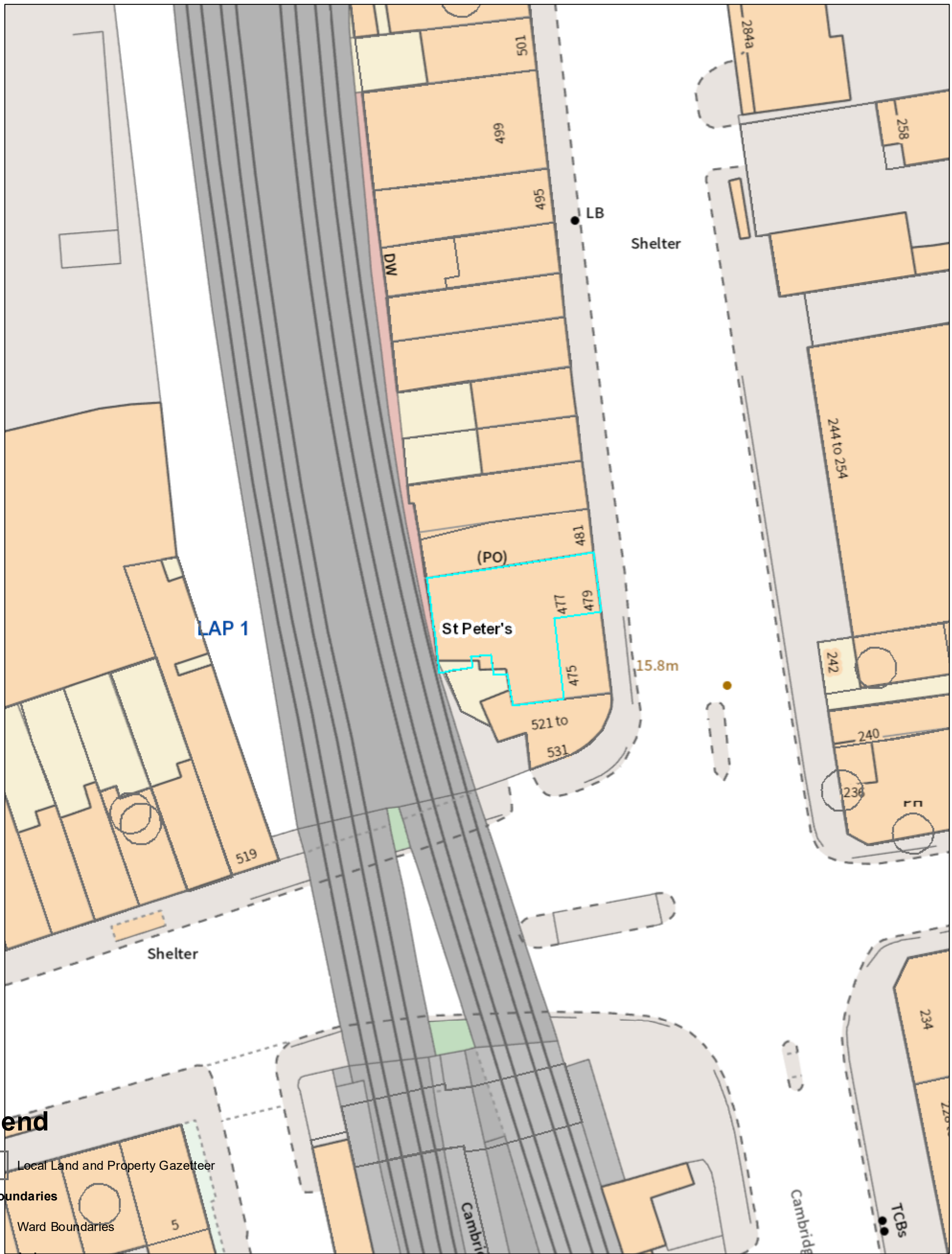
exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

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

Appendix 3

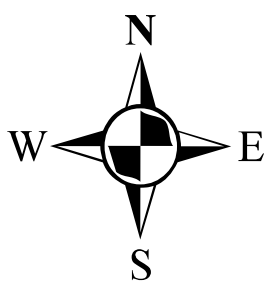


Map2

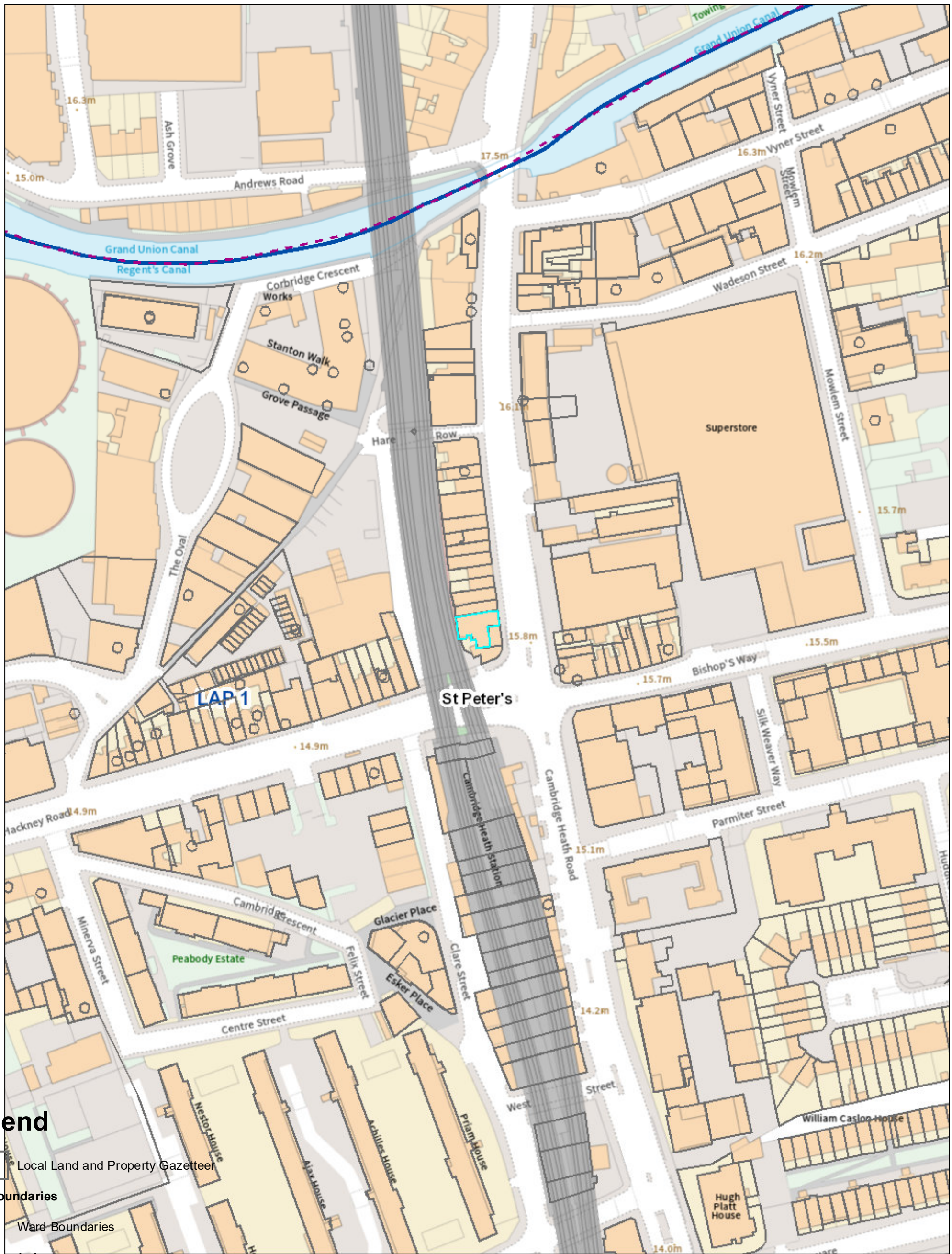


Legend

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

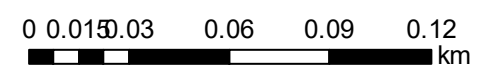


Map1



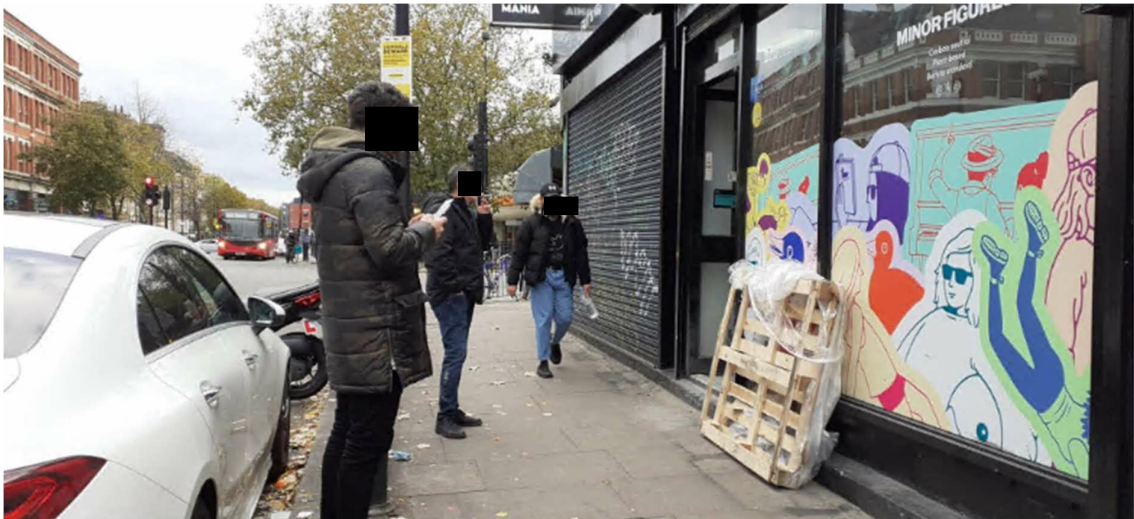
Legend

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



Appendix 4





Appendix 5

Nearest licences – 479 Cambridge Heath Road

Name and address	Licensable activities and hours	Opening hours
<p>(Istanbul Kebab) 240 Cambridge Heath Road London E2 9DA</p>	<p><u>The Provision of Late Night Refreshments</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00 hours to 02:00 hours (the following day) • Friday and Saturday from 23:00 hours to 05:00 hours (the following day) 	<p>Sunday to Thursday from 11:30 hours to 02:00 hours (the following day)</p> <p>Friday and Saturday from 11:30 hours to 05:00 hours (the following day)</p>
<p>(Perfect Chicken) 491 Cambridge Heath Road London E2 9BU</p>	<p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> ▪ Sunday to Thursday, from 23:00 hours to 01:00 hours the following days ▪ Friday to Saturday, from 23:00 hours to 02:00 hours the following days. 	<ul style="list-style-type: none"> ▪ Sunday to Thursday, from 10:00 hours to 01:00 hours the following days ▪ Friday to Saturday, from 10:00 hours to 02:00 hours the following days.
<p>Metropolis 234 Cambridge Heath Road London E2 9NN</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 05:00 hours the following day <p>The provision of regulated entertainment (Films and Live Music – Indoors)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 05:00 hours the following day <p><u>(Recorded Music and Performance of Dance – Indoors and Outdoors)</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 05:00 hours the following day <p>The provision of late night refreshment – Indoors</p> <ul style="list-style-type: none"> • Monday to Sunday, from 23:00 hours to 05:00 hours the following day 	<p>Monday to Sunday, from 00:00 hours to 00:00 hours the following day (24 hours)</p>
<p>(Cousins Snooker & Pool Club) First Floor 244 - 254 Cambridge Heath Road London E2 9DA</p>	<p>The sale of alcohol (On sales)</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:00 hrs 	<ul style="list-style-type: none"> ▪ Monday to Sunday from 11:00 hours to 23:00 hrs

Nearest licences – 479 Cambridge Heath Road

<p>(Bestway Cash & Carry) 260 Cambridge Heath Road London E2 9DA</p>	<p>Alcohol (Off sales)</p> <ul style="list-style-type: none"> Monday to Friday, from 07:30 hours to 20:00 hours Saturday, from 06:00 hours to 16:00 hours Sunday, from 08:00 hours to 16:00 hours 	<ul style="list-style-type: none"> Monday to Friday, from 07:30 hours to 20:00 hours Saturday, from 06:00 hours to 16:00 hours Sunday, from 08:00 hours to 16:00 hours
<p>276 Cambridge Heath Road London E2 9DA</p>	<p>Sale by retail of alcohol (Off sales only) Sunday to Wednesday from 10:00 hours to 20:00 hours Thursday from 10:00 hours to 23:00 hours Friday and Saturday from 10:00 hours to midnight</p>	<p>Sunday to Wednesday from 10:00 hours to 20:00 hours Thursday from 10:00 hours to 23:00 hours Friday and Saturday from 10:00 hours to midnight</p>
<p>(Young Vegans Pizza Shop) 393 Cambridge Heath Road London E2 9RA</p>	<p>Sale of Alcohol (On Premises only)</p> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 22:00 hours. 	<p>Monday to Sunday, from 12:00 hours to 22:00 hours.</p>
<p>(Al Amin) 483 Cambridge Heath Road London E2 9BU</p>	<p>Alcohol may be sold or supplied (On sales only) (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (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 the following day, midnight on 31st December).</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(Shop N Save) 475-477 Cambridge Heath Road London E2 9BU</p>	<p><u>The sale of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> Sunday to Wednesday from 08:00hrs to 24:00hrs (midnight) Thursday to Saturday from 08:00hrs to 01:00hrs (the following day) 	<p>Monday to Saturday from 06:00hrs to 02:00hrs (the following day) Sunday from 08:00hrs to 02:00hrs (the following day)</p>

Appendix 6

Mohshin Ali

From: Nicola Cadzow
Sent: 22 November 2021 08:33
To: Licensing
Cc: mark. . err [REDACTED] Barry.D.Leban [REDACTED]; Islamahamidi [REDACTED]
Subject: 142842 MAU REPRESENTATION variation of premise license application Tower Hamlets Pizza 479 Cambridge Heath Road, London

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Having considered the variation of premises license variation application for Tower Hamlets Pizza 479 Cambridge Heath Road, 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.

The applicant is proposing to extend permitted opening hours for licensable activities: Late Night refreshment:

Sunday to Thursday from 01:00 hours until 05:00 hours - an extension of 4 hours
Friday and Saturday from 02:00 hours until 05:00 hours – an extension of 3 hours

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.
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the variation application for Tower Hamlets Pizza 479 Cambridge Heath Road, London, as there is greater likelihood of disturbance to residential by extending the premise hours for licensable activities for late night refreshment.

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

Appendix 7

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 8

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

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

Appendix 9

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 10

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 11

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:

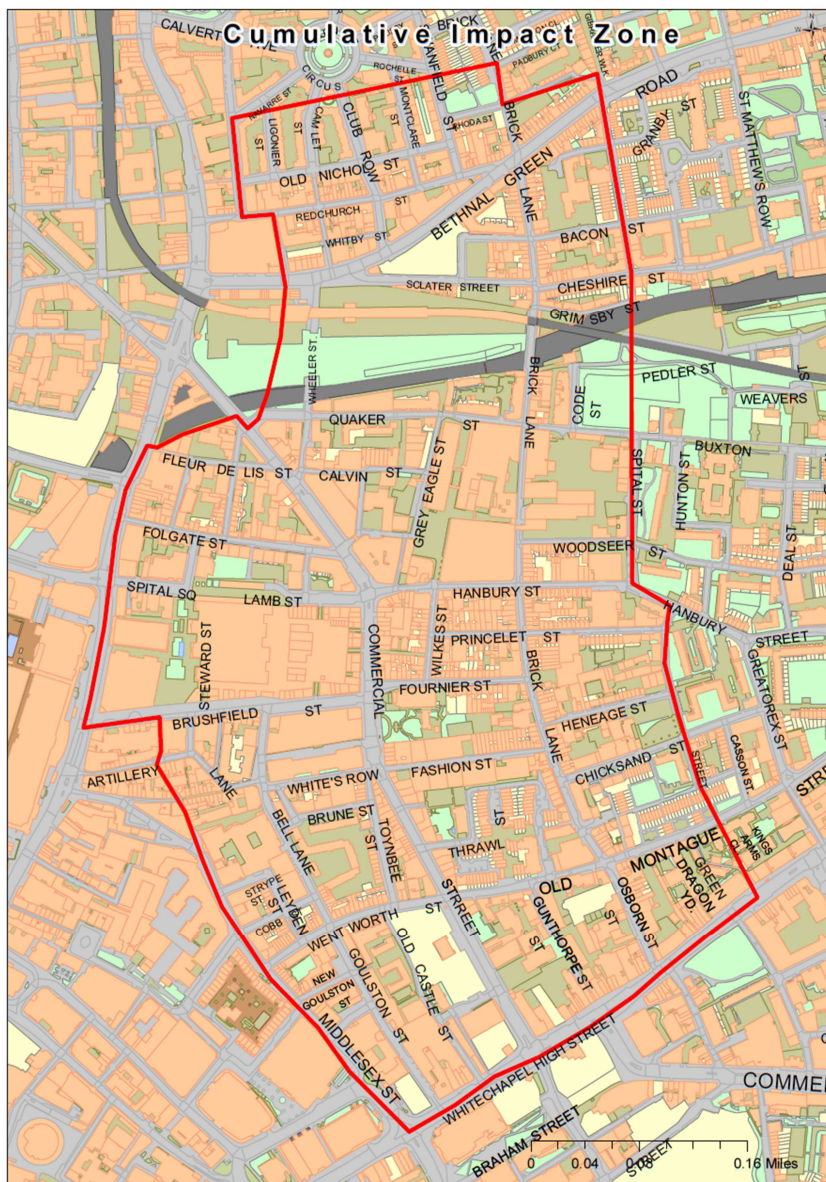


Figure Two:

Bethnal Green Area

