Licensing Sub Committee

Agenda

Tuesday, 25 January 2022 6.30 p.m.
The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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

Public Information

Viewing or Participating in Committee Meetings

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

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

Meeting Webcast

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

Electronic agendas reports and minutes.

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

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

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 25 January 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 7 - 8)

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

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

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

2. RULES OF PROCEDURE (Pages 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 52)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 23rd November, 7th and 16th December 2021.

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

		PAGE NUMBER	WARD(S) AFFECTED
4.	**ITEMS FOR CONSIDERATION**		
4 .1	**Application for a New Premises Licence for Monks, 32 Cheshire Street, London E2 6ER**	**53 - 128**	**Weavers**

Licensing Objectives:
- Public Nuisance
- Crime & Disorder

Representations by:
- Licensing Authority
- Environmental Health

4 .2	**Application for a New Premises Licence for Kahalia, 135 Brick Lane, London E1 6SB**	**129 - 196**	**Spitalfields & Banglatown**

Licensing Objectives:
- Public Nuisance
- Crime & Disorder

Representations by:
- Licensing Authority
- Environmental Health

4 .3	**Application for a Temporary Event Notice for Colour Factory, Unit 8 Queens Yard, 43 Whitepost Lane, London E9 5EN**	**197 - 230**	**Bow East**

Licensing Objectives:
- Crime & Disorder
- Public Safety

Representations by:
- Metropolitan Police

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Tower Hamlets Council
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E14 2BG

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

TOWER HAMLETS

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.

<table>
<tr><td rowspan="5">Public Seating

Public Seating

Public Seating

Public Seating

Public Seating</td><td rowspan="5"></td><td>Objectors Benches</td><td rowspan="5"></td><td rowspan="2">Sub-Committee Members</td></tr>
<tr><td rowspan="2"></td></tr>
<tr><td>Chair</td></tr>
<tr><td>Legal Officer</td></tr>
<tr><td rowspan="2">Applicants Benches</td><td>Committee Officer</td></tr>
<tr><td></td></tr>
<tr><td></td><td></td><td></td><td></td><td>Licensing Officer</td></tr>
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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 wase 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 unsuable 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 togrant 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 Funkcy 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 wasin 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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 7 DECEMBER 2021

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

Members Present:

Councillor Shah Ameen (Chair)

Councillor Victoria Obaze
Councillor Rajib Ahmed

Officers Present:

Jonathan Melnick	–	(Principal Lawyer-Enforcement)
Corinne Holland	–	(Licensing Officer)
Simmi Yesmin	–	(Democratic Services Officer, Committees, Governance)

Representing applicants	**Item Number**	**Role**
Ciaran Gold	4.1	(Applicant)
Andy Newman	4.1	(Licensing Representative)
Niall McCann	4.2	(Legal Representative)
Joseph Mossman	4.2	(Applicant)
Wolid Ali	4.5	(Applicant)

Representing objectors	**Item Number**	**Role**
Mohshin Ali	4.1/4.2	(Licensing Auhtority)
Nicola Cadzow	4.1	(Environmental Health)
PC Mark Perry	4.5	(Metropolitan Police)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 9th November 2021 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Classic Football Shirts, 17 Commercial Street, London, E1 6NE

At the request of the Chair, Ms Corrine Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Classic Football Shirts, 17 Commercial Street, London E1 6NE. It was noted that objections had been received from Officers representing the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Andy Newman, Licensing Agent on behalf of the applicant explained that they were aware the premises were in the Brick Lane Cumulative Impact Zone (CIZ). However, they believed that the nature of the premises together with the modest hours applied for would not negatively impact the area.

He referred the Sub-Committee to the supporting documents in the supplemental agenda, which included photos of the layout of the premises and the café area inside the premises. It was noted that the premises previously used to be a licensed restaurant but the company had gone into liquidation and therefore the existing licence lapsed. It was further noted that the applicant had experience of operating in the area and in fact operated a concession store within the Truman Brewery.

Mr Newman highlighted the fact that Temporary Event Notices (TENs) had been given, which had attracted no complaints from residents or local businesses. He explained that the café would be ancillary to the store and the model of the business was for people to have a quick drink and cookie or cake whist shopping, very similar to cafes in department stores. It was also noted that no objections had been made by the police and that conditions suggested by them had been accepted by the applicant.

He suggested that there was no evidence from Environmental Health to indicate that the premises would give rise to public nuisance. He said there were excellent transport links and there would be no need for people to congregate outside the premises. He said customers would spend quite a long time in the store browsing due to the uniqueness of the store.

It was noted that the seating capacity at the café was for 48 patrons, having a lesser impact than the previous restaurant at the premises. This fells within the Council's Licensing Policy, being a small premises thatis not alcohol-led. Together with the robust set of conditions it would not negatively impact on the area. He welcomed the conditions put forward by the responsible authorities and expressed some challenge to making alcohol ancillary to a table meals as the business model was to sell cakes and cookies and

possibly introducing sandwiches in the future. He said that the applicant was willing to join appropriate associations to become part of the community and was welcome to suggestions. He said that after the TENs it could be said that the business sales runs a 60/40 split with 40% of the sales from the café and 60% from the store merchandise itself.

Mr Newman concluded that the applicant had a proven track record of being a responsible operator and was willing to adopt the conditions requested and work with the authority. It was believed that this premises would not negatively impact on the CIZ.

Members then heard from Mr Mohshin Ali, Licensing Officer. He referred to his representation on pages 82-84 of the agenda and said the premises would be an additional premises coming into the existing saturation area which is going to negatively impact on the area. He did accept that there had not been any complaints from the TENs that had been granted. He referred to his suggested conditions on page 84 of the agenda and asked members to consider imposing these conditions should the Sub-Committee grant the application. He pointed out that the previous licence that had been referred to by the Applicant's representative had been surrendered by the previous occupants in 2019.

Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 77 and explained that her objection related to the prevention of public nuisance and noise that could cause disturbance from within and outside the premises. She stated that the premises was in the Brick Lane CIZ and that there was insufficient information in the operating schedule to show how they would promote the licencing objectives for the prevention of public nuisance, including increased footfall in the CIZ, patrons loitering outside or maybe going outside for smoking etc. She concluded that her concern was for the potential noise outbreak from the premises and the greater likelihood of disturbance to residential properties. Ms Cadzow asked Members to consider imposing the conditions she proposed in her representation if the Sub-Committee were minded to grant the application.

In response to questions from Members the following was noted;

- That alcohol would not be ancillary to food but there would always be a food offering available such cookies, cakes,.Supplying table meals was not part of the business model.
- The café made up 25% of the floor space and was physically separated from the shop itself. The premises was primarily the retail store.
- That it was a high-end shop selling exclusive classic football shirts costing up to thousands of pounds and the idea for the cafe was for customers to take break for drink or snack whilst shopping.
- A condition was offered by the applicant that 'the café would be ancillary to a classic football shirts and merchandise retail outfit' this was to allay the concerns from that the premises could turn into a bar in the future.

- That the applicant had agreed to a condition to limit the number of smokers to 8 people and this would be monitored by staff and CCTV cameras.
- There had been no complaints arising from the TENs that had been given at the premises.
- In order to prevent public nuisance, robust conditions had been offered and accepted.
- That there was no intention to have SIA registered door staff as it was not a bar or restaurant.
- That it was a unique premises, selling high end and unique collection of football shirts, with over a 1 million range of shirts, from all around the world.
- There were only two stores in the UK with the same model, one in Manchester and now one in London.
- There had been four TENs which had operated successfully without any complaints.

Concluding remarks were made by both parties.

The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application by the Classic Football Company Trading Ltd. for a new premises licence to be held in respect of 17 Commercial Street, London, E1 6N ("the Premises"). The application sought authorisation for the sale of alcohol for consumption on the Premises from 11:00 hours to 23:00 hours Monday to Saturday and from 11:00 hours to 22:30 hours on Sundays.

The application attracted representations from two responsible authorities, the Licensing Authority and Environmental Health, on the grounds that the application did not sufficiently address how there would be no impact on the public nuisance licensing objective and that the Premises were located within the Brick Lane CIZ.

The Sub-Committee heard from Andy Newman and Ciaran Gold, the Applicant's director, who explained the application. The applicant had proposed a number of conditions in their operating schedule and had agreed

to additional conditions proposed by the responsible authorities if the Sub-Committee were minded to grant the application. The Sub-Committee was told that the maximum number of patrons was 48, considerably fewer than the 67 capacity when the Premises were previously licensed, with no covers outside. The café was a small part of the business; the focus of the business was the sale of classic football shirts. Additional detail was given to the Sub-Committee about the business.

Patrons would be seated and the Premises were the sort where patrons would come and browse for some time and might want to be able to have a small food and drink offering. The café was ancillary to the main business and an additional condition had been offered to that effect, thereby addressing concerns as to future changes. Four Temporary Event Notices (TENs) had been given since September, which had caused no problems. No residents had objected to the application.

Mohshin Ali, Licensing Officer, confirmed that there had been no issues with the TENs but that the Licensing Authority nonetheless considered the application likely to adversely impact on the CIZ. Nicola Cadzow, on behalf of Environmental Health, echoed that concern, suggesting that there would be greater likelihood of noise disturbance and that there were insufficient conditions to address the CIZ.

During questions it was explained that although the applicant would provide meals if that was a condition, it did not fit with their business model. However, food and drink was a very small part of the business and the café took up only about ¼ of the floor area. There was no difference between this and a store like John Lewis, where people did not go to drink.

Of the proposed additional conditions, the two objected to related to a prohibition on noise and vibration that gave rise to a public nuisance, and to a requirement that alcohol only be served with a table meal. In relation to the first, that was already addressed by the law and there was no need for a condition. Mr. Gold also told the Sub-Committee that not all patrons would be drinking in any event and that in his experience there was a natural dispersal of patrons. People wanting to get food and drink were not likely to be visiting the Premises for that purpose.

The application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee did not consider that the prevention of crime and disorder arose as an issue here. The onus was on the application to prove that they would not negatively impact upon the CIZ and the Council's Statement of Licensing Policy gives some indication as to what might justify an exception, which includes businesses that are not alcohol-led, that operate to framework hours, and which cater for 50 or fewer persons.

The Sub-Committee accepted that the café would be a small part of the business and that it would not be somewhere that would attract people specifically in order to drink. It was a retail outlet and the additional condition proposed by the applicant would ensure that it could not easily change into the type of venue that would adversely impact upon the CIZ.

The fact that TENs had been given and had not resulted in any complaints also provided an indication to the Sub-Committee that the applicant could operate without adversely impacting upon the CIZ. The Sub-Committee did not consider that the Premises would give rise to additional footfall but, even if it did, that alone would not of itself adversely impact upon the CIZ.

The Sub-Committee was satisfied that the applicant had demonstrated that the grant of the licence would not adversely impact upon the CIZ and that any impact that might arise would be mitigated by the imposition of the conditions consistent with the operating schedule and with the additional conditions proposed by the applicant and those proposed by the responsible authorities. The Sub-Committee determined not to impose the two conditions objected to by the applicant, namely the requirement for a table meal and the condition relating to noise and vibration. As to the first, the Sub-Committee was satisfied that the conditions that the café is ancillary to the main business and that food would always be available sufficed to deal with that concern. It accepted, in any event, that alcohol was not the predominant focus of the business or the café. As to the second, the Sub-Committee was advised that the criminal law already prohibited the creation of a public nuisance and the statutory guidance was clear that conditions should not duplicate existing legal requirements.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Classic Football Shirts, 17 Commercial Street, London E1 6NE be **GRANTED with conditions.**

Sale of alcohol (On sales)

Monday to Saturday from 11:00 hours to 23:00 hours
Sunday from 11:00 hours to 22:30 hours

Opening hours

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

Conditions

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

2. A properly specified and fully operational CCTV system shall be installed, operated and maintained. The system shall incorporate a camera covering the entrance door and be capable of providing an

image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity.

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

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

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

6. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises.

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

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

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

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

11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or a Proof of Age card carrying a 'PASS' logo.

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

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

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

15. Loud speakers shall not be located in the entrance lobby or outside the premise building.

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

17. When the designated premises supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

18. There shall be no vertical drinking of alcohol at the premises.

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

20. The café to be ancillary to Classic Football Shirts and merchandise retail outfit.

21. Food will always be available to patrons in the café.

4.2 Application for a New Premise Licence for Katsute, 147 Brick Lane, London, E1 6SB

At the request of the Chair, Ms Corrine Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Katsute, 147 Brick Lane, London E1 6SB. It was noted that objections had been made by the Licensing Authority.

At the request of the Chair, Mr Niall McCann, Legal Representative on behalf of the Applicant, stated that they wished to formally reduce the hours for sale of alcohol so as to start from 11:00 hours. He then gave a brief history of the Applicant, his businesses and his experiences to date and highlighted that there have not been any complaints from residents or responsible authorities at his other licensed premises.

It was noted that the applicant was personally seeing to the works at the premises and had put a lot of time and effort in trying to create a distinctly Japanese atmosphere, which could be seen in the photographs in the supporting documents. It was noted that the premises would have on offer authentic Japanese tea, homemade cakes and other snacks and, if granted, Japanese alcoholic products for consumption on and off the premises. He explained that a typical customer would come in, they would have a glass of Japanese whisky or sake and if they liked it then they would a buy bottle to take it away as present or for special occasions. McCann said that they found the customers who frequented the premises tended to be Japanese nationals or friends of Japanese nationals and where they do consume alcohol, it was

in very limited amounts. They believed it to be important to be able to offer the facility whereby people can taste the alcohol for taking it away because it was a new product and is set at a premium price compared to mainstream alcoholic products. It was noted that there were no representations from any residents or the Police or Environmental Health.

Mr McCann then addressed the concerns of the premises being in the CIZ. He believed that the premises would not negatively impact on the area because of the nature of the operation and with the conditions, both offered and agreed with the responsible authorities. It was noted that alcohol consumption could lead to crime and disorder in an area where demand is stimulated due to increased availability with new people coming to the area and encouraged to drink large quantities of alcohol quickly which was not the business model for this premises. The premises had a capacity of 46, however in reality there was only 36 covers at the moment. It was noted that the premises had currently been open for a few weeks now as a cafe without alcohol and there had been no issues. It was also noted that an average bottle of whiskey or sake would cost between £50-£70 and therefore not attractive to street drinkers.

As for potential public nuisance, the applicant did not anticipate receiving noise complaints and this could be supported by the fact that Environment Health had not made a representation. Mr Joe Mossman, Applicant had been operating a similar premises in another CIZ zone in Islington for the past five years with no complaints, demonstrating the applicant's ability to run a licensed premises responsibly. Mr McCann referred to the Council policy on the CIZs and stated that the premises fitted the potential exemptions, that it was a small premises and not alcohol-led.

It was noted that no more than 15% of the area would be used for display of alcohol and so could not become an off licence in the traditional sense. Further, there would be a condition that the premises could only sell Japanese products, which prevented it from becoming a mainstream bar selling normal wine and spirits. The applicant was happy to accept the conditions from the Licencing Authority except for the one for alcohol to be served ancillary to a table meal. Mr McCann said that due to planning permission, the premises were unable to have a full kitchen area with extractor fans and therefore would only provide snacks and homemade cakes. It was envisaged that 5% of the sales would be from the sale of alcohol.

Members then heard from Mr Mohshin Ali, Licensing Officer and he referred to his representation on pages 174 to 178 of the agenda. He said that most of the concerns raised by the Licensing Authority had been addressed. He confirmed that the TENs that had operated had generated no complaints. He welcomed the applicant's efforts to accept the conditions from responsible authorities. However, it still remained that it was an additional premises in a saturated area causing a cumulative impact in the area.

In response to questions, the following was noted;

- The TEN givenwas in November 2021 and there had been no complaints.
- That the premises had been open since September 2021, with no complaints.
- The application received no objections from residents or Environmental Health.
- The ambience in the venue was calm and tranquil.
- The applicant had experience of operating other premises with the same concept with no issues.
- That they were not likely to attract customers who drink large amounts and become intoxicated.
- 5% of the overall sales was from the sale of alcohol.
- There had been no incidents of drunkenness at the previous premises.
- That the seating capacity of the premise was 46 but the premises had 36 covers.
- That very few customers were likely to smoke, as smoking after drinking a premium whisky would not have the desired effect.
- A condition had been agreed with Environmental Health that no more eight smokers to be allowed to smoke outside the premises. The applicant assured members that this would never be exceeded and would be closely monitored by staff.

Concluding remarks were made by both parties.

The Licensing Objectives

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

5. The Prevention of Crime and Disorder;
6. Public Safety;
7. The Prevention of Public Nuisance; and
8. The Protection of Children from Harm.

The Sub-Committee considered an application by Kojima Ltd. for a new premises licence to be held in respect of 147 Brick Lane,, London, E1 6SB ("the Premises"). The application sought authorisation for the sale of alcohol for consumption on and off the Premises from 08:00 hours to 22:30 hours Monday to Sunday.

The application attracted representations from the Licensing Authority on the grounds that the application did not sufficiently address how there would be no impact on the public nuisance licensing objective and that the Premises were located within the Brick Lane CIZ.

The Sub-Committee heard from Niall McCann, solicitor for the applicant, and Joseph Mossman, the director of the company. They informed the Sub-Committee that the hours for licensable activity were amended so as to start at 11:00 hours. Opening hours would remain the same.

Mr. McCann informed the Sub-Committee that the business was a Japanese café. The applicant operated another similar business in Islington's CIZ and had done so for the last five years. He had also opened a Japanese restaurant in Islington about ten years ago. Neither operated with any problems. The food and drink on offer was authentic Japanese fare. The experience at the Islington café was that people would sometimes want a glass of Japanese whiskey or Sake with their food. Their clientele tended to be Japanese nationals and their friends.

Mr. McCann told the Sub-Committee there would be no additional impact on the CIZ. The Premises were not a place where people would come and stay and be encouraged to drink. The alcohol on offer was limited and the Premises accommodated 36 covers at present. There would be no draught beers and patrons would be seated. The premises that caused problems for the CIZ tended to be bars and clubs.

With regard to off-sales the concerns tended to be around street drinking and pre-loading. The Premises would not attract such a clientele given that the average price of a bottle of Sake was about £50.00 and the cheapest bottle of Japanese whiskey was around £70.00. Anyone wanted to obtain alcohol for pre-loading would go to an off-licence. Alcohol sales were a very small part of the business, around 5% of total sales.

Mr. McCann further explained that there were no noise problems and that the Premises had operated under a total of eleven days of Temporary Event Notices (TENs) without complaints or problems. Numerous conditions were proposed and had been agreed to in order to mitigate any possible impact, including a condition that alcohol sales would be ancillary to the main business, that the alcohol displayed was limited to 15% of the trading area, and limiting the products sold to Japanese beers, wines and whiskey. He confirmed following a question from the legal adviser that proposed condition 3 could be amended so that it was clear that bottled or canned craft beers also needed to be Japanese. All proposed conditions had been agreed save for one requiring alcohol sales to be with a table meal, on the basis that the Premises did not offer table meals. However, the Premises was willing to have a condition requiring food to be available during permitted hours.

Mr. Ali, on behalf of the Licensing Authority, told the Sub-Committee that their concerns related to the fact that the Premises were located in the Brick Lane CIZ and that another premises selling alcohol was likely to add to that impact. He confirmed that TENs had been given and that the Authority had not received any complaints.

During questions Mr. McCann explained that the reason there would be no impact was because the Premises had been open since September without complaint, there had been TENs, the operator was experienced, and any

additional impact arises from drunkenness and noise. The clientele of Katsute did not go there to drink. Mr. Mossman further explained that the intention was for the Premises to be an immersive experience of Japanese culture and a place for patrons to feel tranquil. Those looking to party would simply not be attending the Premises. The reason for seeking to sell alcohol was that the applicant prided itself on authenticity and drinking Sake or Japanese whiskey was part of the experience and patrons expected it.

The application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee did not consider that the prevention of crime and disorder arose as an issue here. The onus was on the application to prove that they would not negatively impact upon the CIZ and the Council's Statement of Licensing Policy gives some indication as to what might justify an exception, which includes businesses that are not alcohol-led, that operate to framework hours, and which cater for 50 or fewer persons.

The Sub-Committee accepted that the Premises would not be alcohol-led and that it would not be somewhere that would attract people specifically in order to drink. Given the ethos of the Premises, combined with the conditions limiting the type of alcohol to be sold so that it was in keeping with that, combined with the limit on the display area, satisfied the Sub-Committee that the Premises would not easily change into the type of venue that would adversely impact upon the CIZ.

The fact that TENs had been given and had not resulted in any complaints also provided an indication to the Sub-Committee that the applicant could operate without adversely impacting upon the CIZ. The Sub-Committee did not consider that the Premises would give rise to additional footfall but, even if it did, that alone would not of itself adversely impact upon the CIZ.

The Sub-Committee was satisfied that the applicant had demonstrated that the grant of the licence would not adversely impact upon the CIZ and that any impact that might arise would be mitigated by the imposition of the conditions consistent with the operating schedule and with the additional conditions proposed by the applicant and those proposed by the responsible authorities. The Sub-Committee determined not to impose the suggested condition requiring alcohol to be sold with a table meal, given that the Premises were not a restaurant.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Katsute, 147 Brick Lane, London E1 6SB be **GRANTED with a conditions.**

Sale of alcohol (On and Off Sales)

Monday to Sunday from 11:00 hours to 22:30 hours

Opening hours

Monday to Sunday from 08:00 hours to 23:00 hours

Conditions

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hrs of any request free of charge.

2. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

3. Alcoholic products shall be strictly limited to Sake, Shochu, Japanese wine, Japanese whisky and bottled or canned craft Japanese beers.

4. The licence holder shall enforce the challenge 25 proof of age scheme.

5. Emergency lighting, emergency exit signs and fire alarms system will be installed covering the entire retail premises and protected escape route. The escape routes will be clearly signed and accessed via a door with a push bar emergency operating mechanism.

6. Staff will be fully trained regarding emergency egress, and fire drills will be performed on a regular basis.

7. No more than 15% of the front of house trading area shall be used for the display of alcoholic drinks.

8. The sale of alcohol shall be ancillary to the premises operating as a shop selling Japanese cooking equipment, food and drink.

9. All off sales shall be in sealed containers.

10. The supply of alcohol shall only be to persons seated. There shall be no vertical drinking within the premises.

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 46 persons.

12. There shall be no provision of draft beers.

13. 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

14. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

    a) all crimes reported to the venue;
    b) 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.

15. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately if safe to do so ensure that:

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

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

17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (8) persons at any one time.

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

19. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by

staff so as to ensure that there is no public nuisance or obstruction of the public highway

20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

21. 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.

22. 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.

4.3 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 1)

This application was resolved prior to the meeting.

4.4 Application for a Temporary Event Notice for The Gun, 54 Brushfield Street, London E1 6AG (TEN 2)

This application was resolved prior to the meeting.

4.5 Application for a Temporary Event Notice for The Atrium 124-126 Cheshire Street London E2 6AG

At the request of the Chair, Ms Corrine Holland, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice (TEN) for The Atrium, 124-126 Cheshire Street, London E2 6AG. It was noted that an application for a counter notice had been made by PC Mark Perry representing the Metropolitan Police.

At the request of the Chair, PC Mark Perry explained that the application had given no indication of what the event actually was, which made it difficult to assess the risk and see if the necessary measures were in place to uphold the licencing objectives and prevent crime and disorder. He said that it was only when searching for the contact details that he saw that the email address was for a boxing company and then after speaking to the applicant it became clear that this was an application for a white-collar boxing event. Those were amateur boxing events where people who are members of boxing clubs turn up and engage in boxing matches against other clubs. He said that boxing events are generally high risk in terms of prevention of crime and disorder

because of the nature of the event itself and the high levels of testosterone, and it has the capacity and the possibility to lead to crime and disorder.

He said that organisers for such events were usually very good at providing risk assessments, so they knew where the boxers were coming from, whether there had been any trouble at previous events,, whether adequate security plans were in place with sufficient security staff, and how to deal with instances of disorder. However, this part of the application form was left blank. PC Perry expressed his concern over this as it was incredibly risky and incredibly scary because they either hadn't thought about it or they had chosen not to share it with the police. This made it difficult to trust them. It was also noted that since the objection there had been no contact from the applicant to supply risk assessments or security plans. PC Perry said to allow the event to go ahead would in his opinion lead to crime and disorder, even though alcohol was not being supplied.

Mr Wolid Ali, Applicant, began by giving a brief history of his experiences to date and his knowledge of the area. He said he had been a boxing coach for 25 years working with local youth in the area. He said one of his young trainee's had completed the application and unfortunately missed out the section where it asks to describe the event. He said that PC Perry did contact him over the telephone and had been quite hostile and did not provide any help or guidance. He said that he had organised similar events and had not been required to produce in depth policies and risk assessments and there was nothing in the form asking for such information. He said he had explained the error on the form made by one of the trainees to PC Perry. He said that all event plans were sent to the venue itself who also contacted PC Perry, and said that PC Perry also disregarded their reference.

Mr Ali said that he would have security in place for 1 for every 50 persons, medical staff and doctors would be on site for any injuries etc. He said that it was a community event and participants were from the local community. It was a non-alcoholic event, he had operated a registered company for 12 years with no history of complaints and would like the TEN to proceed

In response to questions the following was noted;

- Concerns raised as to why risk assessments and security plans were not submitted with the application, if the Applicant had applied for similar events previously.
- The applicant was adamant that PC Perry was hostile and didn't offer any guidance.
- It was confirmed that there was no requirement on the TEN form for risk assessments to be submitted.
- That there would be 8 security staff in place as well as Doctors and medical staff.
- That risk assessments had been given to the venue and the applicant wasn't aware that there was a requirement to send these in with the TEN application.
- That he would have given a copy of the documentation if asked to but was not given an opportunity to do so by PC Perry.

- That it was unclear if the documents were asked or offered to be sent to PC Perry.
- It was confirmed that the venue operators did contact PC Perry.
- PC Perry said that had the forms been sent through prior to the meeting he would have considered it.
- That guests would be searched upon entry by registered SIA staff.
- There would be no alcohol allowed at the event and all guests would be searched on entry as a standard procedure.
- That boxers would be from around the around the country, Lancashire, London, Bradford and Manchester.

At this juncture, the Chair asked the applicant to send all the relevant risk assessments/procedures to PC Perry. The Chair adjourned the meeting at 8.50pm and reconvened at 9.00pm.

PC Perry confirmed that he had received the paperwork which included the insurance documents and performance plan but nothing in relation to the security plan or risk assessment. PC Perry said he had not seen adequate information about the security in place.

Concluding remarks were made by both parties.

The Licensing Objectives

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

9. The Prevention of Crime and Disorder;
10. Public Safety;
11. The Prevention of Public Nuisance; and
12. The Protection of Children from Harm.

Consideration

The Licensing Sub Committee heard from PC Mark Perry from the Metropolitan Police, his main objection related to the fact that no documentation was had been provided to show how the event would be managed in particular given the lack of description in the temporary event notice (TEN) and the subsequent description as a white collar boxing event. PC Perry was most concerned with the security arrangements and how potential crowd violence would be controlled. Mr Wolid Ali, Applicant told the Licensing Sub Committee that he had run these events for several years and he had never been asked for these documents previously.

During an adjournment at the meeting Mr Ali provided some documentation but nothing in writing about security arrangements. However, he did tell the

Licensing Sub Committee what arrangements were in place which included 1 SIA registered door staff per 50 persons, searches to ensure weapons/alcohol are not brought into the venue.

The Licensing Sub Committee were satisfied that withstanding the shortcomings on the TEN application the applicant would ensure the licensing objectives would be promoted and were satisfied that adequate security arrangements would be in place and therefore a decision was made to refuse to issue a counter notice.

Accordingly, the Sub Committee made a majority decision;

RESOLVED

That the application for a counter-notice for The Atrium, 124-126 Cheshire Street, E2 6AG be **REFUSED.**

Saturday 11th December 2021 from 14:00 hours- 22:00 hours

The provision of regulated entertainment.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 9.20 p.m.

Chair, Councillor Shah Ameen
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 16 DECEMBER 2021

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

Members Present:

Councillor Eve McQuillan (Chair)

Councillor Zenith Rahman
Councillor Mohammed Pappu

Officers Present:

Kathy Driver	–	(Principal Licensing Officer)
David Wong	–	(Senior Enforcement Lawyer)
Simmi Yesmin	–	(Democratic Services Officer, Committee)

Representing applicants	**Item Number**	**Role**
Graham Hopkins	3.2	(Licensing Agent)
John Embery Senior	3.2	(Applicant)
John Embery Junior	3.2	(Applicant)

Representing Supporters	**Item Number**	**Role**
Derek Burges	3.2	(Resident)
Mashud Kobir	3.2	(Resident)
Ken Maulkerson	3.2	(Resident)

Apologies

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application to Review the Premises Licence for The Alchemist Bar & Restaurant, Unit 1 Nash Court, South Colonnade, London E14 5AJ

This application was resolved prior to the meeting. The agreement between all parties was noted.

3.2 Application for a New Club Premise Certificate Globe Town Community Association 152-156 Roman Road London E2 0RY

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new club premises certificate for Globe Town Community Association, 152-156 Roman Road, London E2 0RY. It was noted that the premise was a members club and therefore the general members of the public did not have access to the club. It further noted that representations had been received by both objectors and supporters.

At the request of the Chair, Mr Graham Hopkins, Licensing Agent on behalf of the Applicant, explained that the premises was a non-profit charity/community association and the sale of alcohol would help cover the overheads and services provided at the premises. Mr Hopkins explained that the premises had been in existence since the 1970's without any incidents or complaints. He said the premises had air conditioning and central heating, had speakers for background music only, and that the premises had undergone sound insulation.

It was noted that there were currently 80-100 members of club, all were local residents and over the age of 30. He said the premises operated a Challenge 25 policy and each club member was allowed one guest only, whom the club member had to sign in. He explained that the venue provided a whole range of activities such as a book club, yoga sessions, painting classes, and self-defence classes with no charges. He emphasised how the premises was providing a service and a safe haven for local elderly and vulnerable residents.

Mr Hopkins highlighted the fact that there had been 4 objections and 6 representations in support of the application. He said they wanted to amend the application by reducing the terminal hour for sale of alcohol by 15 minutes allowing a drinking up time, the hours were within the Council's framework hours and offered a number of conditions listed in the application. He believed that the concerns raised by the objectors would be alleviated by the conditions proposed and the modest hours applied for. He confirmed that the premises was not a pub, but a community club for local residents, the premises had good history and was a positive venue for the area.

Sub-Committee Members then heard from Mr Derek Burges, Mr Mashud Kobir and Mr Ken Maulkerson, local residents, all in support of the premises. They all expressed similar support for the premises, highlighting the fact that it was a community hub for the area, a safe place for the elderly residents in the community to socialise and meet others. They were of the view that there had been no issues of noise nuisance or public nuisance associated with the

premises in the past and the operators were of good nature and character. The supporters expressed their strong support for the premises and believed the premises to be a safe and friendly place for locals to meet and socialise and were they provide services to the elderly and vulnerable.

It was noted that the objectors were not present at the meeting, but the Sub-Committee nonetheless noted and considered their written objections contained in the agenda pack.

In response to questions from Sub-Committee Members the following was noted;

- That only background music is played in the premises.
- That a licence for indoor sporting events was not required as the members of the club would occasionally be playing darts and holding darts competitions, rather than staging a public spectator event.
- That a drug policy was in place and that staff did a regular sweep of the rest rooms every hour. It was explained that if anyone was caught with drugs the police would be called and person(s) would be ejected from the premises and their club membership would be revoked if they were a club member, rather than a guest.

Concluding remarks were made on behalf of the applicant.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations made by the Applicant, his representative and supporters at the meeting. None of the residential objectors attended to address their representations. The Sub-Committee had nonetheless read these and taken them into account when making its decision.

The Sub-Committee took into account the nature of the premises. It is a member only club, offering drinks, social activities such as darts, pool, yoga sessions etc, being run as a community association and a non-profit making operation. The Sub-Committee noted that the applicant confirmed that a club

member can take in one guest, who they have to sign in. The Sub-Committee welcomed the efforts made by the Applicant in offering some robust conditions and noted the overwhelming support for the premises from local residents. It was evident that the premises were an asset to the local community providing a safe and friendly environment for the elderly and vulnerable residents in the local community.

The removal of all forms of regulated entertainment and the reduction in the hours for sale of alcohol together with the conditions proposed gave the Sub-Committee the assurance that the licensing objectives would be upheld.

The Sub-Committee was also satisfied that with these amendments to the application, together with the conditions set out below, would reduce the risk of public nuisance, address concerns of the local resident objectors, and support the licensing objectives.

Therefore, the Sub-Committee made a decision and the decision was unanimous to grant the application with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new club premises certificate for Globe Town Community Association, 152-156 Roman Road, London E2 0RY be **GRANTED with conditions.**

Supply of alcohol by or on behalf of a club to the order of members of the club and their guests (On Sales Only)

Monday – Saturday from 12:00 hours to 22:45 hours
Sunday from 12:00 hours to 21:45 hours

Hours club premises are open to the members and guests

Monday – Saturday from 12:00 hours to 23:00 hours
Sunday from 12:00 hours to 22:00 hours

Conditions

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

available immediately upon the request of Police or 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. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

4. A CCTV warning notice shall be displayed inside and outside the premises.

5. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer.

6. Bottle bins or banks shall only be emptied between 08:00 hours and 21:00 hours Monday to Saturday and between 09:00 hours and 21:00 hours on Sundays.

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

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

9. 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.

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.

11. Code of conduct to be displayed in the entrance hall to the premises.

12. Subject to the club rules regarding guests, members only are to be permitted entry. Members must abide by the club code of conduct. Membership may be revoked if that code of conduct is breached.

13. An anti-drug policy to be in place, with regular sweeps and checks to be undertaken.

14. No more than two members to be permitted to smoke outside the premises at any one time.

15. No children under the age of 18 to be permitted entry unless accompanied by a member of the club.

3.3 Application for a Temporary Event Notice for Tobacco dock (Skylight Bar), 50 Porters Walk, London, E1W 2SF

This application was resolved prior to the meeting.

3.4 Application for a Temporary Event Notice for Creative Events Space, Algha Works, Smeed Road, London, E3 2NR

This application was resolved prior to the meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	**Extended to:**
Dauns, 77 Wentworth Street, London, E1 7TD	**28/02/22**
Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU	**28/02/22**
Poplar Spice, 201 East India Dock Road, London E14 0ED	**28/02/22**
Kahaila, 135 Brick Lane, London E1 6SB	**28/02/22**
Monks, 32 Cheshire Street, London E2 6ER	**28/02/22**
Tondo Pizza Unit 2 Hermitage Court Wapping High Street	**28/02/22**
Old Ford Supermarket, 389 Old Ford Road, London E3	**28/02/22**
Glass House, 114-116 Bethnal Green Road, London, E2 6DG	**28/02/22**

The meeting ended at 7.20 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	25 January 2022	**Unclassified**		

Report of: **David Tolley** **Head of Environmental Health & Trading Standards** Originating Officer: **Mohshin Ali** **Senior Licensing Officer**	Title: **Licensing Act 2003** **Application for a Premises Licence for (Monks) 32 Cheshire Street, London E2 6ER** Ward affected: **Weavers**

1.0 Summary

Applicant: **Jessica Jane Collins**

Name and: **Monks**

Address of Premises: **32 Cheshire Street**
London
E2 6ER

Licence sought: **Licensing Act 2003 – premises licence**
- **The sale by retail of alcohol (on sales only)**
- **The provision of regulated entertainment (recorded music only)**

Representations: **Licensing Authority (RA)**
Environmental Protection

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
• Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Monks) 32 Cheshire Street, London E2 6ER.

3.2 The applicant has described the premises as follows:

"The premises is a small unit among a row of terrace shops. It is split between 2 floors but I only intend to use the ground floor for custom. It is an an area that is quite busy with trade "

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**.

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

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

- *Wednesday to Sunday, from 16:00 hrs to 22:00 hrs*

The provision of regulated entertainment – Indoors
(recorded music only)

- *Wednesday to Sunday, from 16:00 hrs to 22:00 hrs*

The opening hours of the premises

- *Wednesday to Sunday, from 16:00 hrs to 22:00 hrs*

3.5 For recorded music the applicant wants to *"play background music softly in the background for ambiance".* To clarify, "background music" is not licensable so the applicant may wish to remove this activity from the application.

3.6 Also, the sale of alcohol is proposed to continue until the premises closes to the public. It is difficult to see how the applicant will ensure that the licence conditions are met. The problem of course is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the licensable activities and the time the premises closes to the public.

4.0 **Location and Nature of the premises**

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

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

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2018. It was last revised in November 2021.

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

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

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

6.0 **Representations**

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Licensing Authority acting as a Responsible Authority (See **Appendix 5**).

- Environmental Protection Team (See **Appendix 6**).

6.2 The applicant has been in communication with Environmental Protection and Licenisng Authoriy following the representations, however, it is not clear if there have been any agreements between them.

6.3 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
- Environmental Protection (Noise)
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

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

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

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

6.6 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.

6.7 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 *Children shall not permitted on the premises after 18:00 hrs*

8.0 **Conditions in consultation with the Responsible Authorities**

Conditions agreed in consultation with Met Police **(Appendix 7):**

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.

8.2 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.

8.3 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.

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

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

8.6 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

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

8.9 Loudspeakers shall not be located in the entrance lobby or outside the premises building

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

8.11 During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

8.12 As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pub watch or other local crime reduction scheme approved by the police, and local radio scheme if available.

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.

9.2 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

9.3 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.

9.4 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. 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.

9.5 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)

9.6 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.

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

9.8 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.

9.9 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)

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

9.11 In **Appendices 8 - 14** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 **Appendices**

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Representation of EH Noise Team
Appendix 7	Conditions agreed with Police
Appendix 8	Licensing Officer comments on noise while the premise is in use
Appendix 9	Licensing Officer comments on access/egress Problems
Appendix 10	Licensing Officer comments on crime and disorder on the premises
Appendix 11	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading
Appendix 14	Tower Hamlets Cumulative Impact Zone

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Appendix 1

This form should be completed and forwarded to: London Borough of Tower Hamlets, Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: www.towerhamlets.gov.uk/payit

TOWER HAMLETS

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/We JESSICA JANE COLLINS

(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			
32 CHESHIRE STREET			
Post town	LONDON	**Postcode**	E2 6ER

Telephone number at premises (if any)	NONE
Non-domestic rateable value of premises	£ 14,500

Payment for premises Licence.

payment Ref : 2377-NLZV-R377

Auth Code : 010611

Transaction Date : 10-11-2021 20:04

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 COLLINS			**First names** JESSICA JANE		
Date of birth [redacted]	I am 18 years old or over ☑ Please tick yes				
Nationality [redacted]					
Current residential address if different from premises address	[redacted]				
Post town [redacted]			Postcode [redacted]		
Daytime contact telephone number [redacted]					
E-mail address (optional) [redacted]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			**First names**		
Date of birth	I am 18 years old or over ☐ Please tick yes				
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town			Postcode		
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	JESSICA JANE COLLINS
Address	[redacted]
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	SOLE TRADER
Telephone number (if any)	[redacted]
E-mail address (optional)	[redacted]

Part 3 Operating Schedule

When do you want the premises licence to start? DD 01 MM 01 YYYY 2022

If you wish the licence to be valid only for a limited period, when do you want it to end? DD 01 MM 01 YYYY 2027

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

The PREMISES IS A SMALL UNIT AMONG A ROW OF TERRACE ~~HOUSES~~ SHOPS. IT IS SPLIT BETWEEN 2 FLOORS, BUT I ONLY INTEND TO USE THE GROUND FLOOR FOR CUSTOM. IT IS IN AN AREA THAT IS QUITE BUSY WITH TRADE.

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

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

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

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	☐
b)	films (if ticking yes, fill in box B)	☐
c)	indoor sporting events (if ticking yes, fill in box C)	☐
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	☐
e)	live music (if ticking yes, fill in box E)	☐
f)	recorded music (if ticking yes, fill in box F)	☑
g)	performances of dance (if ticking yes, fill in box G)	☐
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	☐

Provision of late night refreshment (if ticking yes, fill in box I)	☐
Supply of alcohol (if ticking yes, fill in box J)	☑

In all cases complete boxes K, L and M

A

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

B

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

C

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

F

Recorded music Standard days and timings (please read guidance note 7)		
Day	Start	Finish
Mon		
Tue		
Wed	16.00	22.00
Thur	16.00	22.00
Fri	16.00	22.00
Sat	16.00	22.00
Sun	16.00	22.00

Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)

Indoors	☑
Outdoors	☐
Both	☐

Please give further details here (please read guidance note 4)

I WOULD LIKE TO PLAY BACKGROUND MUSIC SOFTLY IN THE BACKGROUND FOR AMBIENCE

State any seasonal variations for the playing of recorded music (please read guidance note 5)

Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)

G

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

Indoors	☐
Outdoors	☐
Both	☐

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	☐
				Both	☐
Day	Start	Finish			
Mon			**Please give further details here** (please read guidance note 4)		
Tue					
Wed			**State any seasonal variations for the provision of late night refreshment** (please read guidance note 5)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)		
Day	Start	Finish
Mon		
Tue		
Wed	16.00	22.00
Thur	16.00	22.00
Fri	16.00	22.00
Sat	16.00	22.00
Sun	16.00	22.00

Will the supply of alcohol be for consumption – please tick (please read guidance note 8)

On the premises	☑
Off the premises	☐
Both	☐

State any seasonal variations for the supply of alcohol (please read guidance note 5)

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)

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	JESSICA JANE COLLINS
Date of birth	[redacted]
Address	[redacted]
Postcode	[redacted]
Personal licence number (if known)	[redacted]
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).

NOTHING

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon		
Tue		
Wed	16.00	22.00
Thur	16.00	22.00
Fri	16.00	22.00
Sat	16.00	22.00
Sun	16.00	22.00

State any seasonal variations (please read guidance note 5)

NONE

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)

NONE

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)

I PLAN TO OPEN A VERY SMALL CAFE, THAT SELLS WINE IN THE EVENING. I DONT INTEND TO HAVE MORE THAN 18 PEOPLE ON THE PREMISE AT A TIME, THEREFORE, MYSELF AND STAFF SHALL BE ABLE TO KEEP A CLOSE EYE ON WHATS GOING ON.

b) The prevention of crime and disorder

- INSTALLMENT OF CCTV.
- THE CORRECT NUMBER OF STAFF THAT ARE CONSTANTLY ALERT.
- MAKING SURE CUSTOMERS ARE WITHIN THEIR LIMITS IN REGARDS TO ALCOHOL. - NO SUPPLY OF ALCOHOL TO UNDER 18's.

c) Public safety

- NO ALCOHOL TO BE TAKEN OUTSIDE
- NO SUPPLY OF ALCOHOL TO ANYONE INTOXICATED.
- SUFFICIENT NUMBER OF STAFF

d) The prevention of public nuisance

- RECORDED NUSIC PLAYED AT A LOW LEVEL.
- ZERO TOLERANCE OF UNRULY, RUDE, ABUSIVE BEHAVIOUR
- NO LOITERING WHEN CAFE CLOSED.
- NO SUPPLY OF ALCOHOL TO DRUNK PEOPLE.

e) The protection of children from harm

- CHILDEN NOT ALLOWED ON SITE AFTER 18.00.
- WHEN CHILDREN ON SITE, THEY MUST ALWAYS BE ACCOMPANIED BY AN ADULT.
- MAKE SURE THE STAIRS ARE GATED TO PROVENT ACCIDENTS AND DRINKS ARE QUICKLY CLEARED ONCE FINISHED.

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 or my share code issued by the Home Office online right to work checking service (please read note 15). ☑

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	• [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[redacted]
Date	05/11/21
Capacity	APPLICANT

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)

JESSICA JANE COLLINS

[redacted]

Post town	[redacted]	Postcode	[redacted]
Telephone number (if any)	[redacted]		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

JE

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
    - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
    - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
    - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
    - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
    - Live music: no licence permission is required for:
        - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
        - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
        - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
        - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
        - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
    - Recorded Music: no licence permission is required for:
        - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
        - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
        - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
    - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
    - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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

15. **Right to work/Immigration Status**

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 the right 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 which an applicant may provide to demonstrate their entitlement to work in the UK (which fo not need to be certified) that are published on GOV.UK and in guidance issued under Section 182 o the Licensing Act 2003;
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).

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 shared digitally. 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 copies of documents as set out above.

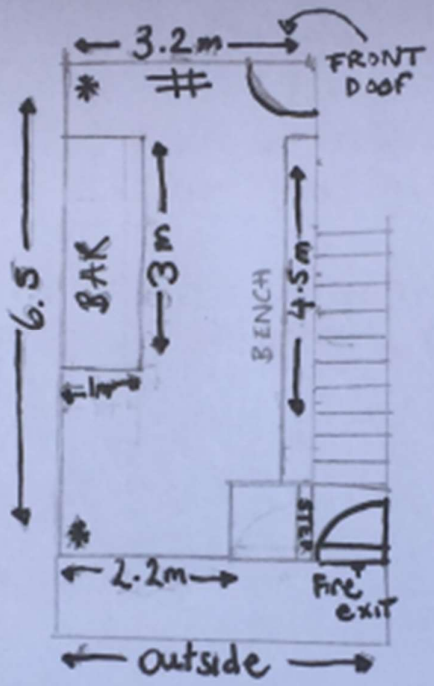
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home office. Your licence application will not be determined until you have complied with this guidance.

Appendix 2

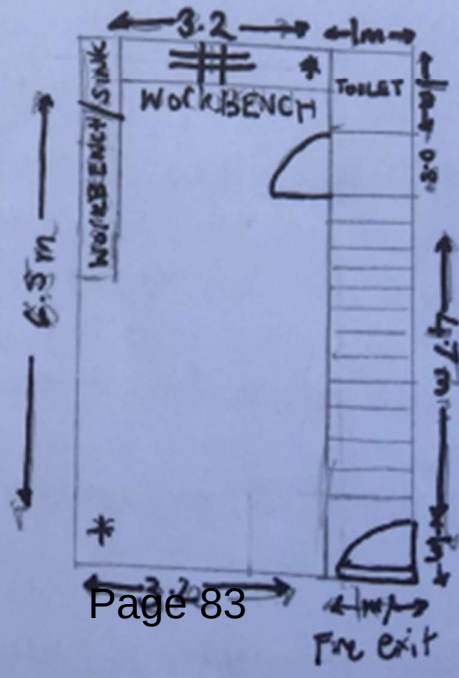
Floor Plan, 32 cheshire st.

* FIRE EXTINGUISHER
\# Ventilation

Upstairs

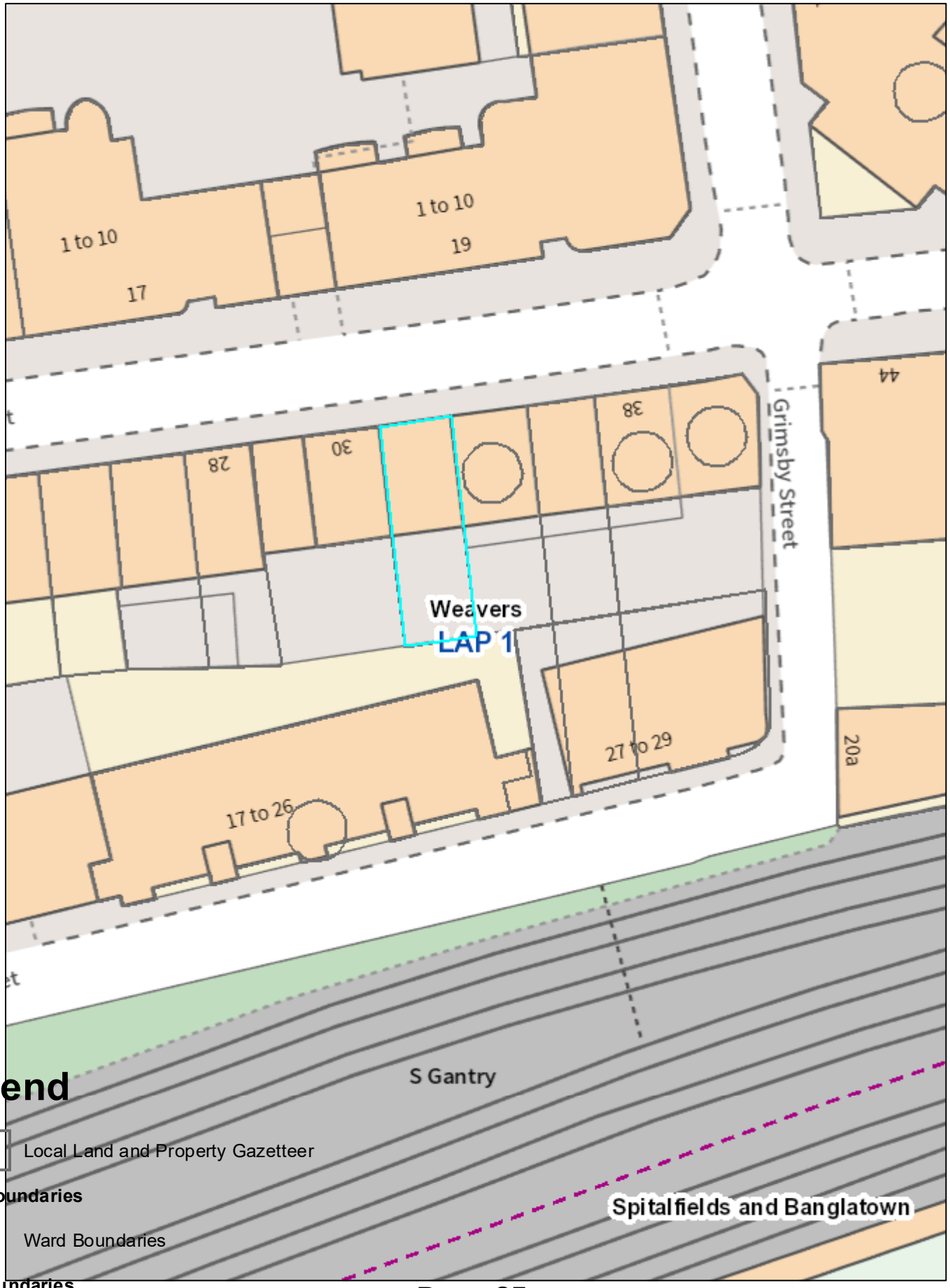


Downstairs
(OFF BOUNDS)



Appendix 3

32 Cheshire



Legend

Local Land and Property Gazetteer

Ward Boundaries

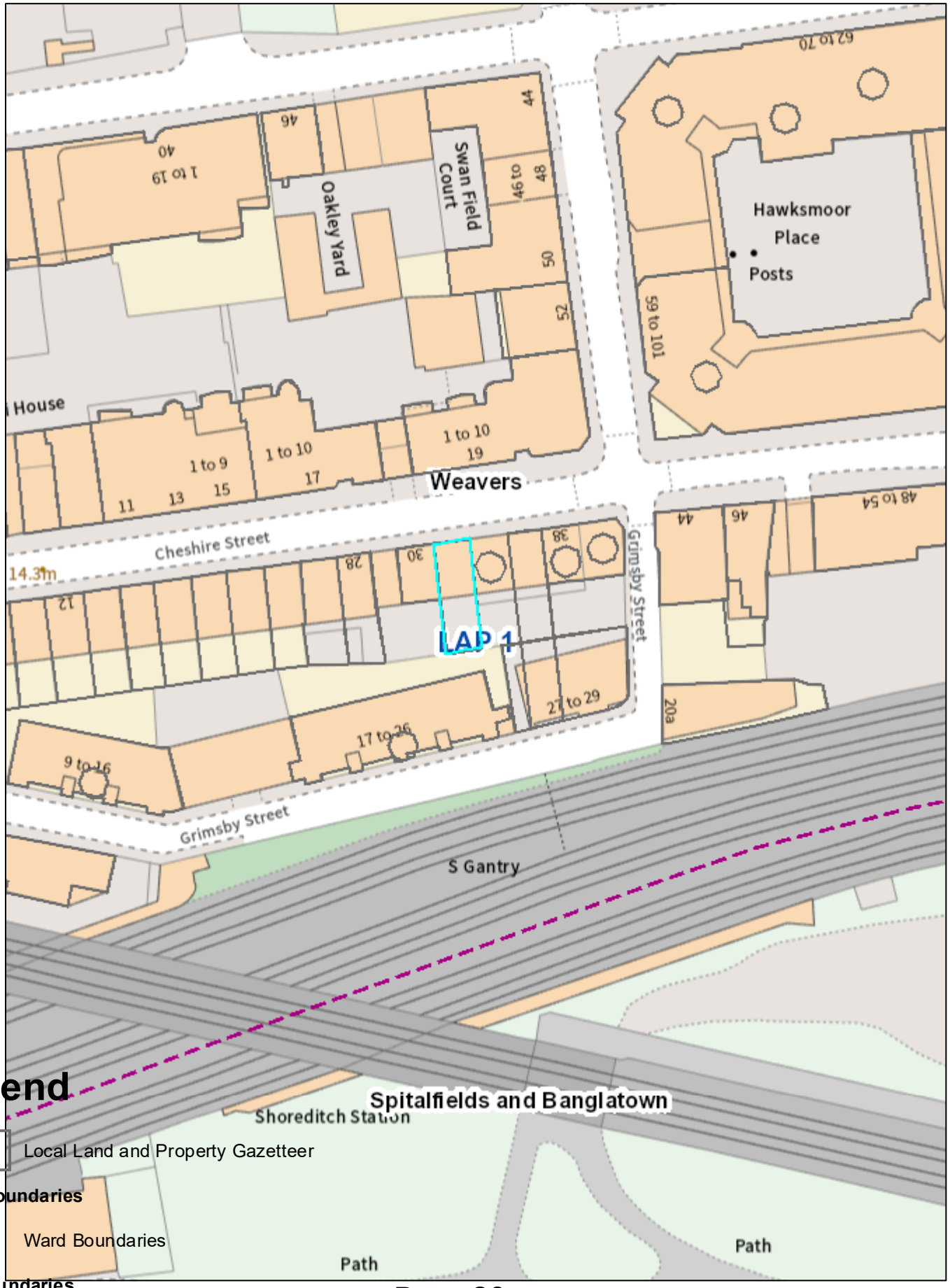
Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.00375 0.0075 0.015 0.0225 0.03
km

32 Cheshire St



Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.0075 0.015 0.03 0.045 0.06 km

Appendix 4

Name and address	Licensable activities and hours	Opening hours
(The Carpenters Arms Public House) 73 Cheshire Street Bethnal Green London E2 6EG	**Sale by retail of alcohol (**On and Off sales**)** • Monday to Thursday, from 11:00 hours to 23:30 hours • Friday and Saturday, from 11:00 hours to 00:00 hours • Sunday, from 12:00 hours to 23:30 hours	• Monday to Thursday, from 11:00 hours to 00:30 hours • Friday and Saturday, from 11:00 hours to 01:30 hours • Sunday, from 08:00 hours to 00:30 hours
(La Fauxmagerie Ltd.) 20 Cheshire Street Shoreditch London E2 6EH	**Provision of recorded music** Monday to Sunday from 10:00 hours to 21:00 hours **(inside and out)** **Supply of Alcohol (**On and off sales**)** Monday to Sunday from 10:00 hours to 22:00 hours **(off the premises)** ***For on the premises, further restriction apply**	• Monday to Sunday from 10:00 hours to 22:00 hours
(Tramezzino Stores) 94 Cheshire Street London E2 6EH	The sale by retail of alcohol (On and off sales) • Monday to Saturday 08:00 until 23:00 • Sunday 08:00 until 22:30	• Monday to Saturday 08:00 until 23:00 • Sunday 08:00 until 22:30
(The Book Shop) 3 Cheshire Street London E2 6ED	**Sale by retail of alcohol (**On and off sales**)** • Monday to Sunday, from 12:00 hours to 23:00 hours **The provision of regulated entertainment – Indoors** Films • Monday to Sunday, from 10:00 hours to 23:00 hours	• Monday to Sunday, from 07:00 hours to 23:30 hours
(Vintage Rooms) Rana Ahmed Limited 8 Cheshire Street London E2 6EH	Sale of Alcohol (on sales only) • Sunday to Thursday from 11:00hrs – 22:30hrs • Friday & Saturday from 11:00hrs – 23:30hrs	• Sunday to Thursday from 07:00hrs – 23:00hrs • Friday & Saturday from 07:00hrs – 00:00hrs (midnight)
(The Knotted Vine) 16 Cheshire Street London E2 6EH	**Sale by retail of alcohol (**Off sales only**)** • Monday to Friday, from 11:00 hours to 20:00 hours • Saturday, from 10:00 hours to 22:00 hours • Sunday, from 11:00 hours to 18:00 hours	• Monday to Friday, from 11:00 hours to 20:00 hours • Saturday, from 10:00 hours to 22:00 hours • Sunday, from 11:00 hours to 18:00 hours

Appendix 5

PLACE Directorate
Public Realm

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

Tel: [redacted]
Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Licensing Authority: [redacted]

Applicant – Jessica Collins [redacted]

8th December 2021

Your reference
My reference: LIC/143495/CH

Dear Licensing Authority,

Licensing Act 2003
New premises licence application: Monks, 32 Cheshire Street, London E2 6EH

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.

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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 demonstrated 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.*

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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 Act2003 (8.42) says:
"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

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- *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."*

Application:
This application is for a small café for approximately 18 persons to allow the sale of alcohol and provision of recorded music for Wednesday – Sunday 16:00 hours – 22:00 hours. The application is for 'on sales' of alcohol only. Although the applicant has applied for recorded music, if the sale of alcohol is granted, the premises would benefit from the deregulation under the Live Music Act 2012 and regulated entertainment in the form of recorded music would not be required to be licensed. Background music is also not a licensable activity.

The plan which has been submitted includes a basement plan although the applicant states she only intends to use the ground floor of the premises. There is no outside area and the applicant has stated no drinks would be allowed outside.

There is no reference in the application to the premises being within the CIA and therefore no additional provisions, on how the applicant intends to uphold the licensing objectives, to demonstrate how the premises will not have a negative effect on the already saturated area.

Having now spoken to the applicant she states that the basement of the premises would be a kitchen, a store room and the customer toilet. There is no intention of the basement being part of the licensed area.

The premises is not open yet as the applicant is awaiting the signing of the lease as to whether the premises licence would be granted. She states her intention is mainly to provide food with alcoholic and non-alcoholic drinks, such as mocktails. She also states that she would not wish to completely limit herself to not being allowed to serve alcohol, without having a meal, due to the size of the premises being so small she feels she would like customers to be able to come in just for a drink. She stated she has worked in a bar in Bacon Street for several years to is familiar with the area.

She also says that she will have approx.3-5 bar stalls where a few customers could sit/stand at the bar and therefore does not want to be so restricted in having a condition not allowing any 'vertical drinking' as there may be a couple of people standing at the bar on occasions.

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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 could cause customers to be 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. *The premises shall install and maintain a comprehensive CCTV system. 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. *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. *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.*

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The following condition is for consideration of the Licensing Sub-Committee as it could make the premises fall into the possible exemptions of the CIA if it is felt appropriate.

6. *There shall be no "vertical drinking" of alcohol at the premises.*

Yours faithfully

[redacted]

Corinne Holland
Licensin Officer
[redacted]

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Appendix 6

Mohshin Ali

From: Licensing
Sent: 03 December 2021 14:32
To: Mohshin Ali
Subject: FW: 143495 New premises license application for Monks 32 Cheshire Street London E2 6ER

From: Nicola Cadzow [redacted]
Sent: 03 December 2021 11:10
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: MARK.J.Perry[redacted]; Barry.D.Leban[redacted]; jessiecollins[redacted]
Subject: 143495 New premises license application for Monks 32 Cheshire Street London E2 6ER

Dear Licensing

Having considered the premises license application for Monks 32 Cheshire Street London E2 6ER i have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

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

Noise Sensitive premises: residential premises in close proximity.

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

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

CONCLUSION

Environmental Protection **does not** support the application for Monks 32 Cheshire Street London E2 6ER for the following reasons:

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

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

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

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

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

Kind regards

Nicola Cadzow
Environmental 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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Appendix 7

Mohshin Ali

From: Licensing
Sent: 13 December 2021 13:37
To: Mohshin Ali
Subject: FW: Premise license
Attachments: 32 CHESHIRE ST.docx

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----
From: Barry.D.Leban [redacted]
Sent: 13 December 2021 13:09
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Nicola Cadzow <Nicola.Cadzow@towerhamlets.gov.uk>; jessiecollins@gmail.com
Subject: FW: Premise license

Good afternoon,
Please find attached agreed standard conditions and agreement email from the applicant. Police have no objection.
Kind regards,
Barry

-----Original Message-----
From: jessie collins [redacted]
Sent: 13 December 2021 12:48
To: Leban Barry D - [redacted]
Subject: Premise license

Dear Barry Leban,

Thank you for your email.

I have read through the terms and conditions you have asked of me in order to receive a premise license for number 32 Cheshire street and I agree to everything you have asked me to do and put in place.

Kind regards

Jessie collins
[redacted]

Sent from my iPhone

> On 9 Dec 2021, at 14:16, <[redacted]
>
>
>
> -----Original Message-----
> From: jessie collins [redacted]
> Sent: 09 December 2021 14:12
> To: Leban Barry [redacted]

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. 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.

4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

    a) all crimes reported to the venue;
    b) all ejections of patrons;
    c) any complaints received concerning crime and disorder
    d) any incidents of disorder;
    e) any faults in the CCTV system, searching equipment or scanning equipment;
    f) any refusal of the sale of alcohol;
    g) any visit by a relevant authority or emergency service.

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

6. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

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

9. Loudspeakers shall not be located in the entrance lobby or outside the premises building

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

11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

12. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pub watch or other local crime reduction scheme approved by the police, and local radio scheme if available.

Appendix 8

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 9

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 10

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Section 6 of the Licensing Policy**)

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 11

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 12

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 13

Licensing Policy Relating to Hours of Trading
All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)
In considering the applicability of frame work hours to any particular application regard should be had to the following

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

(See 14.9 of the licensing policy)
Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 14

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 Licenses 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 demonstrated 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:

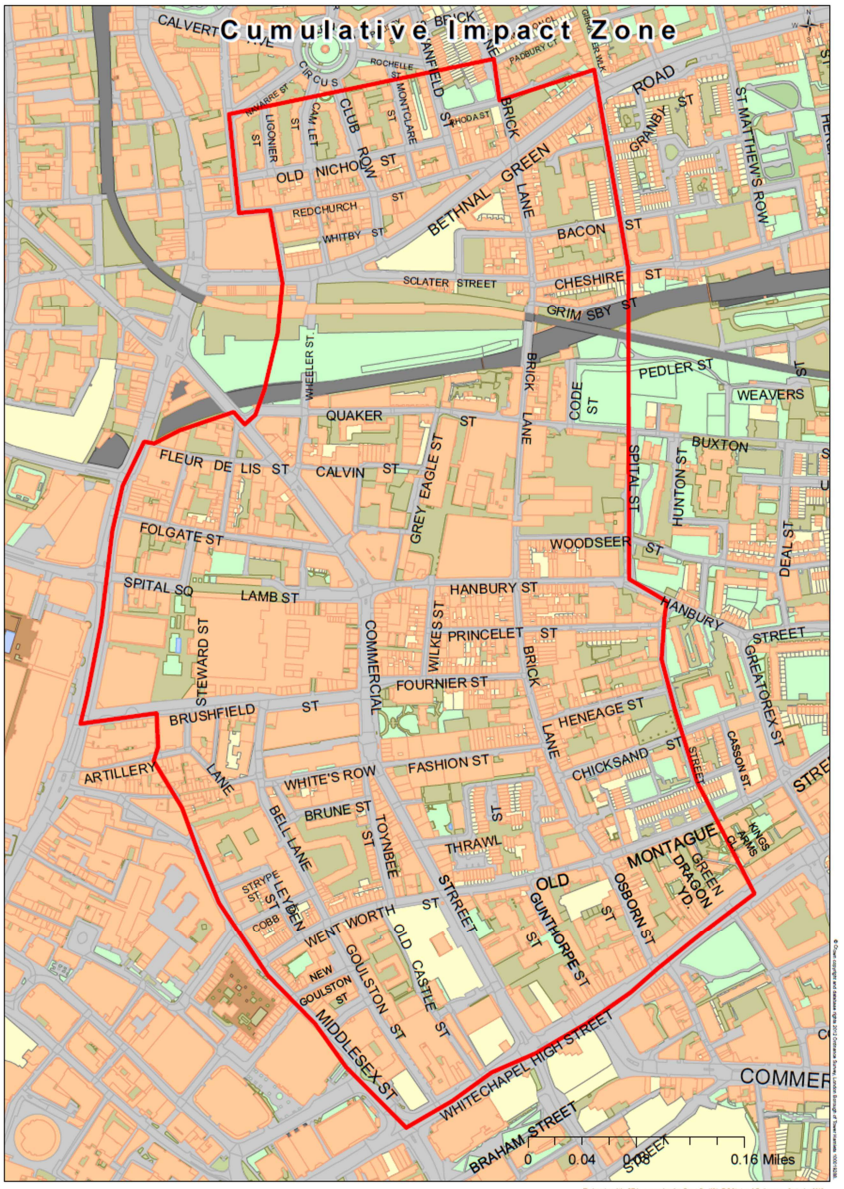
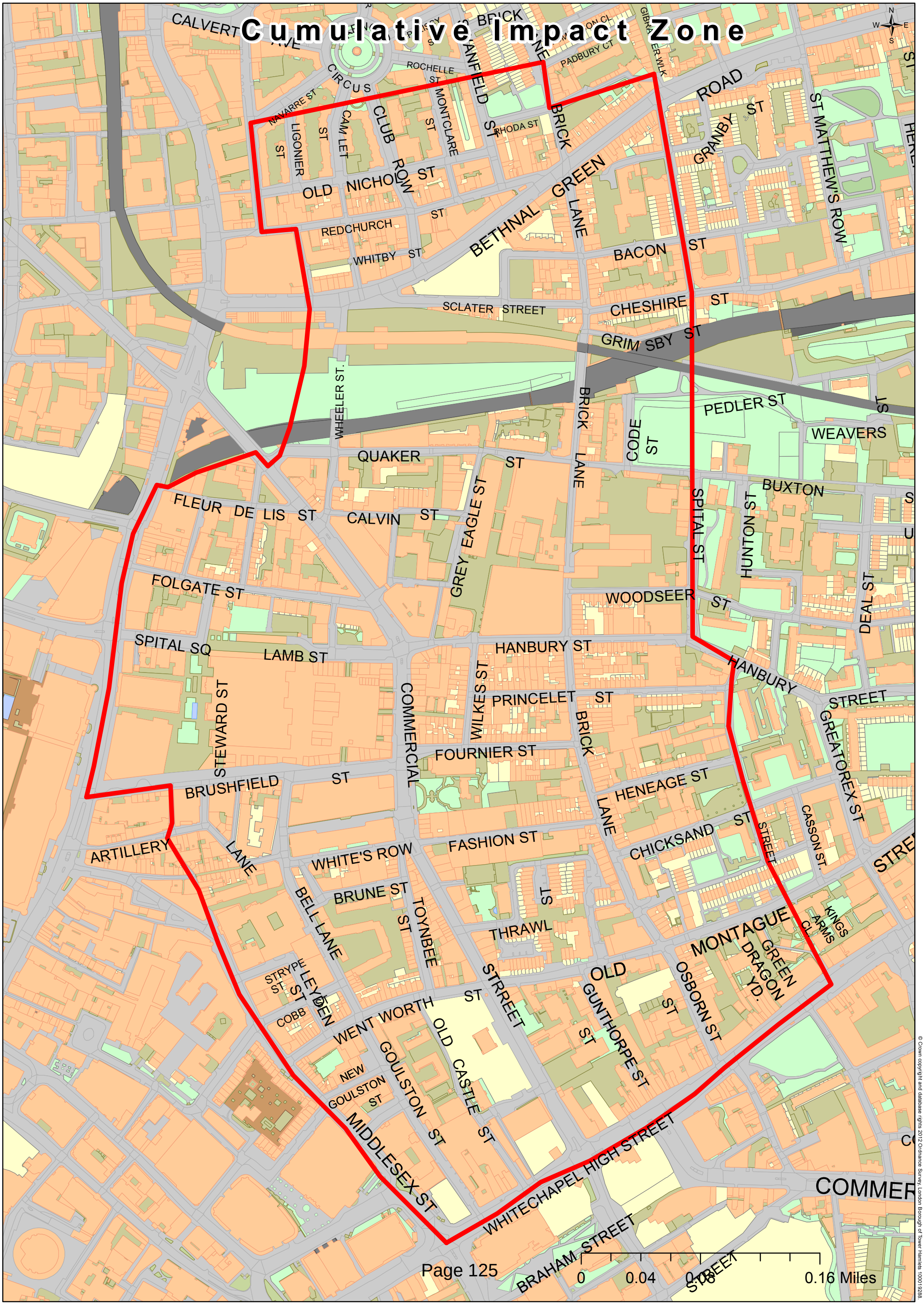


Figure Two:

Cumulative Impact Zone



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The boundery of the CIZ is an approximantion .Drawn By WN CLC Strategy & Performance September 2012

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Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	25 January 2022	**Unclassified**		

Report of: **David Tolley** **Head of Environmental Health & Trading Standards** Originating Officer: **Mohshin Ali** **Senior Licensing Officer**	Title: **Licensing Act 2003** **Application for a Premises Licence for (Kahalia) 135 Brick Lane, London E1 6SB** Ward affected: **Weavers**

1.0 Summary

Applicant:	**Kahalia Limited**
Name and	**Kahalia**
Address of Premises:	**135 Brick Lane** **London** **E1 6SB**
Licence sought:	**Licensing Act 2003 – premises licence** • **The sale by retail of alcohol (on sales only)**
Representations:	**Licensing Authority (RA)** **Environmental Protection**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
• Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Kahalia) 135 Brick Lane, London E1 6SB.

3.2 The applicant has described the premises as follows:

"Kahaila is a coffee shop on Brick Lane. It has 14 tables and can host up to 60 people seated. We want to remain as a coffee shop but we would like to offer mulled wine and Baileys Hot Chocolate during the winter months"

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**.

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

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

- *Monday to Sunday, from 09:00 hrs to 19:00 hrs*

The opening hours of the premises

- *Monday to Sunday, from 09:00 hrs to 19:00 hrs*

3.5 The sale of alcohol is proposed to continue until the premises closes to the public. It is difficult to see how the applicant will ensure that the licence conditions are met. The problem of course is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the licensable activities and the time the premises closes to the public.

4.0 **Location and Nature of the premises**

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

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

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2018. It was last revised in November 2021.

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

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

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

6.0 **Representations**

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Licensing Authority acting as a Responsible Authority (See **Appendix 5**).

- Environmental Protection Team (See **Appendix 6**).

6.2 The applicant has been in communication with Environmental Protection and Licenisng Authoriy following the representations, however, it is not clear if there have been any agreements between them.

6.3 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
- Environmental Protection (Noise)
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

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

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

6.5 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the

application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.

6.6 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.

6.7 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 *Display "No proof of age, no sale" signage*

7.2 *Clear and eligible notices will be prominently displayed to remind customers to leave quietly and have regard for local residents.*

7.3 *Install comprehensive CCTV coverage, with specific attention to the entrance/exit and point of sales area. The CCTV system shall conform to the following points:*
1. Cameras will be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas will capture frames not less than 50% of screen.
4. Cameras overlooking floor area will be wide angled to give an overview of the
premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.

7.4 *All staff will be trained regulalry to prevent underage sales, operating a "No proof of age, No Sale" policy*

7.5 *The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.*

7.6 *A register of refused sales shall be kept and maintained on the premises.*

8.0 **Conditions in consultation with the Responsible Authorities**

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.

9.2 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

9.3 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.

9.4 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. 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.

9.5 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)

9.6 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.

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

9.8 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.

9.9 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)

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

9.11 In **Appendices 7 - 13** 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	Other licensed venues in the area
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Representation of EH Noise Team
Appendix 7	Licensing Officer comments on noise while the premise is in use
Appendix 8	Licensing Officer comments on access/egress Problems
Appendix 9	Licensing Officer comments on crime and disorder on the premises
Appendix 10	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 11	Planning
Appendix 12	Licensing Policy relating to hours of trading
Appendix 13	Tower Hamlets Cumulative Impact Zone

Appendix 1

Tower Hamlets
Application for a premises licence
Licensing Act 2003

For help contact
licensing@towerhamlets.gov.uk
Telephone: 020 7364 5008

* required information

Section 1 of 21

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		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	Paul
* Family name	Unsworth
* E-mail	[redacted]
Main telephone number	[redacted]
Other telephone number	

Include country code.

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

Are you:

(•) Applying as a business or organisation, including as a sole trader

( ) Applying as an individual

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

Applicant Business

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

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

Registration number	7356380	
Business name	Kahaila Limited	If your business is registered, use its registered name.
VAT number	- 125344632	Put "none" if you are not registered for VAT.
Legal status	Charity or Association	

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Continued from previous page...

Your position in the business	Chief Executive
Home country	United Kingdom

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name	17 Dover Road
Street	
District	
City or town	London
County or administrative area	
Postcode	E12 5DZ
Country	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	135
Street	Brick Lane
District	
City or town	London
County or administrative area	
Postcode	E1 6SB
Country	United Kingdom

Further Details

Telephone number	[redacted]
Non-domestic rateable value of premises (£)	38,250

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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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name: Kahaila Limited

Details

Registered number (where applicable):

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

Charity limited by guarantee (1138653)

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Continued from previous page...

Address

Building number or name	17
Street	Dover Road
District	
City or town	London
County or administrative area	
Postcode	E12 5DZ
Country	United Kingdom

Contact Details

E-mail	[redacted]
Telephone number	[redacted]
Other telephone number	
* Date of birth	[redacted] dd mm yyyy
* Nationality	[redacted]

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? 01 / 11 / 2021 (dd / mm / yyyy)

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

Provide a general description of the premises

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

Kahaila is a coffee shop on Brick Lane. It has 14 tables and can host up to 60 people seated.

We want to remain as a coffee shop but we would like to offer mulled wine and Baileys Hot Chocolate during the winter months,.

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Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

○ Yes ◉ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

○ Yes ◉ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

○ Yes ◉ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

○ Yes ◉ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

○ Yes ◉ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

○ Yes ◉ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

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Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

○ Yes ◉ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

○ Yes ◉ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

◉ Yes ○ No

Standard Days And Timings

MONDAY

Start 09:00 End 19:00

Start End

TUESDAY

Start 09:00 End 19:00

Start End

WEDNESDAY

Start 09:00 End 19:00

Start End

THURSDAY

Start 09:00 End 19:00

Start End

FRIDAY

Start 09:00 End 19:00

Start End

SATURDAY

Start 09:00 End 19:00

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.

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Continued from previous page...

SUNDAY

Start 09:00 End 19:00

Start End

Will the sale of alcohol be for consumption:

(•) On the premises ( ) Off the premises ( ) Both

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

State any seasonal variations

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

The primary motivation behind this application is to provide mulled wine and baileys hot chocolate during the winter months.

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

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

We do not anticipate at this stage to have occasions when we will need to operate longer than the proposed hours. If there was a special occasion then we would apply for a TENs license.

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

Name

First name Paul

Family name Unsworth

Date of birth [redacted]

dd mm yyyy

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Continued from previous page...

Enter the contact's address

Building number or name	[redacted]
Street	[redacted]
District	[redacted]
City or town	[redacted]
County or administrative area	
Postcode	[redacted]
Country	United Kingdom
Personal Licence number (if known)	[redacted]
Issuing licensing authority (if known)	[redacted]

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start	09:00	End	19:00
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.

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Continued from previous page...

TUESDAY

Start 09:00 End 19:00

Start End

WEDNESDAY

Start 09:00 End 19:00

Start End

THURSDAY

Start 09:00 End 19:00

Start End

FRIDAY

Start 09:00 End 19:00

Start End

SATURDAY

Start 09:00 End 19:00

Start End

SUNDAY

Start 09:00 End 19:00

Start End

State any seasonal variations

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

There will be no seasonal variations.

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.

N/A

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)

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Continued from previous page...

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

Kahaila Cafe is in a Cumulative Impact Zone. We want to ensure that we do not have a negative impact on the licensing objectives in our local area. Our strategies in achieving this are as follows:
1) Limit our opening hours to 7pm.
2) We will not serve spirits (other than a shot of Baileys liquor in a Hot Chocolate).

3) Install comprehensive CCTV system.
4)Display "No proof of age, no sale" signage
5)Display signs to remind customer to leave quietly and have regard for local residents

b) The prevention of crime and disorder

Kahaila will install comprehensive CCTV coverage, with specific attention to the entrance/exit and point of sales area.

The CCTV system shall conform to the following points:
1. Cameras will be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas will capture frames not less than 50% of screen.
4. Cameras overlooking floor area will be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.

c) Public safety

We have appropriate fire and safety procedures in place. We have a fire safety contractor who carries out annual inspection of fire ans safety equipment as well as train staff in how to use the equipment.

d) The prevention of public nuisance

Clear and eligible notices will be prominently displayed to remind customers to leave quietly and have regard for local residents.

e) The protection of children from harm

All staff will be trained regulalry to prevent underage sales, operating a "No proof of age, No Sale" policy

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

A register of refused sales shall be kept and maintained on the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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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.

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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.

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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

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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:
  - 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.

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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:
  - 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.

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

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Continued from previous page...

* Fee amount (£) 315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country United Kingdom

DECLARATION

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

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

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Continued from previous page...

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

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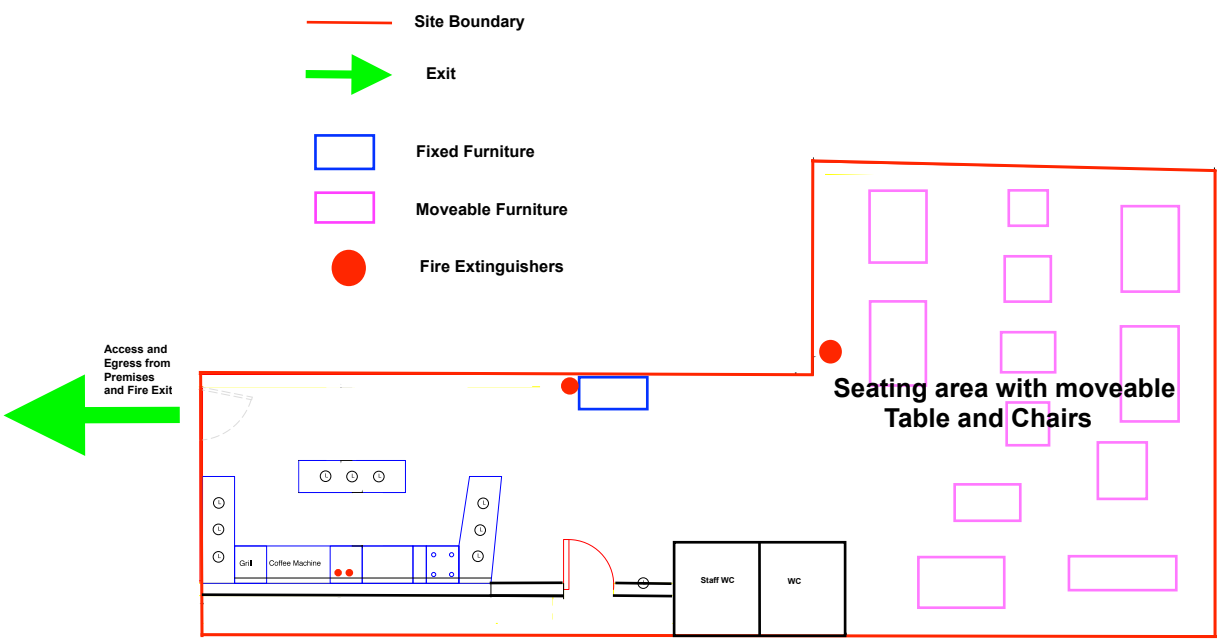
Appendix 2



Plan indicates extent of boundary of building noted by red line
Area within red line is to be licensed

General Notes

No.	Revision/Issue	Date

Firm Name and Address

Kahalia
GPI

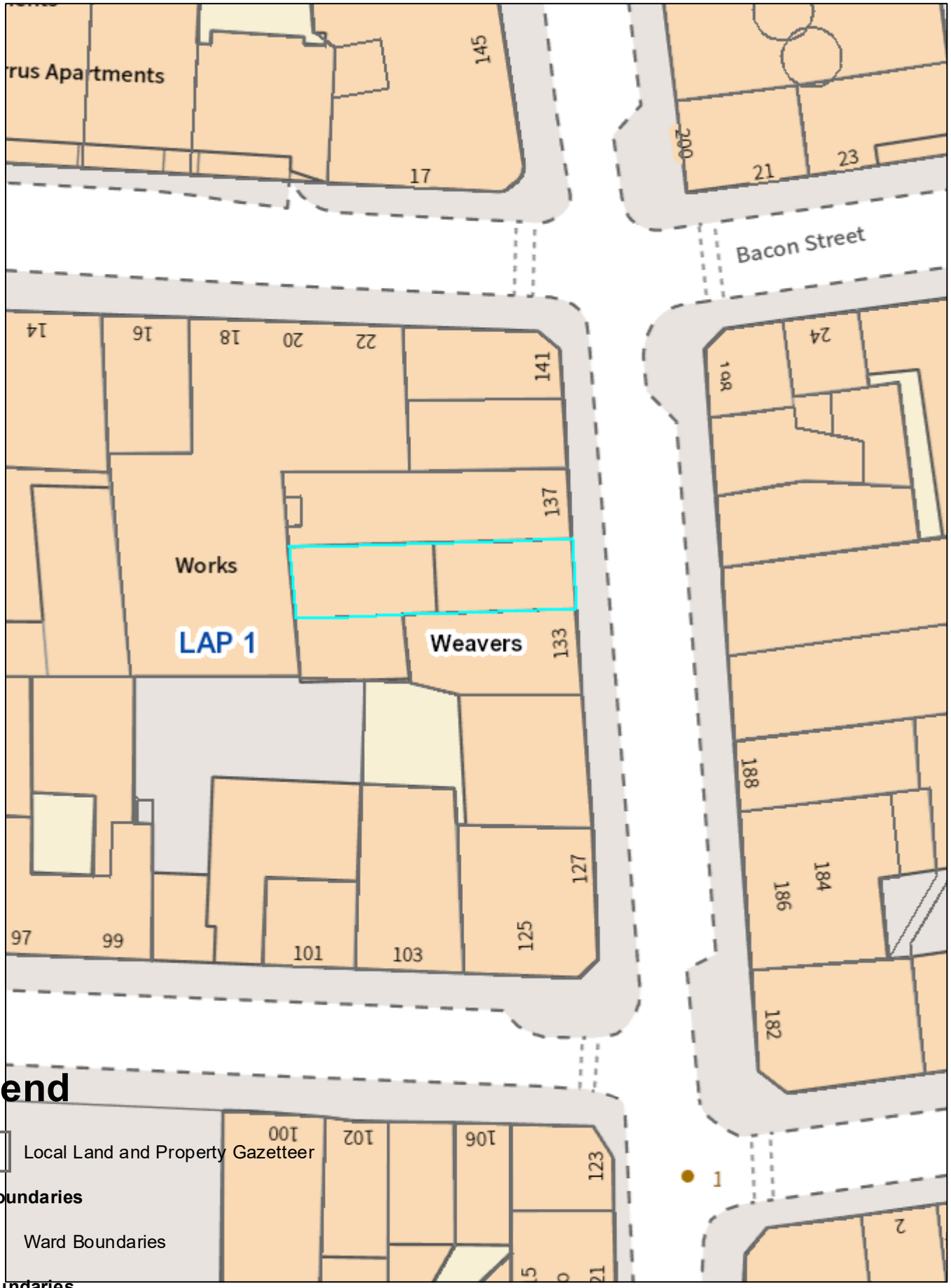
Project Name and Address

Floor Plan
135 Brick Lane
London E1
DWG. BL001

Project	Sheet
Kahalia	1
Date: 02.11.21	
Scale: 1:50 @ A1	

Appendix 3

135 Brick Lane



Legend

Local Land and Property Gazetteer

Ward Boundaries

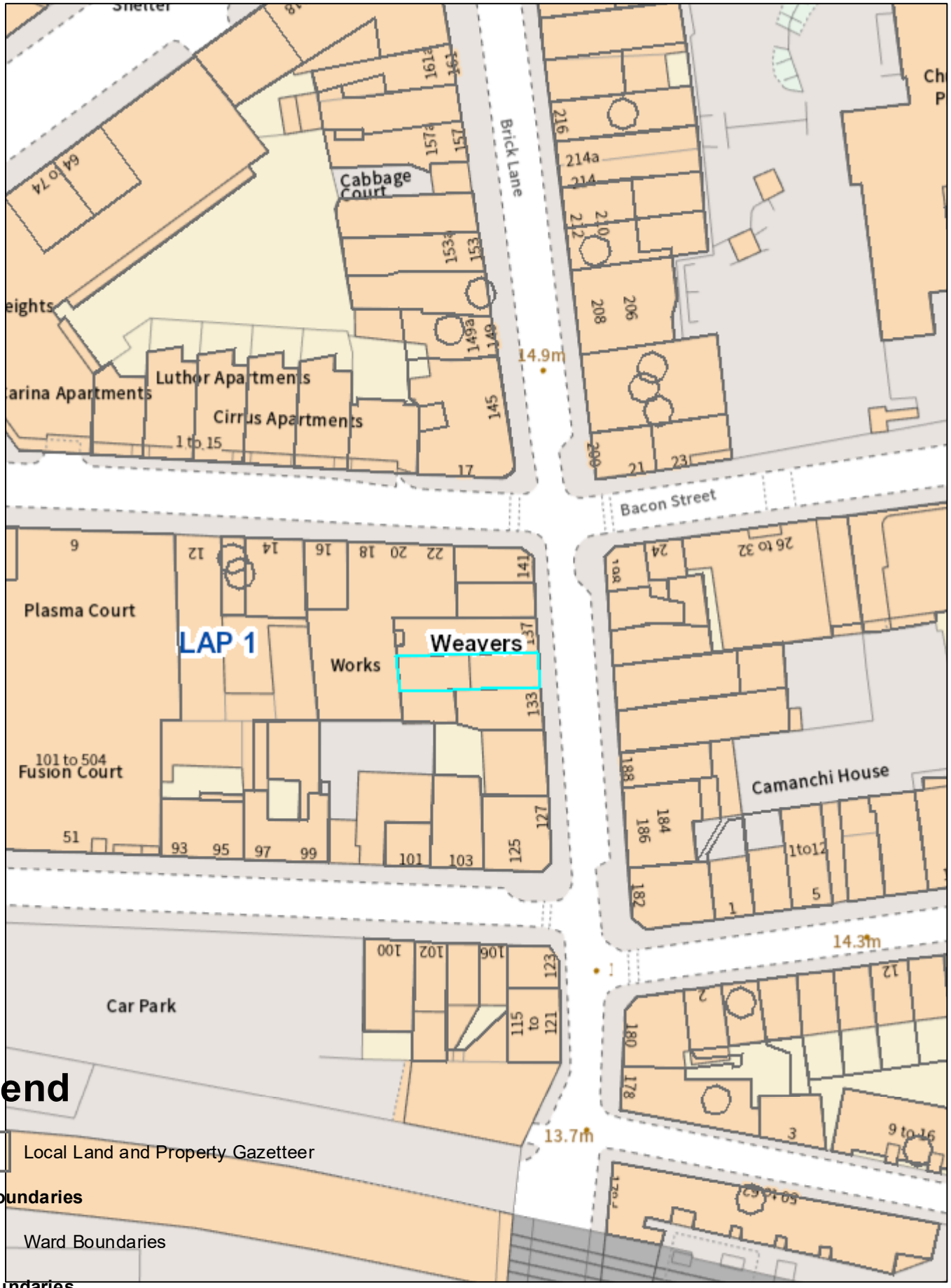
Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.0037 0.0075 0.015 0.0225 0.03
km

135 Brick Lane



Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.0075 0.015 0.03 0.045 0.06 km

Appendix 4

Name and address	Licensable activities and hours	Opening hours
(Subway) **222 Brick Lane** **London** **E1 6SA**	The provision of late night refreshment, • Friday & Saturday, 23.00pm to 04.00am the following day	• Monday to Thursday, 07.00am to 23.00pm. • Friday, 07.00am to 04.00am the following day. • Saturday, 09.00am to 04.00am the following day. • Sunday, 09.00am to 22.00pm.
(Alcotraz) **212 Brick Lane** **London** **E1 6SA**	**The sale by retail of alcohol (on and off sales)** • *(Monday and Tuesday, no licensable activities)* • Wednesday and Thursday, from 12:00 hours to 23:30 hours • Friday and Saturday, from 12:00 hours to 00:00 hours (midnight) • Sunday, from 12:00 hours to 22:30 hours **The provision of regulated entertainment – Indoors (Plays)** • *(Monday and Tuesday, no licensable activities)* • Wednesday to Friday, from 17:00 hours to 23:00 hours • Saturday, from 12:00 hours to 23:00 hours • Sunday, from 16:00 hours to 19:00 hours **The provision of regulated entertainment - Indoors** • *(Monday and Tuesday, no licensable activities)* • Wednesday and Thursday, from 23:00 hours to 23:30 hours • Friday and Saturday, from 23:00 hours to 00:00 hours (midnight)	• *(Monday and Tuesday, premises not open)* • Wednesday and Thursday, 12:00 hrs to 00:00 hrs (midnight) • Friday and Saturday, from 12:00 hrs to 00:30 hrs the following day • Sunday, from 12:00 hrs to 23:00 hrs
210 Brick Lane **London** **E1 6SA**	**Alcohol (**Off sales**)** • Monday to Thursday, from 06:00 hours to 01:30 hours • Friday and Saturday, from 06:00 hours to 02:00 hours Sunday, from 06:00 hours to 01:00 hours	• Monday to Sunday, from 00:00 hours to 23:59 hours (24 hours)

(3AKE) **204 Brick Lane** **London** **E1 6SA**	Sale of Alcohol (Off Sales only) Monday to Saturday from 10:00 hours to 23:00 hours Sunday 12:00 hours to 22:30 hours Sale of Alcohol (On Sales only) (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight. (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).	There are no restrictions on the hours during which this premises is open to the public
(Evering Bakery) **155 Brick Lane** **London E1 6SB**	**The provision of late night refreshment** Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 23:00 hours to 05:00 hours	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday 24 hours
(Hookah Lounge) **133 Brick Lane** **London** **E1 6SB**	**Alcohol (**On sales**)** • Monday to Thursday, 11:00 hrs to 12 midnight • Friday and Saturday, 11:00 hrs to 01:40 hrs • Sunday, 11:00 hrs to midnight **Late Night Refreshment** • Monday to Thursday, 23:00 hrs to 12 midnight • Friday and Saturday, 23:00 hrs to 01:40 hrs • Sunday, 23:00 hrs to midnight	• Monday to Thursday, 11:00 hrs to 12 midnight • Friday and Saturday, 11:00 hrs to 02:00 hrs • Sunday, 11:00 hrs to midnight Non-standard times New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Simmons Bar **202 Brick Lane** **London** **E1 6SA**	**The sale of alcohol (**On and off sales**)** ▪ Sunday to Thursday, from 11:00 hours to 23:00 hrs ▪ Friday and Saturday, from 11:00 hours to 00:30 hrs **Provision of late night refreshment:** ▪ Sunday to Thursday, from 23:00 hours to 23:30 hrs ▪ Friday and Saturday, from 23:00 hours to 01:00 hrs	▪ Sunday to Thursday, from 10:00 hours to 23:30 hrs ▪ Friday and Saturday, from 10:00 hours to 01:00 hrs
(I Mattoni) **224 Brick Lane** **London** **E1 6SA**	**Alcohol (**On and off supplies**)** • Sunday to Thursday, from 12:00 hours to 23:00 • Friday and Saturday, from 12:00 hours to 12midnight **Late Night Refreshment** • Sunday to Thursday, from 23:00 hours to 12midnight • Friday and Saturday, from 23:00 hours to 01:00 hours the following day	• Sunday to Thursday, from 09:00 hours to 12midnight Friday and Saturday, from 09:00 hours to 01:00 hours the following day

Appendix 5

PLACE Directorate
Public Realm

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

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

www.towerhamlets.gov.uk

Licensing Authority:
[redacted]

CC: Applicant Paul Unsworth
[redacted]

2nd December 2021

Your reference
My reference: LIC/142684/LMI

Dear Licensing Authority,

Licensing Act 2003
New premises licence application: Kahaila 135 Brick Lane London E1 6SB

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.

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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.*

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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 Act2003 (8.42) says:
"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

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- *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. *No vertical drinking. Customers must be seating when consuming mulled wine or alcohol infused drinks.*

2. *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.*

3. *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.*

4. *When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.*

5. *No beers or spirits shall be permitted. Save for mulled wine or blended hot drinks only. (Exclusively for hot chocolate with a single measure of Bailey's alcohol. Drinks containing alcohol shall only be served during the period of 1st October to 31st January).*

6. *Alcohol shall only be served until 18:30 hours for last orders.*

7. *Any drinks containing alcohol must be served ancillary to food.*

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8. *A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.*

Yours faithfully

[redacted]

avine Miller Johnson
Licensing Officer
[redacted]

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Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

Appendix 6

Mohshin Ali

From: Licensing
Sent: 29 November 2021 15:00
To: Mohshin Ali
Subject: FW: 142684 MAU REPRESENTATION New premises license application for Kahaila 135 Brick Lane, London

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nicola Cadzow [redacted]>
Sent: 29 November 2021 14:21
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: MARK.J.Perry[redacted]; Barry.D.Leban[redacted]; paul.unsworth[redacted]
Subject: 142684 MAU REPRESENTATION New premises license application for Kahaila 135 Brick Lane, London

Dear Licensing,

Having considered the premises license application for Kahaila 135 Brick Lane, London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, especially given the fact that the premises is within Brick Lane Cumulative Impact Zone.

Whilst the application is for lesser hours than the Council's framework hours there is insufficient information in the operating schedule in the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. Consideration has to be given to (1) potential music which may emanate from the premises & (2) the impact on public nuisance from people loitering outside whilst the premises is in operation, particularly when considering that the premises is in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in close proximity to the venue.

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

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

CONCLUSION

Environmental Protection **does not** support the application for Kahaila 135 Brick Lane, London for the following reasons:

(1) The applicant has provided insufficient information to show how they will promote the licensing objective for the prevention of public nuisance
(2) The premises is in Brick Lane Cumulative Impact Zone.

However if the licensing sub-committee are minded to grant the application I would ask that the following noise conditions be considered:

(1) Loudspeakers shall not be located in the entrance lobby or outside the premise building.
(2) All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
(3) Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
(4) 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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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

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Section 6 of the Licensing Policy**)

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 10

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 11

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 12

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 13

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.

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 Licenses 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 demonstrated 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:

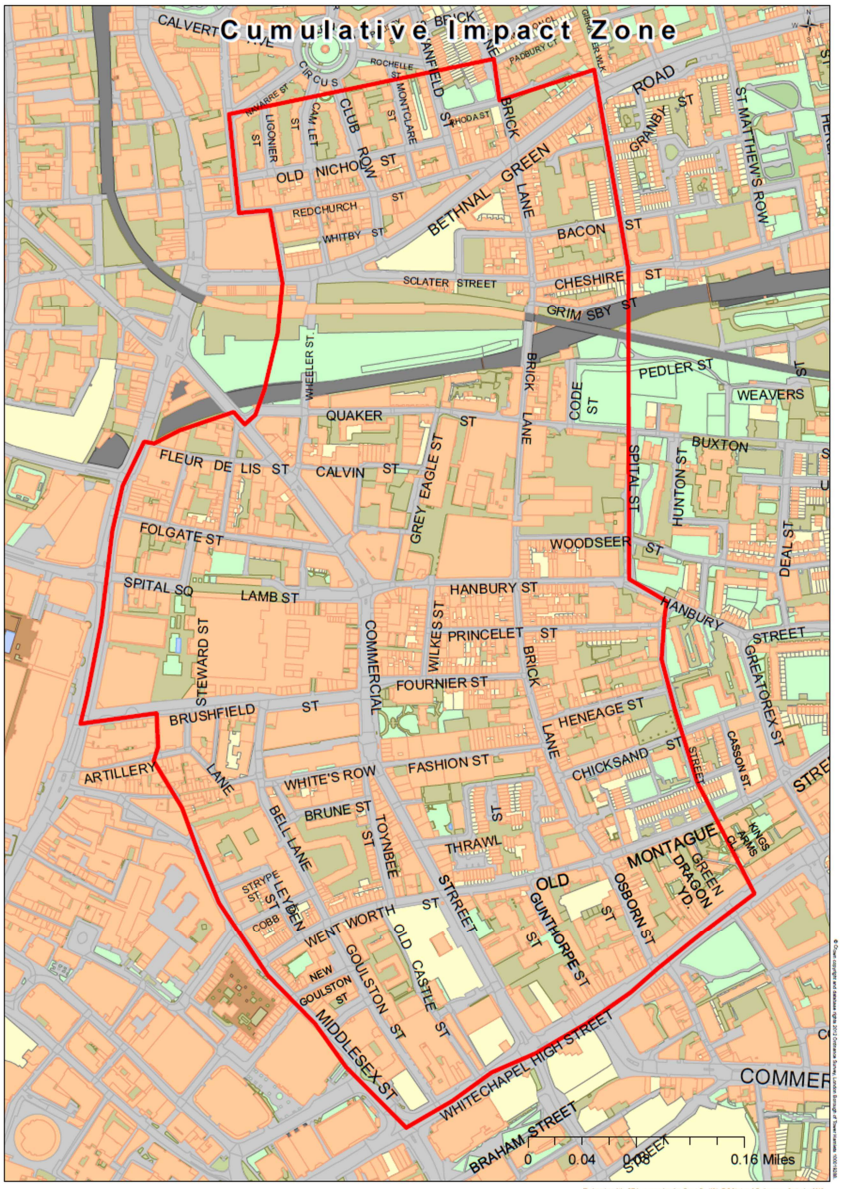
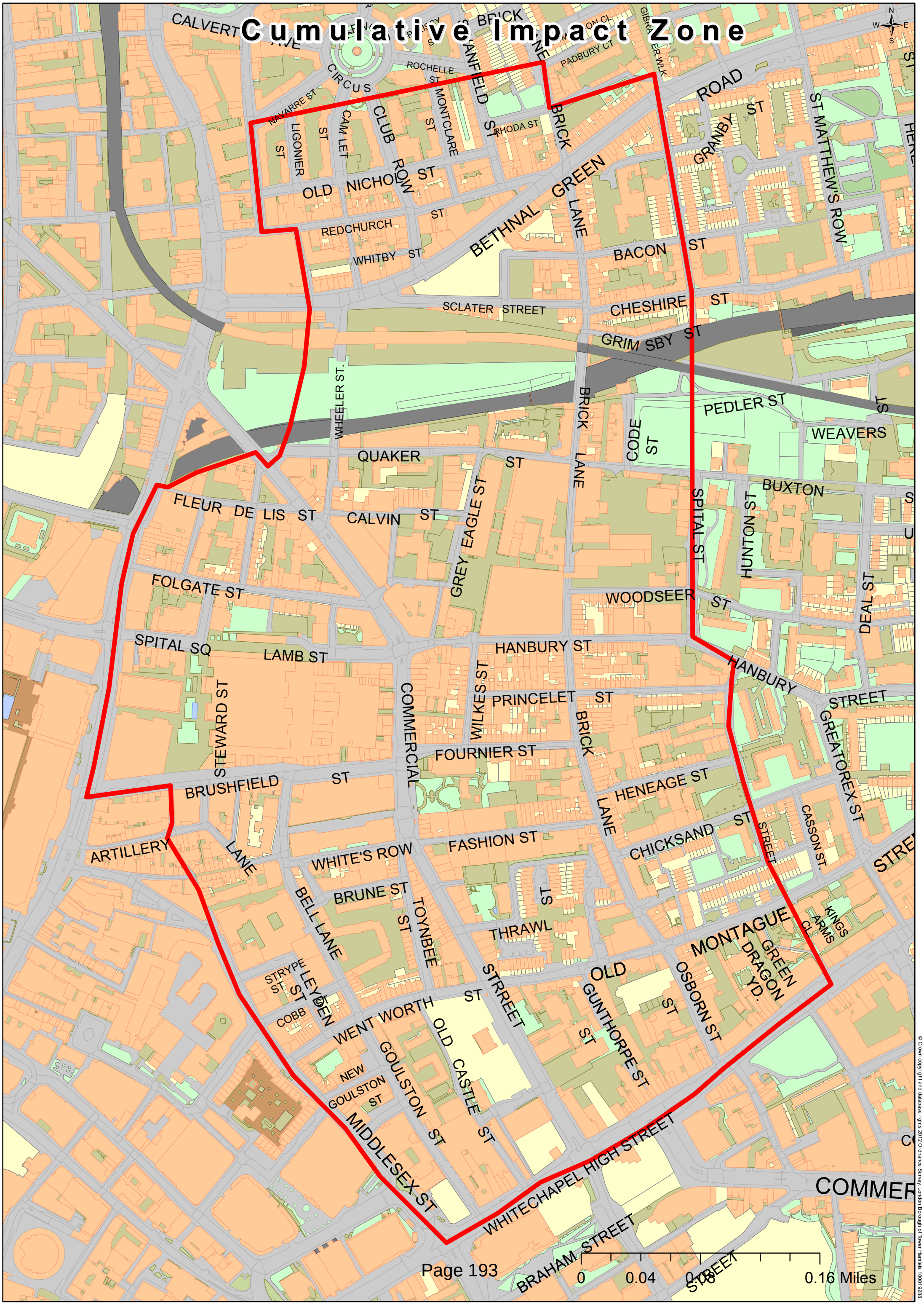


Figure Two:

Cumulative Impact Zone



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The boundery of the CIZ is an approximantion .Drawn By WN CLC Strategy & Performance September 2012

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Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	25 January 2022	**Unclassified**		

Report of **David Tolley** **Head of Environmental Health & Trading Standards** Originating Officer: **Kathy Driver, Principal Licensing Officer**	Title: **Licensing Act 2003 Temporary Event Notice for Colour Factory, Unit 8 Queens Yard, 43 Whitepost Lane, London E9 5EN** Ward affected: **Bow East**

1.0 **Summary**

Applicant:	**Nathaniel Williams**
Address of Premises:	**Colour Factory** **Unit 8 Queens Yard** **43 Whitepost Lane** **London E9 5EN**
Objectors:	**Metropolitan Police**

2.0 **Recommendations**

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
Licensing Act 2003 Section 182 Guidance Licensing Policy File Only		Kathy Driver 020 7364 5171

3.0 **Background**

3.1 This is an application for a Standard Temporary Event Notice.

3.2 Enclosed is a copy of the application. (**See Appendix 1**).

3.3 The applicant has described the nature of the application as follows: The supply of alcohol & Regulated Entertainment

3.4 The premises applied for is: Colour Factory, Unit 8 Queens Yard, 43 Whitepost Lane, London E9 5EN

3.5 The dates that have been applied for are as follows: 30th January 2022

3.6 The times that have been applied for are as follows: 04:00 hours to 06:00 hours

3.7 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Premises Licence**

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

4.2 The licenced hours for Saturday night/Sunday morning are:
Sale of alcohol until 03:30 hours with Regulated Entertainment until 04:00 hours.
Members should note the applicant has applied to commence the Temporary Event Notice from 04:00 hours and would therefore be unable to sell alcohol between the hours of 03:30 and 04:00 hours.

5.0 **Temporary Event Notices**

5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.

5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per

year etc. The limits are now as follows: 15 TEN per calendar year or 21 days, however for years 2022 and 2023 the limits are increased to 20 and 26 respectively. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.

5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority

(a) if it considers it appropriate for the promotion of the licensing objectives to do so,
(b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
(c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

5.5 Where the authority decides to impose one or more conditions;
(a) the authority must give the premises user notice of the decision;

(b) the notice must be accompanied by a separate statement (the "statement of conditions") which sets out the conditions that have been imposed on the temporary event notice; and

(c) a copy of the notice and statement of conditions must be given to each relevant party.

5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.

5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.

6.0 **Objections**

6.1 The Police objections are contained in **Appendix 4**.

7.0 **Advice to Members**

7.1 The Police Reform and Social Responsibility Act 2011 amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.

7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.

7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.

7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

8.0 **Legal Comments**

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

9.0 **Finance Comments**

9.1 There are no financial implications in this report.

10.0 **Appendices**

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Premises Licence
Appendix 4	Police Objection

Appendix 1

Tower Hamlets
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@towerhamlets.gov.uk
Telephone: 020 7364 5008

* required information

Section 1 of 9

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Colourfactory140821	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	Nathaniel
Family name	Williams
E-mail address	nathanael@colourfactory.com
Main telephone number	+447704422110
Other telephone number	

Include country code.

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

Are you:

(•) Applying as a business or organisation, including as a sole trader

( ) Applying as an individual

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

Applicant Business

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

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

Registration number		12001934
Business name		Run The Booze
VAT number	GB	none
Legal status		Private Limited Company

If your business is registered, use its registered name.

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

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Continued from previous page...

Your position in the business	Director	
Home country	United Kingdom	The country where the headquarters of your business is located.

Registered Address — Address registered with Companies House.

Building number or name	Unit 8 Queens Yard
Street	43 White Post Lane
District	
City or town	London
County or administrative area	
Postcode	E9 5EN
Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

○ Yes ◉ No

Your date of birth: 14 / 02 / 1987 (dd / mm / yyyy) — Applicant must be 18 years of age or older

National Insurance number: JP543396a — This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth: Marston Green

Correspondence 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	Unit 8 Queens Yard
Street	43 White Post Lane
District	
City or town	London
County or administrative area	
Postcode	E9 5EN
Country	United Kingdom

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Continued from previous page...

Additional Contact Details

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

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

(•) Yes ( ) No

E-mail	nathanael@colourfactory.com
Telephone number	+447704422110
Other telephone number	

Section 3 of 9

THE PREMISES

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

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

(•) Yes ( ) No

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	8a Queens Yard
Street	43 White Post Lane
District	
City or town	London
County or administrative area	
Postcode	E9 5EN
Country	United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

( ) Neither (•) Premises licence ( ) Club premises certificate

Premises licence number	133063

Location Details

Provide further details about the location of the event

This event will take place in the venue known as 'Colour Factory'.

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Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

We do not intend to use the front outdoor area for smoking after 4am so as to not disturb or cause nuisance any local businesses or residence.

We have an egress and dispersal policy which will move customers towards Hackney Wick station, at this time trains will be available for people to get home. This also clears up White Post Lane and the congestion of Uber's being called and people waiting around.

Describe the nature of the premises below (see also guidance on completing the form, note 4)

We are a food court, live music venue who have carried out a comprehensive risk assessment to ensure that the public safety is paramount and that the venue is fit for purpose of late night entertainment. In addition to this we have carried out a noise survey with an acoustic consultant to ensure that we are fully aware of the risks the premises poses regarding public nuisance from break out and gives us clear parameters to prevent this from occurring.

Describe the nature of the event below (see also guidance on completing the form, note 5)

We wish to extend our usual provision of regulated entertainment recorded music and sale by retail of alcohol (on site until 6am).

This event is part of our promoted events calendar which has been shared with Tower Hamlets Police to ensure that all acts are checked. We expect attendance to this event to be between 300 and 499..

This event "CHAPTER 10" is a community based queer night, this will be the 1st event at this venue. Chapter 10 works with the community supporting charities, examples of this can be seen in selling merchandise to fund The Outside Project, a London based LGBTIQ+ community centre providing homes to multiple LGBTIQ+ and Homelessness grassroots groups that they work alongside or support to develop on a 'PWYC' basis.

There will be at least 1 SIA trained security guard on site per 100 customers and we also operate a joined up security plan with all other venues in Queens Yard with 'A Polite Solution'. In case of emergency please contact our General Manager Jimmy on +44 7821 790886 or Head of Security Bernard on +44 7555 740689.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event. (See also guidance on completing the form, note 7).

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Continued from previous page...

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date: 30 / 01 / 2022 (dd / mm / yyyy)

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date: 30 / 01 / 2022 (dd / mm / yyyy)

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 9)

04:00 - 06:00

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

- (●) On the premises only
- ( ) Off the premises only
- ( ) Both

Section 5 of 9

RELEASE ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

We wish to extend our usual provision of regulated entertainment recorded music and sale by retail of alcohol (on site until 6am). There will be DJs and no food.

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

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Continued from previous page...

Do you currently hold a valid personal licence? (•) Yes ( ) No

Provide the details of your personal licence below.

Issuing licensing authority: Redbridge

Licence number: 063442

Date of issue: 23 / 09 / 2019 (dd / mm / yyyy)

Any further relevant details:

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ( ) Yes (•) No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

( ) Yes (•) No

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? ( ) Yes (•) No

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Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?	○ Yes	◉ No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	○ Yes	◉ No
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?	○ Yes	◉ No

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

* ..... For completion by the Licensing Authority .....

* ..... I acknowledge receipt of this temporary event notice .....

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* SIGNATURE_____ On behalf of the Licensing Authority NAME OF OFFICER _____ DATE _____

*

☒ 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	Nathaniel Williams
Capacity	Director
Date	12 / 01 / 2022 (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/temporary-event-notice/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.

OFFICE USE ONLY

Applicant reference number	Colourfactory140821
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	☐

< Previous 1 2 3 4 5 6 7 8 9 Next >

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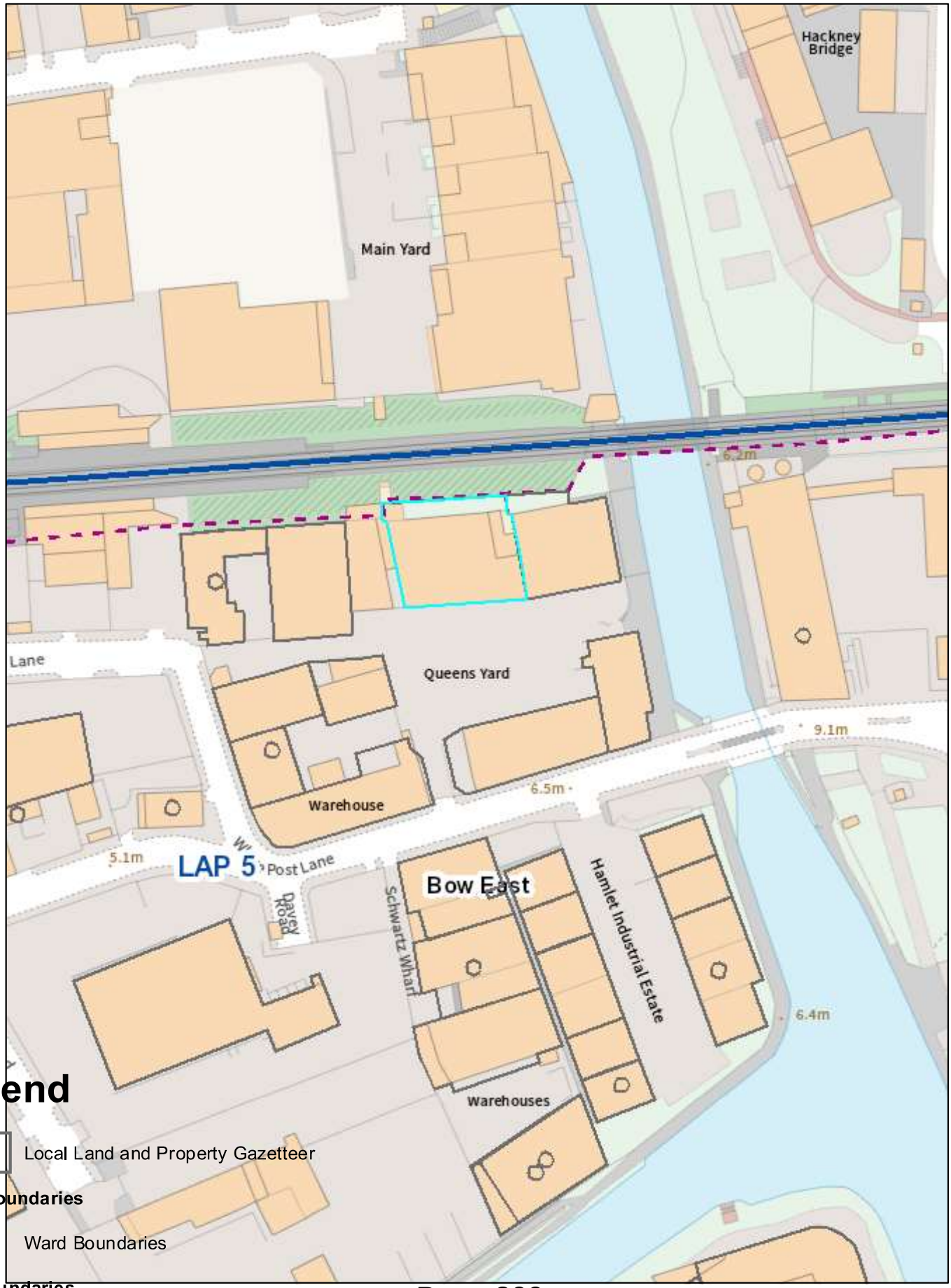
Appendix 2

Unit 8a Queens Yard, Whitepost Lane



Legend

Local Land and Property Gazetteer

Ward Boundaries

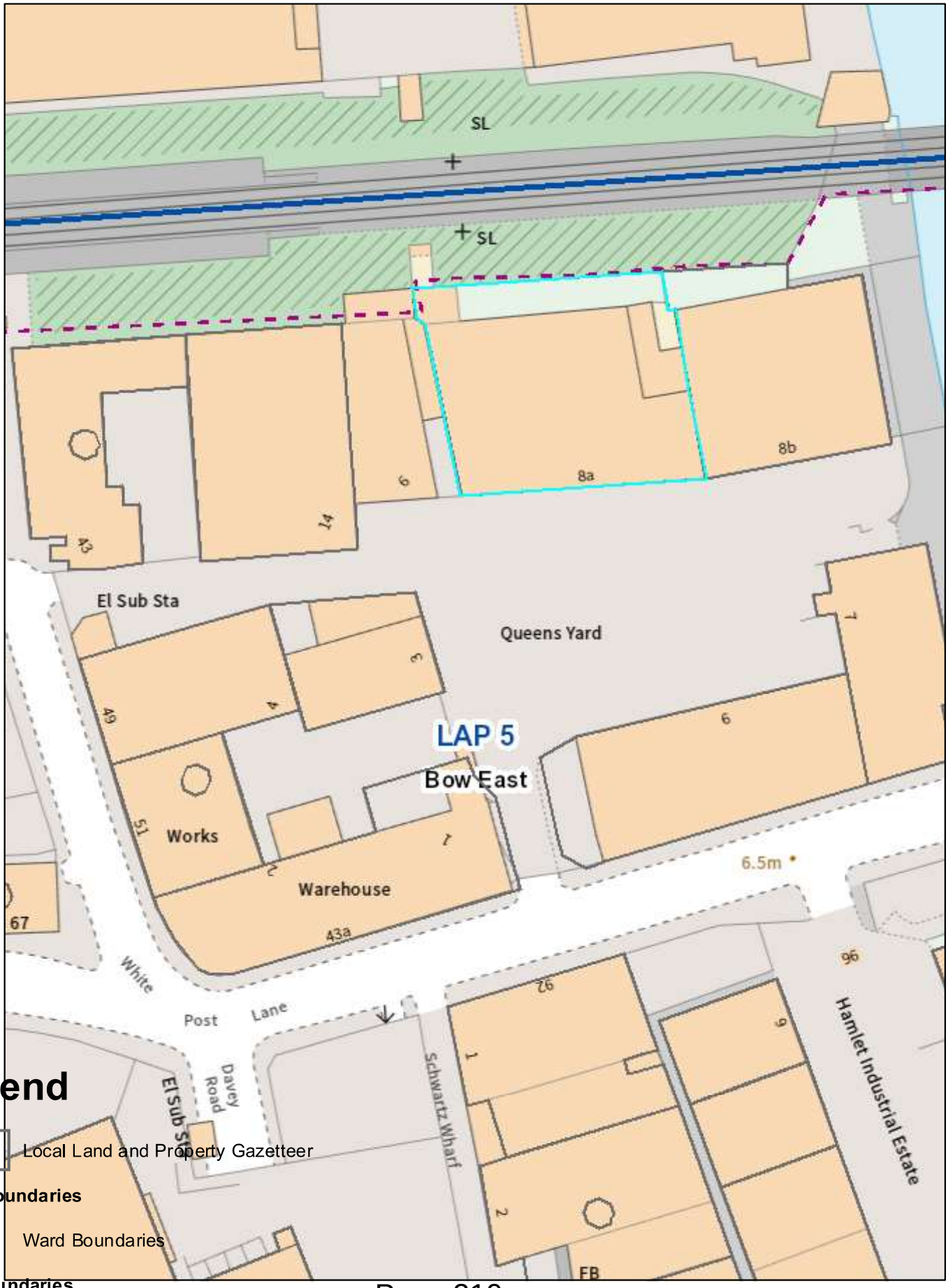
Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.015 0.03 0.06 0.09 0.12 km

Unit 8a Queens Yard, Whitepost Lane



Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.0075 0.015 0.03 0.045 0.06 km

Appendix 3

TOWER HAMLETS

Licence No: 133063

(Colour Factory)
Unit 8a, Queens Yard
White Post Lane
London
E9 5EN

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

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

Date: 5th February 2016

- **24th November 2016, amended by a variation**
- **8th November 2017, amended by a variation**
- **30th July 2019, amended by a variation (times extended)**
- **25th November 2020 – variation (adding off sales)**

Part A - Format of premises licence

Premises licence number	**133063**

Part 1 - Premises details

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

(Colour Factory)
Unit 8a, Queens Yard
White Post Lane

Post town	**Post code**
London	E9 5EN

Telephone number
020 8124 6118

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description)
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on & off sales)

- Monday to Thursday 09:00 hours to 23:00 hours
- Friday & Saturday 09:00 hours to 03:30 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

The provision of late night refreshment – Indoors and outdoors

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

The provision of regulated entertainment

(Plays, Performances of Dance) – indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

(Films) - indoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday, from 09:00 hours to 04:00 hours the following day
- Sunday 09:00 hours to 00:00 hours (midnight)

(Indoor Sporting Event)

- Monday to Thursday, from 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

Live Music & Recorded Music (indoors & outdoors) – Live music cease 23:00 hours outside)

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday 09:00 hours to 00:00 hours (midnight)

Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

Non-standard timings:

- For the 20 occasions per year for Live music, recorded Music, late night refreshment until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.

The opening hours of the premises

- Monday to Thursday 09:00 hours to 23:30 hours
- Friday & Saturday 09:00 hours to 04:00 hours (the following day)
- Sunday, from 09:00 hours to 00:00 hours (midnight)

Non-standard timings:

For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.

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

On and off sales

Part 2

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

Run the Booze Ltd
Studio 4
117 Wallace Road
London
E9 5LN

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

Company Number: 12001934

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

Nathanael Williams
Studio 5
117 Wallace Road
London
E9 5LN

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

Personal Licence No. 063442
Issuing Authority: London Borough of Redbridge

Annex 1 - Mandatory conditions

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

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

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

1.
(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);
(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

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

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

P = D + (D x V)

where —

(i) **P** is the permitted price
(ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
(i) the holder of the premises licence
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

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

Films
Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:
If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction
Otherwise the recommendation of the film classification body.
Children means persons aged under 18 and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Door Supervisors
Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.
This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or
in respect of premises in relation to-
any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Annex 2 - Conditions consistent with the operating Schedule

1. A CCTV camera system covering both internal and external to the premise is to be installed.

2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.

    a. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.

    b. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.

4. A number of SIA staff to be set at a level agreed with the Tower Hamlets Police Licensing, with a minimum of 4 SIA Staff, (at least one of whom must be a female) when hosting events for more than 100 people.

5. 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.

6. An incident book shall be kept and maintained every day the premises is open.

    a. The book shall contain the names and SIA numbers of security staff, their time on duty and time off duty.

    b. It shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.

    c. It shall be signed off by the duty manager at the end of each day.

7. A diary of events shall be sent to Tower Hamlets Police Licensing on a monthly basis.

8. Events that finish past the terminal time for public transport to have a travel plan put in place to ensure that customers can leave without causing nuisance to local residents.

9. A security policy shall be agreed with Tower Hamlets Police Licensing.

10. The amplified music levels as advised in the noise assessment report from KP Acoustics Ref 13779.NIA.01 to be set to a maximum limit of 85dB(A). The operational panel of the amplified noise equipment shall be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises License Holder. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Environmental Health Service.

11. Recorded Music outside to be played at an ambient level.

12. Live music not to be played outside after 23:00 hours.

13. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

14. The venue shall operate an over 18 policy after the hours of 21:00 hours, any events which are subject to non-standard timings are also subject to over 18s checks and Challenge 25 at the door.

15. Children must always be under the supervision of a responsible adult. Staff and security personnel shall be on duty to monitor for lost children.

16. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words “Age Restricted Product”.

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

18. Ensure delivery partners are aware of licence obligations.

19. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation

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

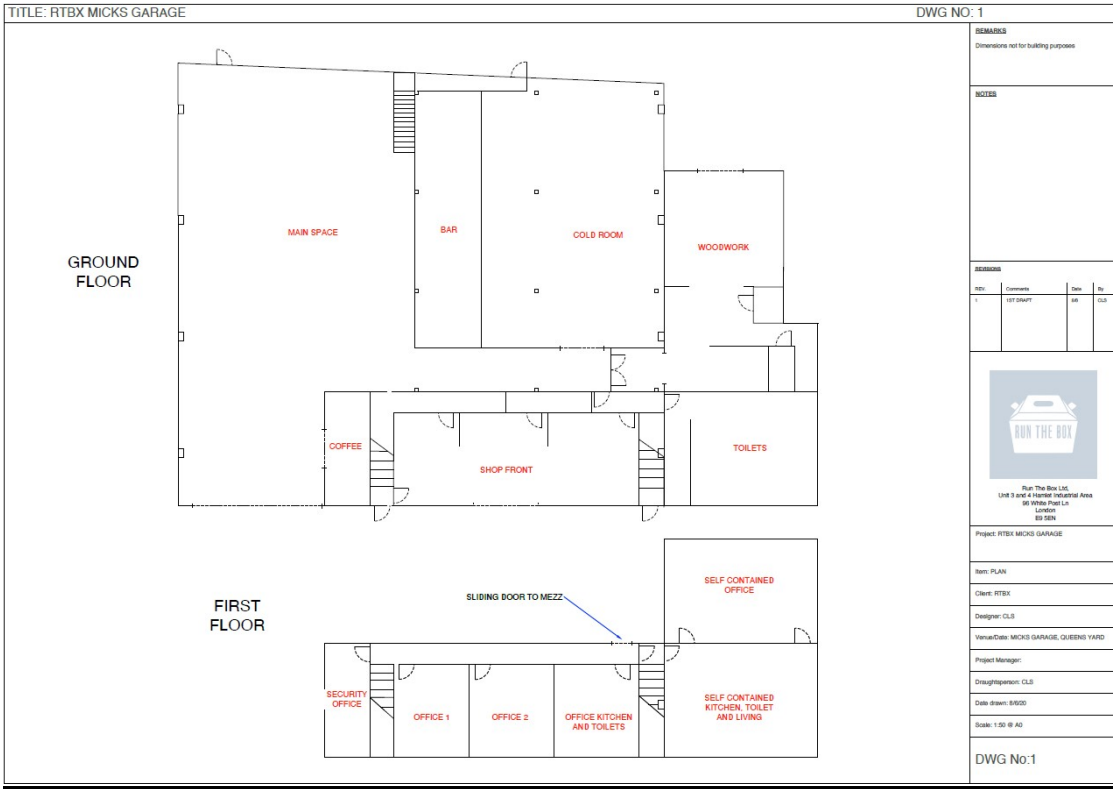
Not applicable

Annex 4 - Plans

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

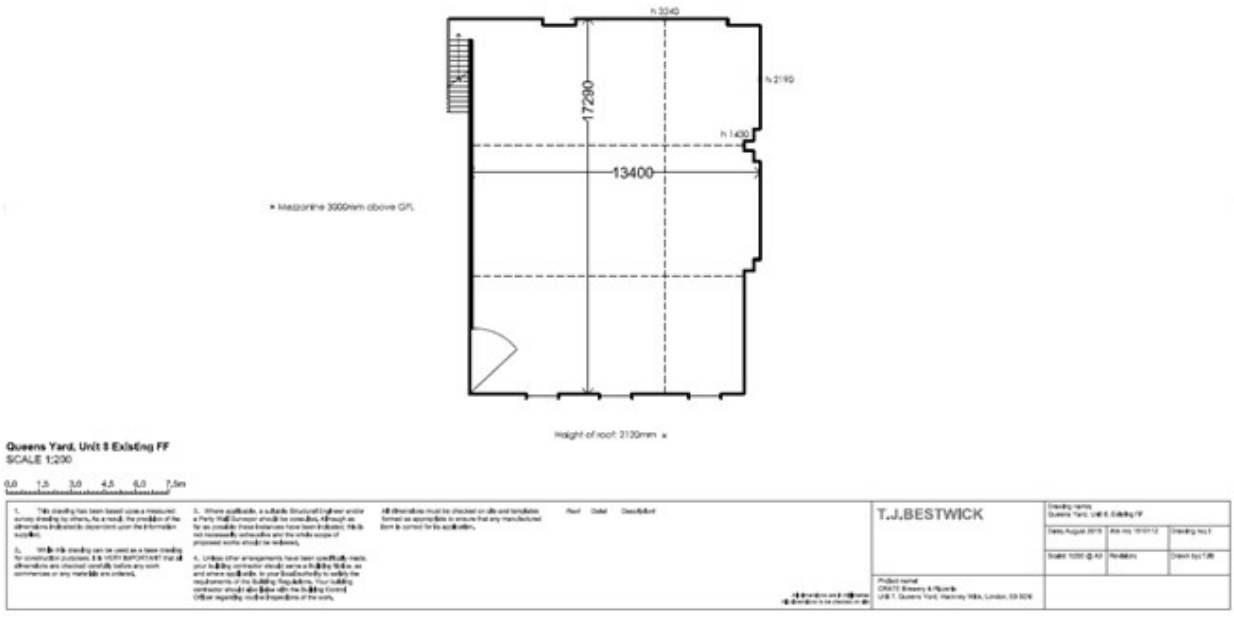
27th October 2020:

Ground Floor and First floor(DWG No.1 dated 08/06/20)



19th October 2016:

Mezzanine Floor (Job No: 1510112, Drawing No 2, dated August 2015)



Part B - Premises licence summary

Premises licence number	**133063**

Premises details

Postal address of premises, or if none, ordnance survey map reference or description **(Colour Factory)** Unit 8a, Queens Yard White Post Lane	
Post town London	**Post code** E9 5EN
Telephone number 020 8124 6118	

Where the licence is time limited the dates	N/A
Licensable activities authorised by the licence	The sale by retail of alcohol The provision of regulated entertainment (consisting of plays, films, indoor sporting events, performance of dance, live & recorded music & anything of similar description) The provision of late night refreshment
The times the licence authorises the carrying out of licensable activities	**The sale by retail of alcohol (on & off sales)** • Monday to Thursday 09:00 hours to 23:00 hours • Friday & Saturday 09:00 hours to 03:30 hours the following day • Sunday 09:00 hours to 00:00 hours (midnight) **The provision of late night refreshment – Indoors and outdoors** • Friday and Saturday, from 23:00 to 02:00 hours the following day **The provision of regulated entertainment** (Plays, Performances of Dance) – indoors • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day) • Sunday 09:00 hours to 00:00 hours (midnight) (Films) - indoors • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 to 04:00 hours the following day • Sunday 09:00 hours to 00:00 hours (midnight) (Indoor Sporting Event) • Monday to Thursday, from 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day)

	• Sunday, from 09:00 hours to 00:00 hours (midnight) Live Music & Recorded Music (indoors & outdoors) – Live music cease 23:00 hours outside) • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day) • Sunday 09:00 hours to 00:00 hours (midnight) Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors • Monday to Thursday 09:00 hours to 23:30 hours • Friday & Saturday 09:00 hours to 04:00 hours (the following day) • Sunday, from 09:00 hours to 00:00 hours (midnight) **Non-standard timings**: For the 20 occasions per year for Live music, recorded Music, late night refreshment until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.
The opening hours of the premises	• Monday to Thursday 09:00 to 23:30 hours • Friday & Saturday 09:00 to 04:00 hours (the following day) • Sunday, from 09:00 to 00:00 hours (midnight) **Non-standard timings**: For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.
Name, (registered) address of holder of premises licence	Run the Booze Ltd Studio 4 117 Wallace Road London E9 5LN
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	Company Number: 12001934
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Nathanael Williams
State whether access to the premises by children is restricted or prohibited	The venue shall operate an over 18 policy after the hours of 21:00 hours, any events which are subject to non-standard timings are also subject to over 18s checks and Challenge 25 at the door.

Appendix 4

Kathy Driver

From: Barry.D.Leban@met.police.uk
Sent: 13 January 2022 13:16
To: Kathy Driver; Tom Lewis; MARK.J.Perry@met.police.uk; Marie Harding
Cc: Nicola Cadzow; Licensing
Subject: 145315 COLOUR FACTORY UNIT 8a QUEENS YARD E9 5EN
Attachments: COLOUR FACTORY NYE 2021-13012022.docx

Good afternoon,
Please find attached my objection to the above TEN application.
Kind regards,
Barry LEBAN PC1485CE
Stoke Newington police station licensing unit.

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

METROPOLITAN POLICE

Working together for a safer London

TERRITORIAL POLICING

HT - Tower Hamlets Borough

Tom Lewis
Head of Licensing
Tower Hamlets Council

Licensing Office
Stoke Newington Police Station
33 Stoke Newington High Street

Email: barry.D.leban@met.police.uk
www.met.police.uk

13th January 2022

Dear Sir,

Central East Police Licensing formally object to the TEMPORARY EVENT NOTICE for: COLOUR WORKS, UNIT 8a QUEENS YARD E9 5EN on the following grounds.
Crime and disorder and public safety. The venue was visited by police officers from the licensing unit at approximately 02:15 hours on NEW YEAR's EVE 31st December 2021. Police identified several serious breaches that were brought to attention of the Designated Premises Supervisor at the time of the visit. Below are some of the breaches witnessed. The visit was recorded on a police body worn camera and the images will be retained for six (6) years.

- No searching of persons prior to entry.
- No COVID-19 checks prior to entry,
- Intoxicated patrons.
- Individuals entering/leaving the venue without being accounted for.
- Female being visibly, physically sick into a bin in the venue

Police have contacted the DPS and are attempting to contact the security manager to arrange a meeting to discuss the issues highlighted (date to be confirmed)

Police genuinely believe that allowing this Temporary event to take place The licensing objectives mentioned above will be seriously being undermined.
Kind Regards

Barry LEBAN PC1485CE

PC1485CE LEBAN
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email Barry.d.leban@met.police.uk

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