

Licensing Sub Committee

Agenda

Tuesday, 5 April 2022 2.00 p.m.

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

Contact for further enquiries:

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Public Information

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

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Licensing Sub Committee

Tuesday, 5 April 2022

2.00 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 - 36)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 8th March 2022.



4. ITEMS FOR CONSIDERATION

4 .1 Application for variation of a Premises Licence for Yango Deli, Arch 25a Cudworth Street, London E1 5QU

37 - 86

Bethnal
Green West

Licensing Objectives:

- Public Nuisance

Representations by:

- Environmental Health

4 .2 Application for variation of a Premises Licence for Brick Lane Coffee Shop, 47 Brick Lane, London E1 6PU

87 - 150

Spitalfields
&
Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health

4 .3 Application for a New Premise Licence for Brussels Wharf Market, Wapping Wall, London, E1W 3SG

151 - 228

St
Katharine's
& Wapping

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

Date Last Reviewed:	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 them of the determination.

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 8 MARCH 2022

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

Members Present:

Councillor Kevin Brady (Chair)

Councillor Eve McQuillan
Councillor Zenith Rahman

Officers Present:

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

Representing applicants	Item Number	Role
Alun Thomas	31.	(Legal Representative)
Ben Gamble	3.1	(Applicant)
Niall McCann	3.1	(Legal Representative)
Michael Smith	3.1	(Landlords Representative)
Anthony Enuteras	3.1	(Landlords Representative)
Graham Hopkins	3.2	(Licensing Agent)
Oyun Sukhbaatar	3.2	(Applicant)

Representing objectors	Item Number	Role
Leo Charalambides	3.1	(Legal Representative)
David Leonard	3.1	(Resident)
Sue Hughes	3.1	(Resident)
Heather Corben	3.1	(Resident – virtual)
Michael Wiltshire	3.1	(Resident – virtual)

Apologies

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (The Vaults) 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 Vault, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP. It was noted that objections had been received from local residents in relation to all four licensing objectives, but predominantly with regard to the prevention of public nuisance. It was also noted that conditions had been agreed with responsible authorities.

Ms Miller-Johnson explained that the premises was previously licensed until that licence lapsed on 9 November 2020 due to the insolvency of the licence holder. It was noted that the premises would be operating as an event venue including a bar and restaurant and hosting various events, including, but not limited to: art exhibitions, immersive theatre, corporate events, comedy nights, computer gaming competitions, product launches and indoor markets.

Prior to the hearing the Sub-Committee had been provided with a number of supplemental documents. These included a dispersal policy, a set of conditions that had been agreed with Friends of St Katherine's Dock (FOSKD), and an acoustic report.

At the outset of the hearing the Sub-Committee was given an indication by the applicant that FOSKD had expressed agreement to a reduction in the hours sought by the applicant and, as a result, FOSKD were no longer seeking refusal of the application.

At the request of the Chair, Mr Alun Thomas, Legal Representative on behalf the Applicant, explained that the premises had been previously licensed which had lapsed in 2020 due to insolvency and therefore a new application was being sought to replicate the previous hours with a more robust set of conditions agreed with FOSKD. However, upon further consultation prior to the hearing the hours had been amended, which brought them in line with the Council's framework hours with 30 minutes drinking up time. Mr Thomas gave a brief history of the applicant's experiences to date and stated that he had met with the FOSKD to appease their concerns relating to this application.

It was noted that a detailed acoustic report had been undertaken and was part of the supplemental agenda pack, its findings were that the premises would not give rise to nuisance from the venue or persons leaving the venue during the times applied for.

Mr. Thomas drew the Sub-Committee's attention to the fact that no responsible authorities had made representations against the application and referred the Sub Committee to 9.13 of the Section 182 Guidance , which states that responsible authorities are the experts in their field, and he emphasised that they had agreed to the hours and conditions that was initially applied for without any objection.

It was noted that the premise was close to good public transport links, that the premises had been in use since 1970's with a far greater capacity than 450 persons. Mr Thomas concluded that the applicant has delivered a robust and acceptable set of enforceable conditions, hours had been agreed and reduced to fall in line with Council's framework hours and have undergone an acoustic report as evidence to substantiate that the premises was not likely to have a negative impact on the area in terms of noise nuisance.

Mr Ben Gamble, Applicant, briefly highlighted that the hospitality industry had suffered over the past couple of years, and he wanted to introduce a new platform, a mixed-use event space for people to use and benefit and was intent on working with FOSKD to develop a good working relationship. He also said that the venue would be available for community use and would be looking to employ local people.

Members then heard from Mr Niall McCann, representing the freeholders of the property and St Katherines Docks Development in making a supporting representation. He told the Sub Committee that it was unusual for a landlord to attend a licensing hearing, however they considered that this application would bring benefits to the community and the area by diversify the leisure and hospitality options available in St Katherines Dock, appealing to residents and visitors to balance the portfolio of the dock.

Mr McCann welcomed the efforts made by the Applicant in engaging with the freeholders to address operational matters as well as meeting with FOSKD to discuss the proposed operation.

Mr McCann stated that not only had the applicant offered numerous conditions above and beyond those on the previous premises licence, but the management team had also agreed to several tenants' covenants, including the adoption of a management plan, giving the landlords additional oversight than previously. It was noted that the lease granted to the applicant contained a considerable number of tenant's covenants to address matters that may arise within the context of the Licensing Act 2003. If the tenant failed to uphold the licensing objectives, the landlord now had the power to intervene and forfeit the lease.

The Chair then invited Mr Leo Charalambides, Legal Representative on behalf of FOSKD to address the Sub Committee, Mr Charalambides confirmed that they were content with the reduced hours and the agreed conditions. In respect of the agreed conditions, he asked the Sub-Committee to note that condition 7.22 (page 16 of the Supplemental Agenda) had been deleted in error and was to be reinstated, and that condition 7.26 would be deleted (page 17 of the Supplemental Agenda). He then referred to the representation

on page 97 of the agenda by the FOSKD which set out the community representation, a well-known and established residents' group who were valued for their contribution in the area.

He acknowledged that having reviewed this new application, they accept all conditions proposed and reduced hours proposed in line with the council framework hours. FOSKD welcomed the fact that the venue would be used for as a multi-functional purpose venue, and trusted that the applicant would abide by the conditions of the licence if it was to be agreed and wished the applicant success for the future.

Ms Heather Corben and Mr Wiltshire joined the meeting virtually to make their representation and, despite some technical difficulties, were able to address the Sub-Committee and engage and answer questions and make their points with the assistance of Ms Sue Hughes from FOSKD by using her phone to phone them at the meeting and putting them on speaker. Mr Jonathan Melnick, Principal Lawyer and advisor to the Sub Committee specifically advised that the technical difficulties did not invalidate the hearing pursuant to para 23.4 of the Council Procedure Rules.

At the request of the Chair, Ms Heather Corben and Mr Michael Wiltshire, local residents, expressed similar concerns around the potential live music events that may operate if a licence were to be granted and then referred to other types of venue that Mr. Gamble, had operated, including techno events. Concerns were also raised about the acoustic report and that sound tests were done on the window ledges of buildings and therefore they did not believe these to be accurate readings or a true reflection of the potential noise nuisance that may occur as result of patrons accessing and egressing the premises during noise sensitive hours.

Ms. Corben considered the hours to be too late, despite the reduction in hours, and suggested that the hours should be further reduced on Friday and Saturday nights. She further suggested that there should be no off-sales and expressed concern over late night events and the types of events that would be held.

Mr. Wilshire stated that the use of the venue was a new use. It was an event space and would include live music. It was a very different business compared to the previous licence and that the previous licence had been granted before residential properties were developed in the area. He also expressed concern about noise levels and the potential for noise to be transmitted through the structure of the building.

In response to questions from Members the following was noted;

- That issues of public nuisance in particular noise nuisance would be addressed with SIA door supervisors along with a number of conditions proposed.
- Mr Gamble confirmed that the venue would not be used for events such as techno nights and that the majority of the events would be corporate events, gaming events, product launches, feature films etc.

- That off sales would mainly be to allow flexibility during farmers markets and any off sales of alcohol would be sold in sealed containers.
- That there were good public transport links which patrons would be using as well as this there would be taxi services available.
- Concerns were raised that the gates accessing the area had been broken for some time and that this meant that taxis were free to drive along the driveway to Ivory House. The Sub-Committee was assured that this would be addressed and were waiting for the parts to repair the gates.
- The venue had a capacity of 450 persons.
- That there would be no delivery service from the premises.
- That residents were aware of the licensing review process if there were to be any breaches of the licence, if a licence were to be granted.

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 Dockside Vaults Ltd. for a new premises licence to be held in respect of Ivory House, St. Katharine Docks, London, E1W 1BP ("the Premises"). The application originally sought authorisation for licensable activity as follows:

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

- Monday to Saturday 10:00 hours to 00:00 hours
- Sunday 12:00 hours to 23:30 hours

Regulated entertainment

- Monday to Sunday 10:00 hours to 00:00 hours

Late night refreshment

- Monday to Saturday 23:00 hours to 00:00 hours
- Sunday 23:00 hours to 23:30

The opening hours were expressed to be 10:00 hours to 00:30 hours every day. Non-standard timings were sought in respect of New Year's Eve.

The application attracted a number of representations against it from local residents as well as from the Friends of St. Katharine Docks (FOSKD). There was one supporting representation on behalf of the landlord of the Premises. The representations engaged all four licensing objectives.

Prior to the hearing the Sub-Committee had been provided with a number of supplemental documents. These included a dispersal policy, a set of conditions that had been agreed with FOSKD, and an acoustic report. The Sub-Committee noted that the vast majority of the representations did not specifically seek refusal; rather, they expressed agreement with the conditions that were being sought by FOSKD. Further, at the outset of the hearing the Sub-Committee was given an indication by the applicant that FOSKD had expressed agreement to a reduction in the hours sought by the applicant and, as a result, FOSKD were no longer seeking refusal of the application. The amended hours for the sale of alcohol and regulated entertainment would be 10:00 hours to 23:30 Monday to Thursday, 10:00 hours to 00:00 Friday and Saturday, and 12:00 hours to 22:30 on Sunday. The terminal hour for late night refreshment would mirror the terminal hour of the other activities, save for Sunday, in respect of which the terminal hour meant that this activity was no longer to be provided. The Premises would close each day thirty minutes after the terminal hour for licensable activity.

The Sub-Committee heard from Mr. Thomas on behalf of the applicant. He explained that the licence application had initially replicated the previous licence which had been held by the Medieval Banquet and had lapsed in 2020. Since the application was submitted there had been a comprehensive raft of conditions agreed with FOSKD including the reduced hours, which brought those within the Council's framework hours. Mr. Thomas drew the Sub-Committee's attention to the fact that no responsible authorities had made representations against the application.

Mr. McCann, on behalf of the landlord, told the Sub-Committee that it was unusual for a landlord to attend a licensing hearing. They considered that the application would bring benefits to the area. They acknowledged that there had been problems with the previous licence holder, but that their powers as a landlord were limited as the tenancy was a protected tenancy. However, the lease granted to the applicant contained a considerable number of tenant's covenants to address matters that may arise within the context of the Licensing Act 2003. If the tenant failed to uphold the licensing objectives, the landlord now had the power to intervene and forfeit the lease.

Mr. Charalambides addressed the Sub-Committee on behalf of FOSKD. He confirmed that they were content with the reduced hours and the agreed conditions. In respect of the agreed conditions, he asked the Sub-Committee to note that condition 7.22 (page 16 of the Supplemental Agenda) had been deleted in error and was to be reinstated, and that condition 7.26 would be deleted (page 17 of the Supplemental Agenda).

Of those making representations against the application, only Michael Wilshire and Heather Corben attended to speak to their representation. They appeared virtually and, despite some technical difficulties, were able to

address the Sub-Committee and answer questions and make their points. Ms. Corben referred to other types of venue that Mr. Gamble, a director of the applicant, had operated, including techno events. She considered the hours to be too late, despite the reduction, and suggested that the hours should be further reduced on Friday and Saturday nights. She further suggested that there should be no off-sales and that their concern was about the type of events that would be held and the potential for late-night opening.

Mr. Wilshire stated that the use of the venue was a new use. It was an event space and would include live music. It was a very different business compared to the Medieval Banquet. He also expressed concern about noise levels and the potential for noise to be transmitted through the structure of the building.

The Sub-Committee explored how the noise issues would be addressed. There would be door supervisors along with a number of conditions to deal with those issues. Mr. Gamble explained that the majority of events would be corporate events and that the organisers would be made aware of the importance of noise control.

The Sub-Committee also queried the possible issues of noise from taxis. The main issue appeared to be that gates accessing the area had been broken for some time and that this meant that taxis were free to drive along the length of the driveway. The Sub-Committee was told that this would need to be addressed but that the difficulty was sourcing the parts to repair the gates. However, it was suggested that the majority of patrons will make use of nearby public transport or walk through the estate.

This application predominantly engaged the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee noted that there was no representation from the police, who would normally be expected to be the main source of information in respect of crime and disorder (para 9.12 of the Statutory Guidance). The applicant and the police had agreed several conditions to ensure that the crime and disorder licensing objective would not be undermined. In the absence of any specific detail as to why this application would be likely to increase crime and disorder, the Sub-Committee was satisfied that the imposition of the agreed conditions would suffice to ensure the promotion of the licensing objectives.

In respect of the objective of the prevention of public nuisance, the Sub-Committee noted that robust conditions had been agreed with the Environmental Health Service as well as with FOSKD. There was thus a substantial set of conditions that would be imposed on the licence, many of which addressed this specific objective. The Sub-Committee noted that the acoustic report provided did not envisage that any impact would not be controlled by the conditions, including the use of a sound limiter and the proposed dispersal policy. The reduction in hours to framework hours also gave the Sub-Committee reassurance that the application would not be likely to give rise to a public nuisance.

The Sub-Committee had read and had regard to all of the representations placed before it, most of which expressed agreement to the position put

forward by FOSKD. In light of all of the information before it, the Sub-Committee was not satisfied that it would be appropriate or proportionate to refuse the application outright. The Sub-Committee noted that considerable effort had been made by the applicant and FOSKD to ensure that the application struck a reasonable balance between the operator's ability to run the Premises and to ensure that the residents of the area were not unduly affected by the Premises. In light of the agreed conditions and reduction in hours, the Sub-Committee was satisfied that the grant of the licence, as amended and with the agreed conditions, was appropriate and proportionate to ensure that the licensing objectives would be promoted.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for The Vault, Ivory House, St Katherine's Dock, East Smithfield, London E1W 1BP be **GRANTED with conditions.**

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

- Monday to Thursday from 10:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 00:00 hours (midnight)
- Sunday from 12:00 hours to 22:30 hours

The provision of regulated entertainment (plays, films, performance of dance, live & recorded music & anything similar)

- Monday to Thursday from 10:00 hours to 23:30 hours
- Friday and Saturday from 10:00 hours to 00:00 hours (midnight)
- Sunday from 10:00 hours to 22:30 hours

The provision of late-night refreshment

- Monday to Thursday from 23:00 hours to 23:30 hours
- Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

Non-standard timing

The finish time for licensable activities on New Year's Eve will be extended to the start time for licensable activities on New Year's Day.

The opening hours of the premises

- Monday to Thursday from 10:00 hours to 00:00 hours (midnight)
- Friday and Saturday from 10:00 hours to 00:30 hours (the following day)
- Sunday from 10:00 hours to 23:00 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer 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. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and at intervals during the year.
5. 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 any incidents of disorder;
 - d) all seizures of drugs or offensive weapons;
 - 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.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
 9. The premises shall have written Security, Drugs and Dispersal policies, that are reviewed yearly or after any serious incident. Such policies are to be written in consultation with Central East Police Licensing and made available to statutory authorities including the Police upon request.
 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. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time. Smokers will be directed to smoke in a designated area near the Elephant Gates.
 12. 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.
 13. A Management Plan shall be agreed with the landlord and reviewed at least every six months. It shall be available for inspection at all times by any of the statutory authorities.
 14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open and carrying out licensable activity and they must correctly display their SIA licences when on duty so as to be visible.
 15. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
 16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

17. Food will not be sold for takeaway or delivery.
18. 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.
19. The maximum capacity of the premises shall be 450 (excluding staff)..
20. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
22. Patrons should be actively discouraged from causing a blockage to the walkways outside and surrounding the premises. The Licensee shall implement an external area supervision policy and a dispersal policy, a record of which shall be kept on the premises and made available for inspection to the licensing authority and the police.
23. All licensable activities and operations are to be restricted to the interior of the premises. The external areas of the premises shall not be used for licensable activities or for any purpose (including tables, chairs, benches, heaters, canopies or any similar structures) save for access and egress and for access to the designated smoking area by the elephant gates.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 09.00 hours on the following day.
25. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then 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 Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. 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.-
28. There shall be no admittance or re-admittance to the premises after 22:30 hours Monday to Saturday and 22:00 hours Sunday except for patrons permitted to temporarily leave the premises to smoke.
29. There shall be no sales of alcohol for consumption off the premises after 23.00.
30. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and/or named designated person, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.
31. A risk assessment is conducted regarding upcoming events and depending on the risk(s) identified, appropriate SIA numbers are implemented accordingly.
32. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers.
33. 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.
34. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. The premises licence holder shall ensure that any patrons leaving the premises to smoke in the "designated area" should do so in an orderly manner and be supervised by staff so as to ensure that there is no public nuisance or obstruction of the walkways.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the walkways and common areas in the Dock. Queuing outside the premises shall be restricted to a designated area to be agreed between the landlord and the applicant.

37. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

38. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section: 'Directly' means - employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means - the area encompassed by the area of the docks.

3.2 Application for a New Premises Licence for (Ona's Bento & Sushi), 486 Roman Road, Bow, London E3 5LU

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 Ona's Bento & Sushi, 486 Roman Road, London E3 5LU. It was noted that objections had been received from residents. Ms Miller-Johnson explained that the application had been deemed granted on 24th December 2021, but that it later transpired that a valid representation had been made and sent in time on 22nd December 2021. It had not been received by the Licensing Team until 19th January 2022 due to an administrative error and therefore a hearing was required. It was also noted that conditions had been agreed with responsible authorities.

At the request of the Chair, Mr Graham Hopkins, Licensing Agent on behalf the applicant confirmed that the applicant Ms Oyun Sukhbaatar, had now obtained a personal licence qualification and that an application had been made for a personal licence and that she would then be the proposed Designated Premises Supervisor (DPS) for the premises.

He confirmed that the seasonal non-standard times would apply to the months of June, July and August for licensable activities between the hours of 11:00 hours to 23:00 hours. Non-standard times were also applied for Christmas Eve, and the lunar new year.

Mr. Hopkins referred to the representation from local residents, which suggested that there was a lack of suitable toilet facilities. However, the Premises was a very small restaurant and had only fifteen covers and the toilet facilities were therefore suitable. The hours were modest and there was a Turkish restaurant next door which closed at midnight. In addition to the agreed conditions, Mr. Hopkins confirmed that his client was willing to agree to a condition that alcohol would not be sold to persons aged under eighteen, notwithstanding that s.149(5) of the Licensing Act 2003 provided that this was lawful in certain circumstances.

It was noted that there was good public transport links, with a bus stop outside the premises, and a public car park and cab office opposite the premises. It was also noted that the premises has been open for 3 weeks with no issues or complaints. There would be no live music at the premises, only background music playing via a television screen.

Mr Hopkins concluded that conditions had been agreed with the responsible authorities, none of whom had made representations against the application. That the applicant had proposed a robust set of conditions to help allviate the concerns of the residents and uphold the licensing objectives.

The Sub-Committee noted that the residents had given their apologies and were not present for the meeting and therefore their written submissions contained in the agenda pack were noted and considered.

Clarification was sought on which specific lunar days related to the non-standard timings that had been applied for and the Sub-Committee indicated that this could be clarified further between the legal adviser and the agent. There were no further questions from Members

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:

- 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 Hikaru Ona Ltd. for a new premises licence to be held in respect of Ona's Bento and Sushi, 486 Roman Road, London, E3 5LU ("the Premises"). The application sought the sale by retail of alcohol for consumption on and off the Premises from 11:00 hours to 21:00 hours Monday to Saturday. It was proposed to open the Premises to the public on those days from 09:00 until 21:00 hours. The application also sought some non-standard timings, in respect of which clarification needed to be sought.

The applicant's agent, Mr. Hopkins, confirmed that his client, Ms. Sukhbaatar, had now obtained a personal licence qualification and that an application had been made for a personal licence. In respect of the non-standard timings for summer months he explained that this meant 1st June to 31st August. Conditions had been agreed with the responsible authorities, none of whom had made representations against the application.

Mr. Hopkins referred to the representation from local residents, which suggested that there was a lack of suitable toilet facilities. However, the Premises had only fifteen covers and the toilet facilities were therefore suitable. The hours were modest and there was a Turkish restaurant next door which closed at midnight. In addition to the agreed conditions, Mr. Hopkins confirmed that his client was willing to agree to a condition that alcohol would not be sold to persons aged under eighteen, notwithstanding that s.149(5) of the Licensing Act 2003 provided that this was lawful in certain circumstances.

The residents who had objected did not attend but the Sub-Committee had had regard to their representation. Their concerns seemed to be a devaluation of their properties, that another licence would affect public safety, and that the application would result in additional public nuisance, particularly from noise and public urination.

The application engaged the licensing objectives of the prevention of public nuisance. The Sub-Committee could not have regard to the financial effect, if any, of the grant of a licence on property values as this was not relevant to the promotion of the licensing objectives. The concerns raised by the residents were unlikely to occur in respect of a small restaurant and were the type of issues far more commonly associated with venues that were alcohol-led. The Sub-Committee did not consider that the likely effect of granting the licence would be to undermine the licensing objectives to such an extent as to justify refusal. The hours sought were modest, the Premises themselves were very small, and any impact would be mitigated by the agreed conditions. The Sub-Committee therefore granted the application as sought with amendments and conditions:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Ona's Bento and Sushi, 486 Roman Road, London E3 5LU be **GRANTED with conditions**.

Sale of alcohol for consumption on and off the premises:

Monday to Saturday 11:00 hours to 21:00 hours

Non-standard timings:

From 1st June to 31st August (Thursdays, Fridays and Saturdays only) the terminal hour for the sale of alcohol is 23:00 hours.

On Christmas Eve, Lunar New Year (Chinese, Japanese, Korean, Vietnamese and Mongolian New Year's) the terminal hour for the sale of alcohol is 23:00 hours.

Conditions

1. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to neighbours.
2. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
3. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
4. 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.
5. 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.
6. 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.
7. 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. 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. Notwithstanding the provisions of section 149(5) of the Licensing Act 2003, alcohol shall not be sold to persons aged under 18.
10. 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:
 - all crimes reported to the venue;
 - all ejections of patrons;
 - any complaints received concerning crime and disorder;
 - any incidents of disorder;
 - all seizures of drugs or offensive weapons;

- any faults in the CCTV system, searching equipment or scanning equipment;
- any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service.

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:
Organic Grocery Store, 284-286 Poplar High Street, London E14 0BB	30/04/22
Parnell Mini Market, 117a Parnell Road, London E3 2RT	30/04/22
St Peter's Church Crypt, St Peter's with St Thomas Church, St Peters Close, London, E2 7AE	30/04/22
Brick Lane Coffee Shop, 47 Brick Lane, London E1 6PU	30/04/22
Yango Deli, 25a Cudworth Street, London E1 5QU	30/04/22
Silver Sockeye, AKA The Terrible Thames) Wapping Pier King Henry's Stairs Wapping High Street E1W 2NR	30/04/22

The meeting ended at 8.15 p.m.

Chair, Councillor Kevin Brady
Licensing Sub Committee

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Agenda Item 4.1

Committee : Licensing Sub Committee	Date 05 April 2022	Classification Unclassified	Report No.	Agenda Item No.
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Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Yango Deli, Arch 25a Cudworth Street, London E1 5QU Ward affected: Bethnal Green West
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1.0 Summary

Applicant: **Deli International Limited**
Name and **Yango Deli**
Address of Premises: **Arch 25a Cudworth Street**
London E1 5QU

Licence sought: **Licensing Act 2003 Variation to extend**
The Sale of Alcohol
Provide Late Night Refreshment

Objectors: **Environmental Health**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for a variation of the premises licence for Yango Deli, Arch 25a Cudworth Street, London E1 5QU

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

3.3 A copy of the variation application is enclosed as **Appendix 2**.

3.4 The applicant has described the nature of the variation as:
The sale of alcohol
Providing late night refreshment

3.5 The hours that have been applied for are as follows:-

Sale of Alcohol (off sales only)

Monday to Sunday 24 hours a day

The Provision of Late Night Refreshment (indoors):

Monday to Sunday from 23:00 hours to 05: hours (effectively making 24 hour operation)

Hours premises is open to the public:

The premises are not open to the public (online delivery services only)

4.0 **Location and Nature of the premises**

4.1 Photographs of the venue have been provided in **Appendix 3**

4.2 The site plan of the venue is included as **Appendix 4**.

4.3 Maps showing the vicinity are included as **Appendix 5**.

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 6**.

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 with an update on the CIZ policy 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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Health , See **Appendix 7**

6.2 All of the responsible authorities have been consulted about this application. They are as follows:

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

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

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

6.4 The objections cover allegations of:

- Noise while the premise is in use
- Close proximity to residential properties

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

6.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which

are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

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

8.0 Licensing Officer Comments

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

8.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing

objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 8.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 8.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant

responsible authorities.

8.8 In **Appendices 8 - 10** 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.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

10.1 There are no financial implications in this report.

11.0 **Appendices**

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Photos of the venue
Appendix 4	Site Plan
Appendix 5	Maps of the surrounding area
Appendix 6	Other licensed venues in the area
Appendix 7	Representation of Environmental Health
Appendix 8	Licensing officer comments on Noise when the premises is in use
Appendix 9	Planning
Appendix 10	Licensing Policy relating to hours of trading.

Appendix 1



Lic No:
140274

Yango Deli
Railway Arch
25a Cudworth Street
London
E1 5QU

Licensable Activities authorised by the licence


The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 19th October 2021

OFFICE USE	Receipt No: 	Paid: £190	Date: 2 /8/21
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Part A - Format of premises licence

Premises licence number

140274

Part 1 - Premises details

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

Railway Arch
25a Cudworth Street

Post town

London

Post code

E1 5QU

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 07:00 hours to 23:00 hours

The opening hours of the premises

The premises are closed to the public

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

Off sales only

Part 2

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

Deli International Limited
Carpenter Court
Maple Road
Bramhall
Cheshire SK7 2DH



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

382080309

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

Elizabete Solovjova



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

London Borough of Brent
Lic No: 21947

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

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.

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

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

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

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

$$P = D + (D \times V)$$

where —

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. There shall be no consumption of alcohol on the premises.
2. The delivery couriers shall ensure age verification is checked on acceptance of order and delivery of alcohol.
3. There shall be no access to the premise by the public.
4. Delivery couriers shall use e-bikes or e-motorcycles.
5. Notice signs will be placed outside to keep quiet.

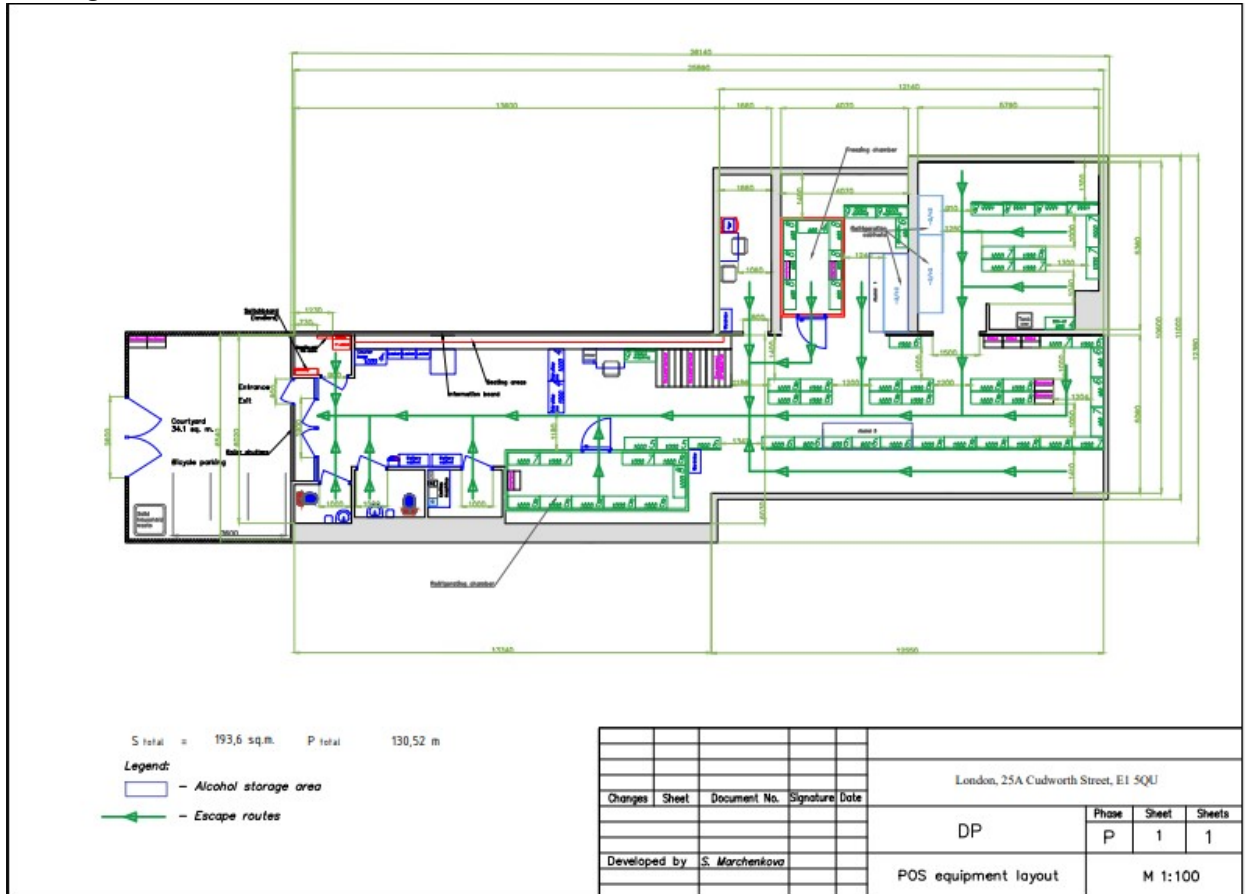
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

2nd August 2021





Part B - Premises licence summary

Premises licence number

140274

Premises details

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

Railway Arch
25a Cudworth Street

Post town

London

Post code

E1 5QU

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Sunday from 07:00 hours to 23:00 hours

The opening hours of the premises

The premises are closed to the public

Name, (registered) address of holder of premises licence

Deli International
Limited
Carpenter Court
Maple Road
Bramhall
Cheshire SK7 2DH

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

Off sales only

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

382080309

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

Elizabete Solovjova

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

No access to the public

Appendix 2



* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?
 Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if 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

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

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

24,250

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

We would like to change our license for selling alcohol for 24 hours license (online sales only) and add late night refreshment (online sales only)

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

The company will supply coffee, tea, hot food, warmed up pizza and bakery. These sales will take place online only, the premises will be closed to the public.

Continued from previous page...

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 the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

The proposed schedule will remain the same through the year. There will be no different working hours for Christmas or other holidays.

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

There will not be any seasonal variations

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

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

The proposed schedule will remain the same through the year. There will be no different working hours for Christmas or other holidays. Online sales only. The premises will be closed to the public.

Section 14 of 18

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.

Provide 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.

There will be NO adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

The premises will be closed to the public. ONLINE sales only.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

The premises will not be open to the public. Online sales only, delivery services only

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

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

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Attached is the confirmation letter from London Borough of Tower Hamlets . We are waiting for our license to be issued.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

All those involved in the Licensing activities will follow the hour licensing objectives that underpin the licensing system and guide licensing decisions.

b) The prevention of crime and disorder

We will prevent drunken and disorderly behavior on licensed premises. We'll prevent crimes such as drugs activity, theft, violence, and vandalism from taking place. We'll not sell alcohol to drunken persons or children. There will be procedures & procedures in place.

c) Public safety

We'll maintain the safety of the public to avoid accidents or injury from fire, glass, or poorly maintained premises. Drug and Alcohol Policy, Conflict and Violence Policy applies to all staff.

All necessary trainings will be provided to employees by CPD regulated provider

d) The prevention of public nuisance

There will be no public access to the shop and no crowding in front of it. We'll take also other measures against nuisance from noise litter or lighting being caused to neighbours and others. Signs keep quiet outside will be placed.

e) The protection of children from harm

Protect children from any form of harm arising from licensable activities. This includes harm from alcohol, adult entertainment, and unsafe premises.

Continued from previous page...

Age Verification Policy challenge 25 Training applies to all staff to improve vigilance on how to correctly check ID and avoid Sale of Alcohol to underage.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 18 of 18

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.

Variation 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 £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 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 - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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>

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT 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.

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, 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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

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Appendix 3



25a

25a 25a

YANGO DELI

YANGO DELI

Page 65

General Waste



YANGO DEL

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WEIGHTLIFTING

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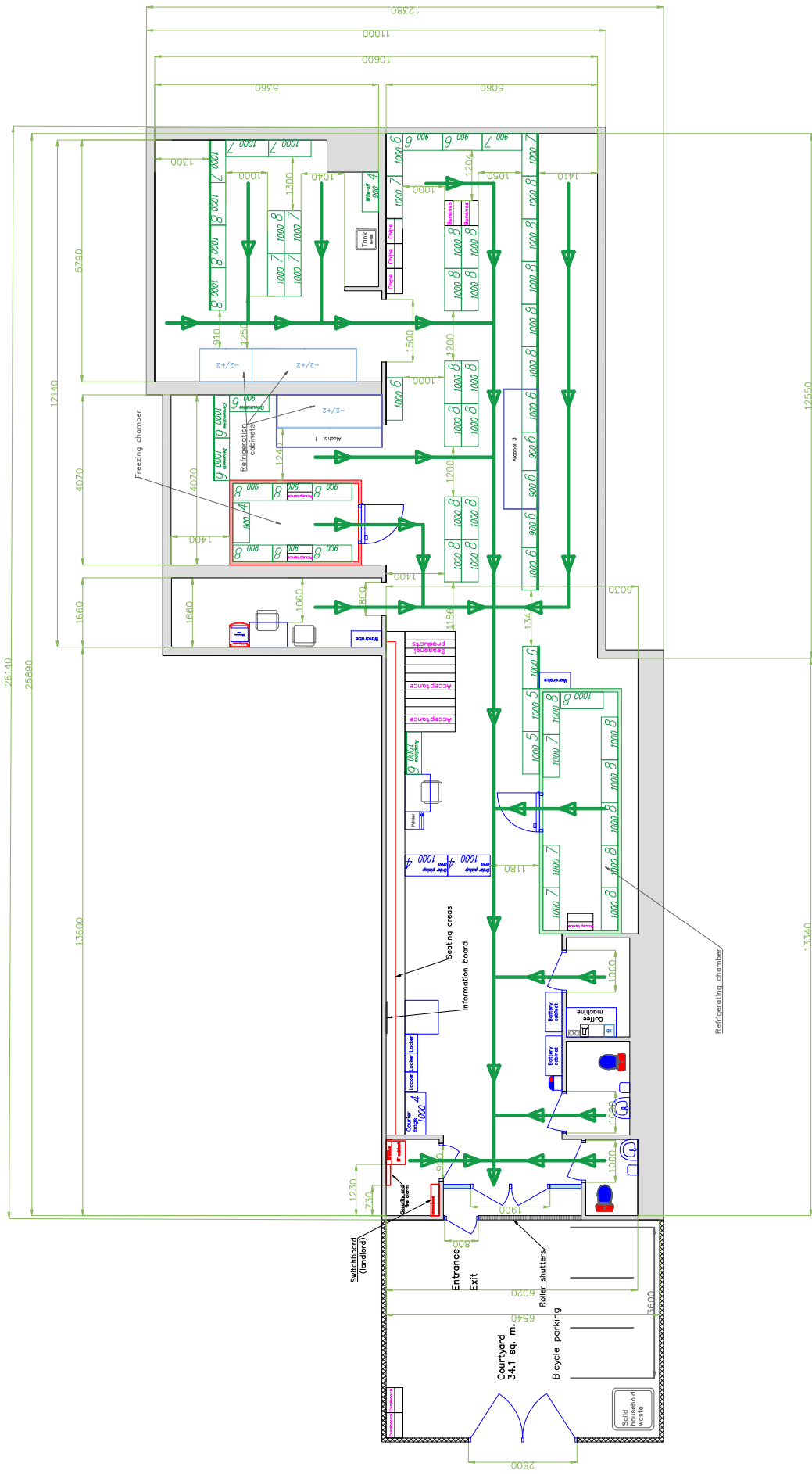
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Page 66





Appendix 4



S total = 193,6 sq.m. P total 130,52 m

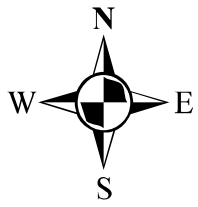
Legend:
 — Alcohol storage area
→ — Escape routes

Changes	Sheet	Document No.	Signature	Date

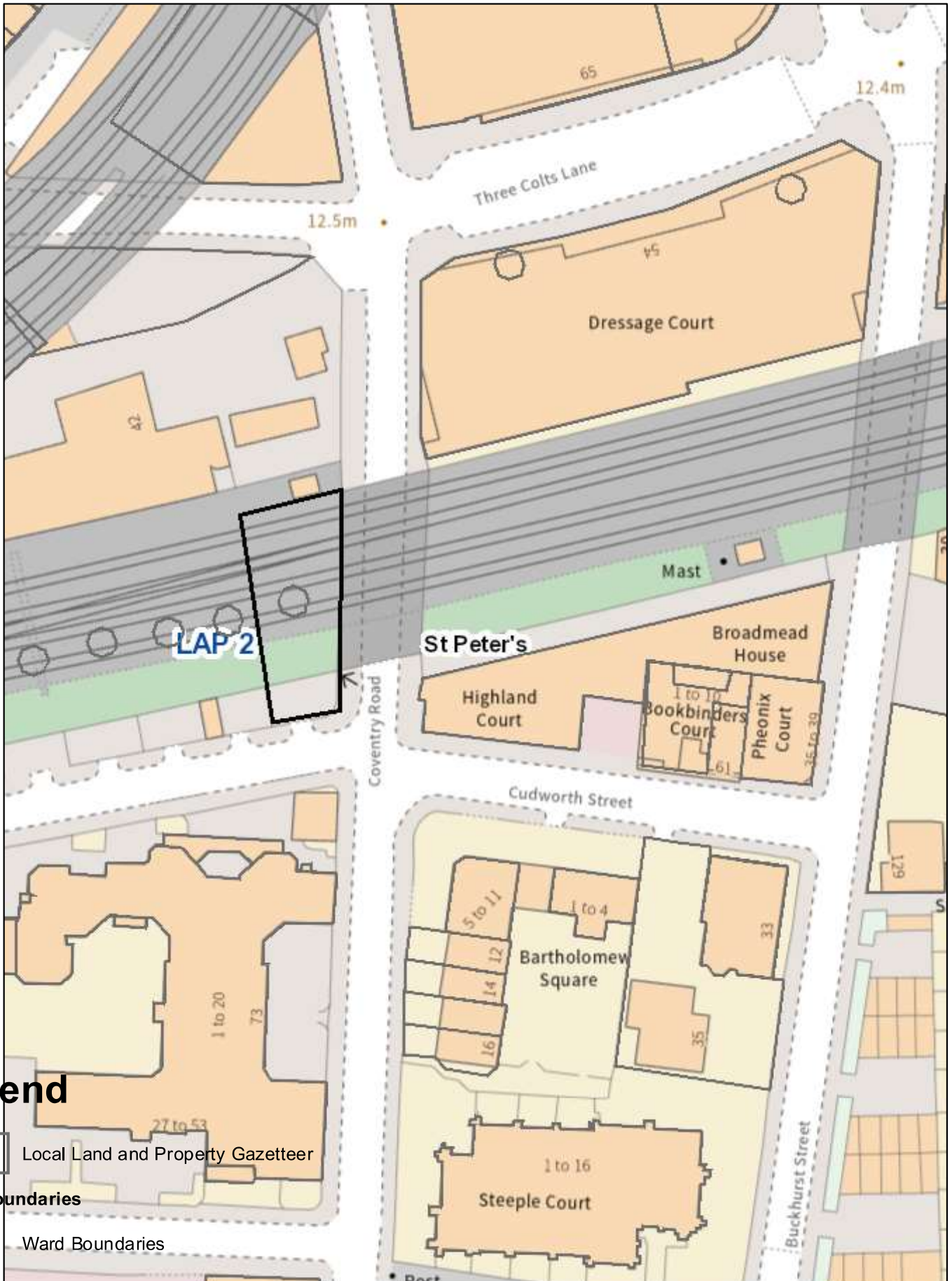
Phase		Sheet	Sheets
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London, 25A Cudworth Street, E1 5QU			
Developed by S. Marchenkova			
POS equipment layout			
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Appendix 5

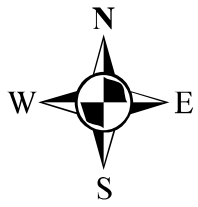


25a Cudworth Street

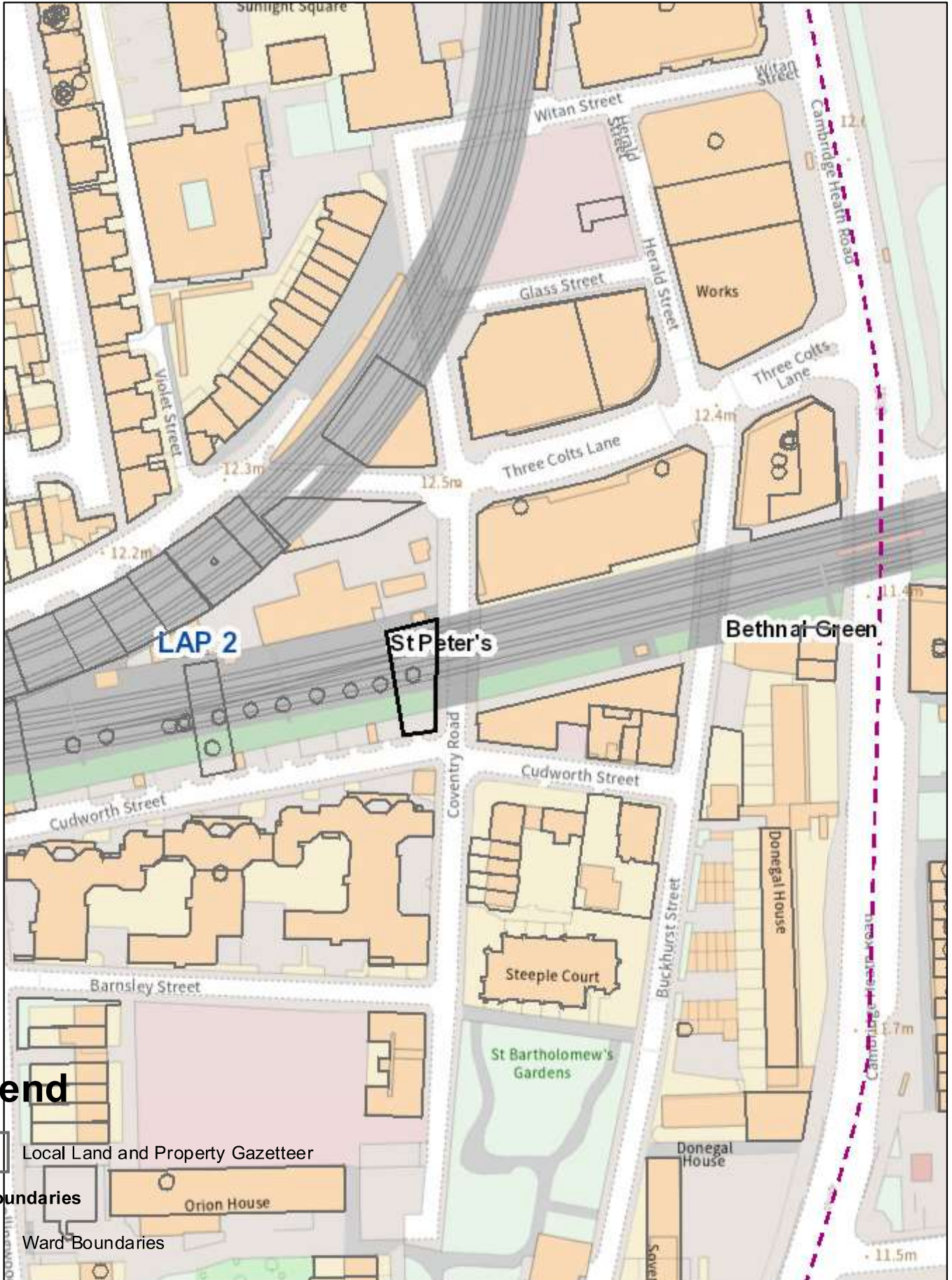


Legend




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



25a Cudworth Street



Legend

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

Appendix 6

Premises Licensed in vicinity of 25a Cudworth Street

Premises Licensed	Licenseable Activities	Hours Open to the Public
(Fancy) Railway Arch 16a Cudworth Street London E1 5QU	Sale of alcohol (off Sales Only) Monday to Sunday 24 hours a day	Premises are not open to the public
(The Mechanic Brewing Company) Railway Arch 22a Cudworth Street London E1 5QU	<u>Sale by retail of Alcohol (on sales only)</u> Monday to Sunday 11:00 to 23:00 hours <u>Provision of Live Music (indoors only)</u> Saturday 15:00 to 23:00 hours <u>Provision of Recorded Music (indoors only)</u> Monday to Sunday 09:00 to 23:00 hours	Monday to Thursday 09:00 to 23:00 hours Friday to Sunday 11:00 to 23:00 hours

Appendix 7

Kathy Driver

From: Licensing
Sent: 09 February 2022 15:11
To: Kathy Driver
Subject: FW: 145353 - New premise license application for Yango Deli Railway Arch 25a Cudworth Street London

From: Nicola Cadzow <Nicola.Cadzow@towerhamlets.gov.uk>
Sent: 09 February 2022 14:18
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: 145353 - New premise license application for Yango Deli Railway Arch 25a Cudworth Street London

Dear Licensing,

Having considered the variation of premises license variation application for Yango Deli Railway Arch 25a Cudworth Street London, I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

The applicant is proposing to extend permitted opening hours for licensable activities as follows:

Supply of alcohol: 24/7, 7 days a week thereby increasing hours from 23:00 hours until 07:00 am (an increase of 8 hours)
Late night refreshment : Seven days a week from 23:00 hours until 05:00 hours (six hours increase on existing licensable hours)

Noise Sensitive premises: high concentration of residential premises in close proximity on Cudworth Street.

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

- Noise breakout from the venue affecting neighbouring residents.
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the variation application for Yango Deli, Arch 25a Cudworth Street London, as there is greater likelihood of disturbance to residential operating 24/7 seven days a week close to noise sensitive residential premises.

Kind regards

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

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

Planning

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

Appendix 10

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05/04/2022	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Brick Lane Coffee Shop, 47 Brick Lane, London E1 6PU Ward affected: Spitalfields and Banglatown
--	--

1.0 Summary

Applicant: **Azize Avmedoska**
Name and **Brick Lane Coffee Shop**
Address of Premises: **47 Brick Lane**
London
E1 6PU

Licence sought: **Licensing Act 2003**
Increase hours for Late Night Refreshment

Objectors: **Environmental Health**
Licensing Authority

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for a variation of the premises licence for Brick Lane Coffee Shop, 47 Brick Lane, London E1 6PU

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

3.3 Hours currently licensed are:

Sale of Alcohol:

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

Late Night refreshment:

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

The opening hours of the premises

Monday to Sunday from 07:00 hours to 23:30 hours

3.4 A copy of the variation application is enclosed as **Appendix 2**.

3.5 The applicant has described the nature of the variation as:
Extending hours for late night refreshment

3.6 The hours that have been applied for are as follows:-

The Provision of Late Night Refreshment (for delivery only):

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

Hours premises is open to the public:

Monday to Sunday from 07:00 hours to 00:30 hours

4.0 **Location and Nature of the premises**

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 3**.

4.3 Maps showing the vicinity are included as **Appendix 4**.

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

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 with an update on the CIZ policy 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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.3 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

Environment Health See **Appendix 6**
Licensing Authority See **Appendix 7**

- 6.4 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement
- 6.5 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance

- the protection of children from harm
- 6.6 The objections cover allegations of
- Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Disturbance from patrons leaving the premises by car
 - Close proximity to residential properties
 - Noise leakage from the premises
 - The LBTH Cumulative Impact Zone
- 6.7 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.
- 6.8 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 No additional conditions offered.
- 8.0 Licensing Officer Comments**
- 8.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 8.2 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 8.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 8.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.8 In **Appendices x-x** 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.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Other licensed venues in the area
Appendix 6	Representations Environmental Health
Appendix 7	Representations of Licensing Authority
Appendix 8	Licensing officer comments on Noise when the premises is in use
Appendix 9	Cumulative Impact Policy
Appendix 10	Planning
Appendix 11	Licensing Policy relating to hours of trading.

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Appendix 1



Lic No:
136146

Brick Lane Coffee Shop
47 Brick Lane
London
E1 6PU

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 10th June 2021

OFFICE USE	Receipt No: 183-21329	Paid: £190	Date: 21/1/21
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Part A - Format of premises licence

Premises licence number

136146

Part 1 - Premises details

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

47 Brick Lane

Post town

London

Post code

E1 6PU

Telephone number

0789506328

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol:

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

Late Night refreshment:

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

The opening hours of the premises

Monday to Sunday from 07:00 hours to 23:30 hours

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

On and off sales

(off sales subject to delivery only)

Part 2

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

Azize Avmedoska
47 Brick Lane
London E1 6PU

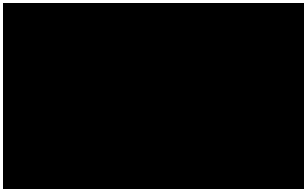


Registered number of holder, for example company number, charity number (where applicable)

Not applicable

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

Ms Azize Avmedoska



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

London Borough of Tower Hamlets
Lic No: 135915

Annex 1 - Mandatory conditions

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

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

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

1.

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. Premises capacity will not exceed 15 customers seated only
2. No vertical drinking. Customers must be seating when consuming alcohol infused drinks.
3. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
4. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
5. No wines, beers or spirits shall be permitted. Save for blended hot drinks only (exclusively for hot chocolate with a single measure of alcohol and coffee with a single measure of alcohol)

6. Alcohol shall only be served until 23:00 hours.
7. Any drinks containing alcohol must be served ancillary to food.
8. Off sales of alcohol shall not be permitted. Save for deliveries **only** until the permitted time of **23:00 hours**.
9. Alcohol shall only be delivered to a residential or business address and not to a public place.
10. Delivery of off sales to be in sealed containers.
11. **Challenge 25** verification check shall be undertaken at the point of delivery. No delivery shall be left without ID being shown.
12. Every third party courier delivery box shall be labelled with the words "Age Restricted Product.
13. 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.
14. There will be no loudspeakers in the premises.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. No noise will be 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.
17. No idling of delivery vehicles whilst awaiting orders to be collected.
18. 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.
19. 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.

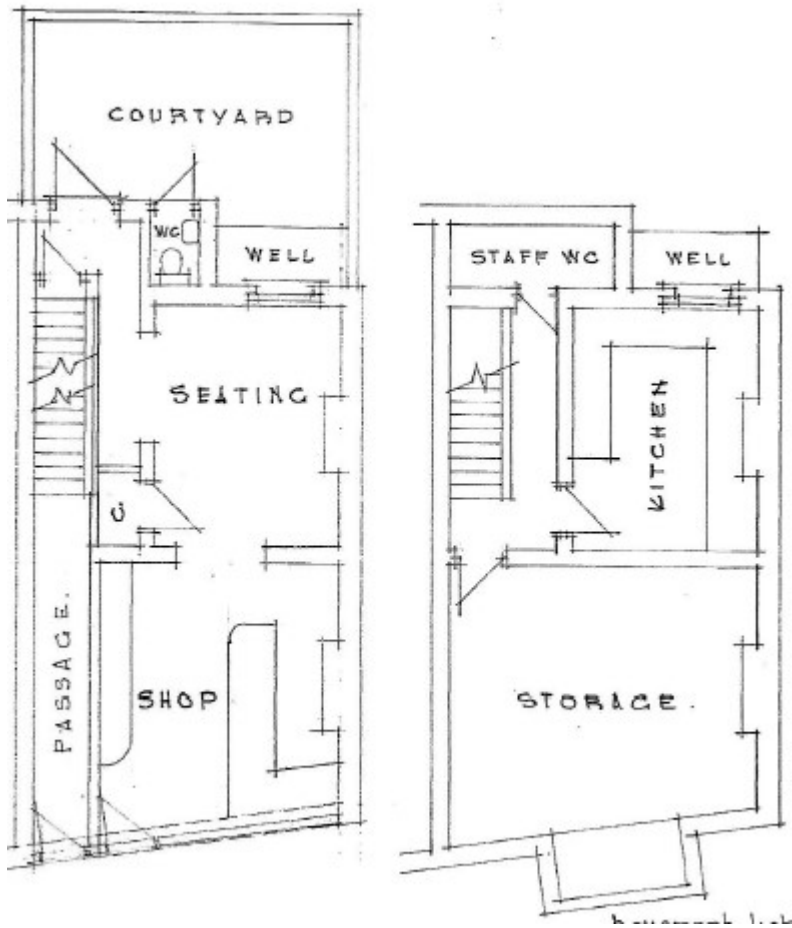
20. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
21. An incident log shall be kept at the premises, 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.
22. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
23. 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.
24. 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.
25. The Courtyard is not to be used for licensable activities.

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:
19th February 2021



Part B - Premises licence summary

Premises licence number

136146

Premises details

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

47 Brick Lane

Post town

London

Post code

E1 6PU

Telephone number

0789506328

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 late night refreshment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol:
Monday to Sunday from 09:00 hours to 23:00 hours
Late Night refreshment:
Monday to Sunday from 23:00 hours to 23:30 hours

The opening hours of the premises

Monday to Sunday from 07:00 hours to 23:30 hours

Name, (registered) address of holder of premises licence

Azize Avmedoska
47 Brick Lane
London E1 6PU

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)

Not applicable

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

Azize Avmedoska

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

No restrictions

Appendix 2

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG or by email to: licensing@towerhamlets.gov.uk with a payment for the correct fee, you can pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>



**Application to vary a premises licence
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We **AZIZE AVMEDOSKA** (Insert name(s) of applicant)

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

Premises Licence number 136146

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description BRICK LANE COFFEE SHOP, 47 BRICK LANE E1 6PU	
Post town LONDON	Post code E1 6PU

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£ 15000

Part 2 - Applicant details

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

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

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

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

Premise time of opening mentioned in my current licence is 23:30 which we need help to change to 00:30 as we get lot of online orders of desserts (crepes, waffles, churros, bubble tea) between 23:30-00:30.

Ideally it takes just 2 mins each to make these items as it is not involved any proper cooking as such.

We get average of 150£-200£ online order between 23:30-00:30 every day which is average 4500£-6000£ per month.

even 4 of our staffs earn each average 72£ per week in this last hour which is equivalent to their weekly rent for their accommodation.

We are already doing this since last more than 1 year now without causing any noise, inconvenience to any body else around including the family living upstairs or besides or at front. In h hfact they are very happy since they order as well.

We strictly do not do any music live events, party, sports or live events etc as it is just very small coffee shop/dessert shop.

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

--

Part 4 Operating Schedule

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

Provision of regulated entertainment

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

B

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

C

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

D

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

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick [Y]	Indoors	
				Outdoors	

guidance note 8)			(please read guidance note 4)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish		Indoors	
Mon			Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 5)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of 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 7)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	07:00	00:30	Please give further details here (please read guidance note 5) It is just for take away or online orders for delivery.		
Tue	07:00	00:30			
Wed	07:00	00:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	07:00	00:30			
Fri	07:00	00:30	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 7)		
Sat	07:00	00:30			
Sun	07:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 9)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish			
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue					
Wed					
Thur			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 7)		
Fri					
Sat					
Sun					

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 10)

L

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

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

It is just for takeaway/delivery order from 23:30-00:30

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M

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

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

we are running since last one year and never ever received any complaints and implemented very strict rules throughout to maintain all four objectives.

b) The prevention of crime and disorder

We do not do any dynamic activities as it is just traditional coffee/desserts shop so our business do not encourage or create any criminal and disorder situations.

c) Public safety

We take care of this very seriously and put all the notices, warnings, safety norms in place strictly.

d) The prevention of public nuisance

As a small coffee shop, we do not gather any crowd or 99.99% times even we do not get more than 2 people coming in the shop.

e) The protection of children from harm

We have cctv in place and coordination with local police as well as we have notices in place preventing this.


CHECKLIST:

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

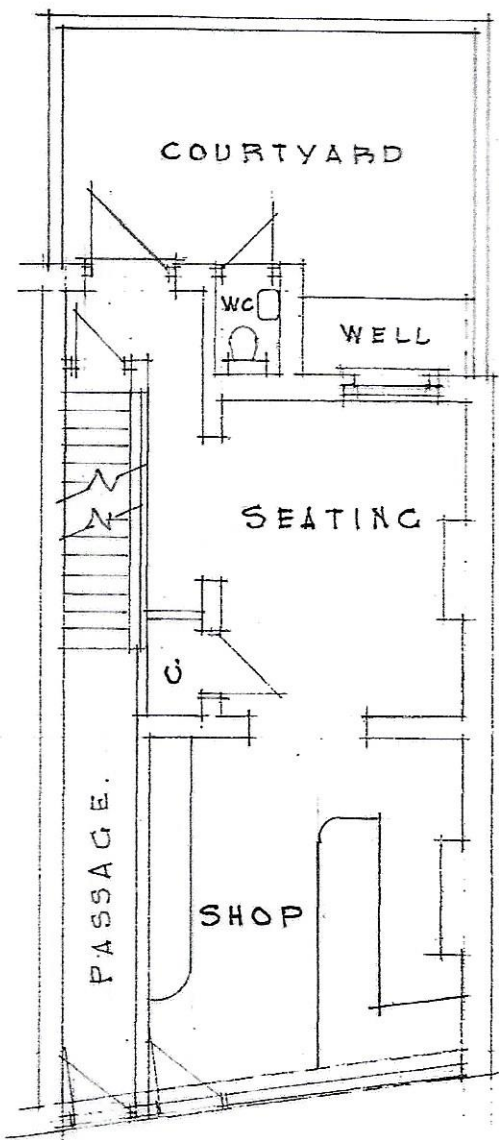
Signature	
Date:-	01/02/2022
Capacity	Owner

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

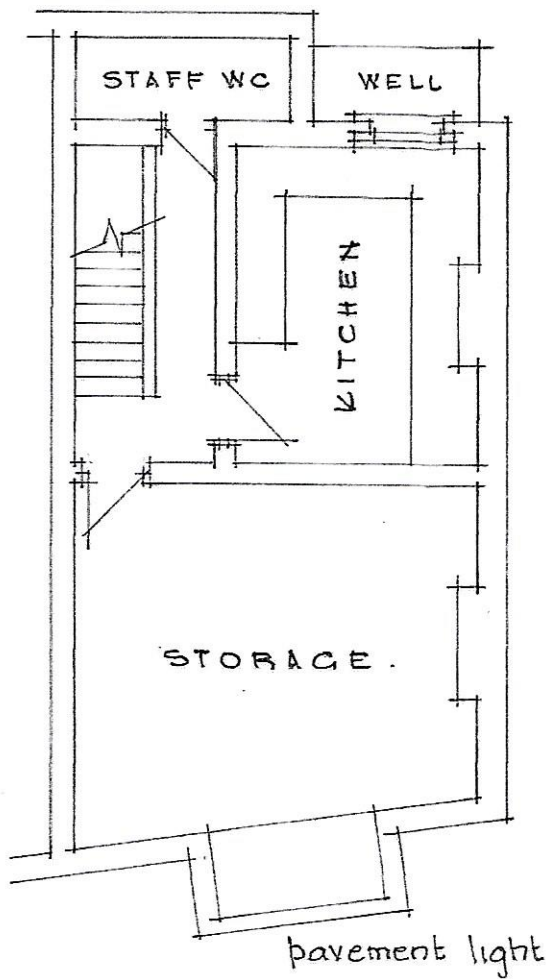
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Appendix 3



GROUND



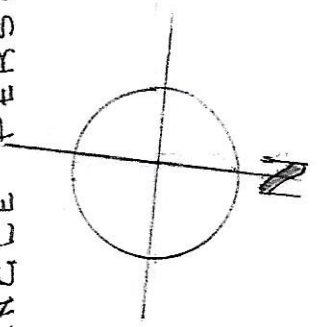
BASEMENT

PROPOSED CLASS A3 AND A5 USE, AND 3 NO. SINGLE PERSON FLATS

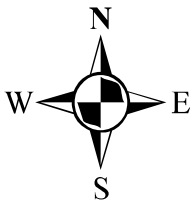
PROPOSED FLOOR PLANS

47, BRICK LANE, LONDON, E1.

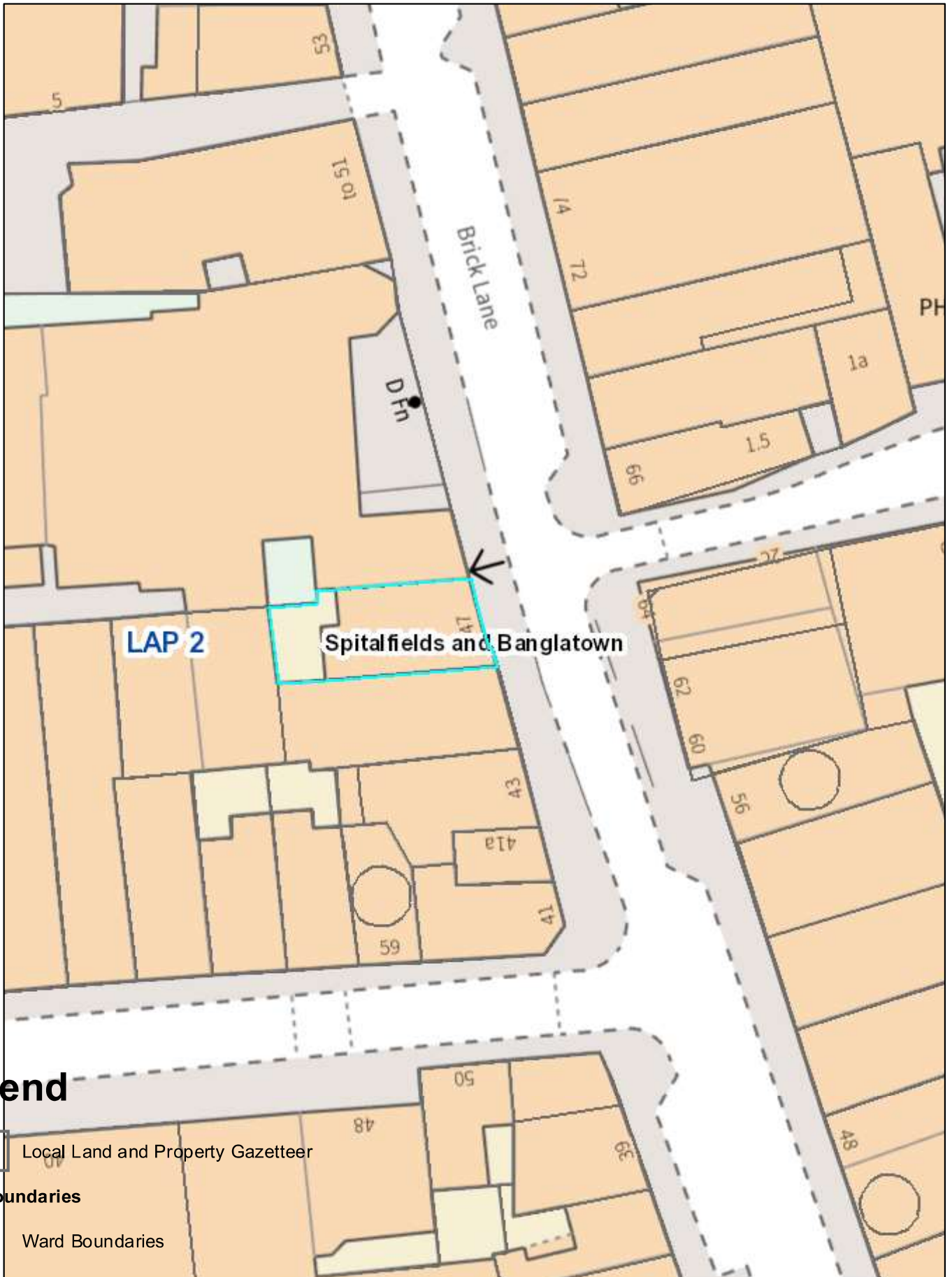
drawing number : BK.19.8002
 scale : 1:100 at A3
 date : 09.19



Appendix 4

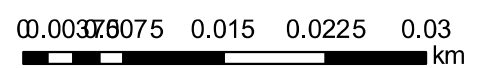


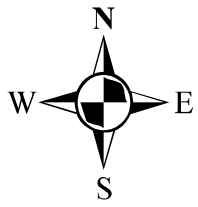
47 Brick Lane



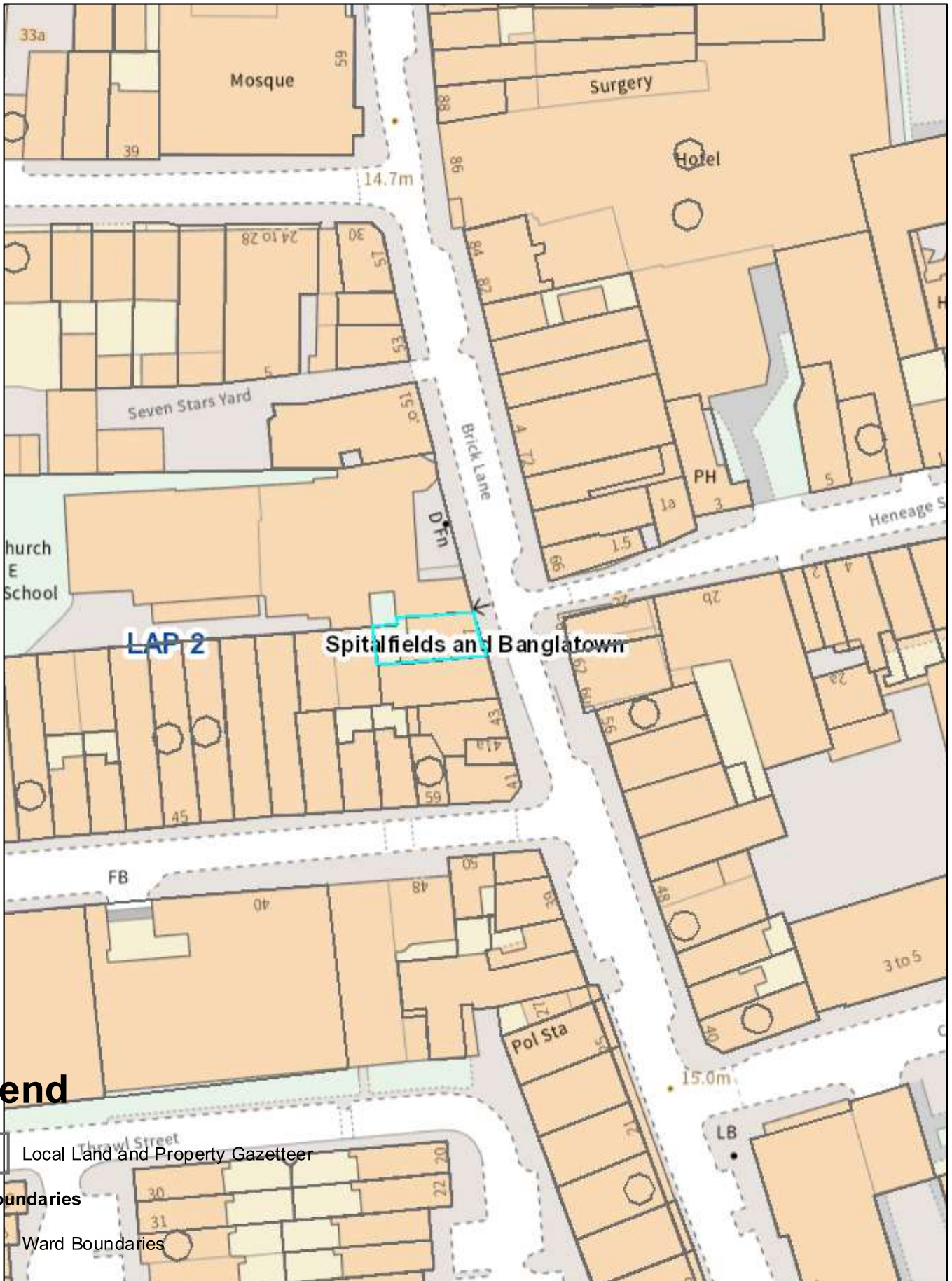
Legend

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





47 Brick Lane



Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

Appendix 5

Premises Licensed in vicinity of 47 Brick Lane

Premises Licensed	Licenseable Activities	Hours Open to the Public
(Kill the Cat) 43 Brick Lane	<u>Supply of alcohol – on sales</u> Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 21:00hrs	Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11.00hrs to 23.00hrs Sunday from 11:00hrs to 21:00hrs
(Cost Price) 41 Brick Lane London E1 6PU	<u>The sale by retail of alcohol (off sales only)</u> Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)	Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
(Chez Elles) 45 Brick lane	<u>Sale by retail of alcohol (on sales):</u> Monday to Sunday, from 12:00 hours to 23:00 hours	<u>Hours the premises is open to the public:</u> Monday to Sunday, from 11:00 hours to 23:30 hours
Morleys 60-62 Brick Lane	The provision of late light refreshment Monday to Thursday, from 23:00 hours to 23:30 hours Friday and Saturday, from 23:00 hours to 00:00 hours (midnight)	Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
(Vegan Yes) 64 Brick Lane Whitechapel London E1 6RF	<u>The supply of alcohol (on sales only)</u> Monday to Sunday, from 12:00 hours to 21:30 hours	Monday to Sunday, from 11:30 hours to 21:30 hours
(Sketch) 68 Brick Lane London E1 6RL	<u>The sale by retail of alcohol (on sales only)</u> Monday to Saturday, from 11:00 hrs to 22:30 hrs Sunday, from 12:00 hrs to 22:00 hrs	Monday to Saturday from 11:00 hrs to 23:00 hrs Sunday from 12:00 hrs to 22:30 hrs
(Lucky Dog Chinese Restaurant and Takeaway) 70 Brick Lane London E1 6RL	<u>Sale of alcohol</u> Monday to Sunday from 12:00 hours to 21:45 hours	Monday to Sunday from 12:00 hours to 22:00 hours

Appendix 6

Kathy Driver

From: Mohshin Ali on behalf of Licensing
Sent: 03 March 2022 17:09
To: Kathy Driver
Subject: Rep: 146013 Variation of premises license application for Brick Lane Coffee Shop 47 Brick Lane, London

From: [REDACTED]
Sent: 03 March 2022 12:39
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: [REDACTED]
Subject: 146013 Variation of premises license application for Brick Lane Coffee Shop 47 Brick Lane, London

Dear Licensing,

Having considered the variation of premises license application for Brick Lane Coffee Shop 47 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.

The premises is applying to increase the hours of operation by an hour 7 days a week from 23:30 hours until 00:30 for deliveries, and consideration has to be given to the fact 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 Brick Lane Coffee Shop 47 Brick Lane, London, for the increase in operating hours particular as the premises is in Brick Lane CIZ and if the licensing sub-committee are minded to grant the application, I would ask that the applicant can demonstrate how they will not impact on Brick Lane CIZ by operating at a later hour.

Kind regards

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

Appendix 7

Licensing Authority:

Kathy.Driver@towerhamlets.gov.uk

Avmedoska

10th March 2022

Your reference

My reference: LIC/146033/MA

Dear Licensing Authority,

PLACE Directorate
Public Realm

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

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

www.towerhamlets.gov.uk

Licensing Act 2003

Variation: Brick Lane Coffee Shop 47 Brick Lane E1 6PU

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.



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

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

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

This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:

- *Prevention of Crime and Disorder;*
- *Prevention of Public Nuisance.*

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

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

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

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

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



Licensable activities and times

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

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

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

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

The Home Office guidance

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

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



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

Variation application

The current licensed times are:

Sale of Alcohol: On and off sales (off sales subject to delivery only)

- *Monday to Sunday from 09:00 hours to 23:00 hours*

Late Night refreshment:

- *Monday to Sunday from 23:00 hours to 23:30 hours*

The variation seeks to extend the provision of late night refreshment until 00:30 hrs the following day. They have stated *"It is just for take away or online orders for delivery."* Although there are existing conditions on the licence, no additional conditions have been offered for the extended times.

A search on the Licensing Authority's records shows that the licence holder "Azize Avmedoska" has admitted to be in breach of the current licence as follows:

On the 28th January 2022 - CMU: 109678

- *I just noticed that our opening times for takeaways (coffee and desserts) are mentioned there till 23:30 while we have always opened till 00:30 since we opened from January 2021, especially last one hr we are the busiest and receive too many deliveroo's, ubereats and just eat orders as a dessert shops for waffles, churros, bubble tea, cakes and paninis.*
- *Now we have been running since last more than 1 year without any problems or noise till 00:30 especially takeaways".*

On the 31st January 2022, the Licensing Authority advised the Licence holder about their correct licensed times:

"I would advise that your hours for selling alcohol are until 11pm only not 11:30pm and the premises must be closed to the public by 11:30pm and therefore you need to address this immediately and amend any timings on any platforms.

If your intentions are to sell alcohol longer then a variation application is required. Please note that with late night refreshment (hot food or drink) it is not your last sale that's place at 11:30pm it is your last SUPPLY, so no hot food/drinks can be made after 11:30pm.

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5 Clove Crescent
E14 2BG

If your intentions is to only supply cold food and NO alcohol you can apply to extend your opening times to allow for that activity to take place, this is through minor variation process which is short consultation process. This application cannot be used to extend alcohol times. A minor can be used for small extensions of hours however an application to extend late night refreshment hours is unlikely to be granted due to the premises falling within a cumulative impact area”.

However, despite this advice, in an email copied to the Licensing Authority on the 8th March 2022 at 09:12 hrs, the licence holder has again admitted to trading past their licensed hours:

- *“Actually we have been open till 00:30 everyday since December 2020 but the last one hour are for take away & deliveries only. We make 150£ online delivery order average in the last 1 hr which is around £4500 per month our 3 staff salary almost”.*
- *“But when we applied for an alcohol licence we got permission to sell alcohol till 23:30 and the same time they wrote in the licence shop opening time also till 23:30”*
- *“We are not applying to sell alcohol till 00:30. For alcohol we have a licence till 23:30 already which we are happy with”.*
- *“We are only correcting here the time for takeaway and online deliveries to keep it till 00:30 which we are actually already doing without any disturbance and without causing any inconvenience to anybody since last one year by the grace of God”.*

Even in this variation application (Part 3 - Variation) the licence holder states:

- *“We get average of 150£-200£ online order between 23:30-00:30 every day which is average 4500£-6000£ per month”.*



Furthermore, a search on the internet shows the premises has already trading past their licensed times on their site and various other websites:

<https://brick-lane-coffee-shop.business.site>

☰ **BRICK LANE COFFEE SHOP** 📄 Get Quote 📞 Call Now 📍 Get Directions

BRICK LANE COFFEE SHOP

Open today until midnight

GET QUOTE



Contact

CALL NOW

07895 063282

Address

GET DIRECTIONS

47 Brick Lane
London
E1 6PU
United Kingdom

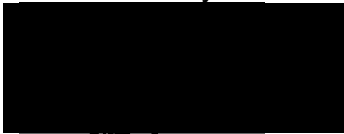
Business Hours

Mon: 8:30 AM - 12:00 AM
Tue: 8:30 AM - 12:00 AM
Wed: 8:30 AM - 12:00 AM
Thu: 8:30 AM - 12:00 AM
Fri: 8:30 AM - 12:00 AM
Sat: 8:30 AM - 12:00 AM

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Mulberry Place
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E14 2BG

On a balance of probability, the Licensing Authority is a concerned that the premises may be unlikely to comply with the Licensing Act 2003 if this variation application is granted.

Yours faithfully



Mohshin Ali
Senior Licensin Officer



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

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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
 5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
 6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements,
 - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).
- However, it will only apply where the application seeks to permit the Licensable activities of:
- the sale or supply of alcohol for consumption on or off the premises, and/or,
 - the provision of late night refreshment.
7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
 8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
 9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.

11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
 - Prevention of Crime and Disorder;
 - Prevention of Public Nuisance.

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

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

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

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
 - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
 - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
 - Have arrangements to prevent vertical drinking, for example fully seated venues;

- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .

- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

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

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

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

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

Figure One

Brick Lane area:

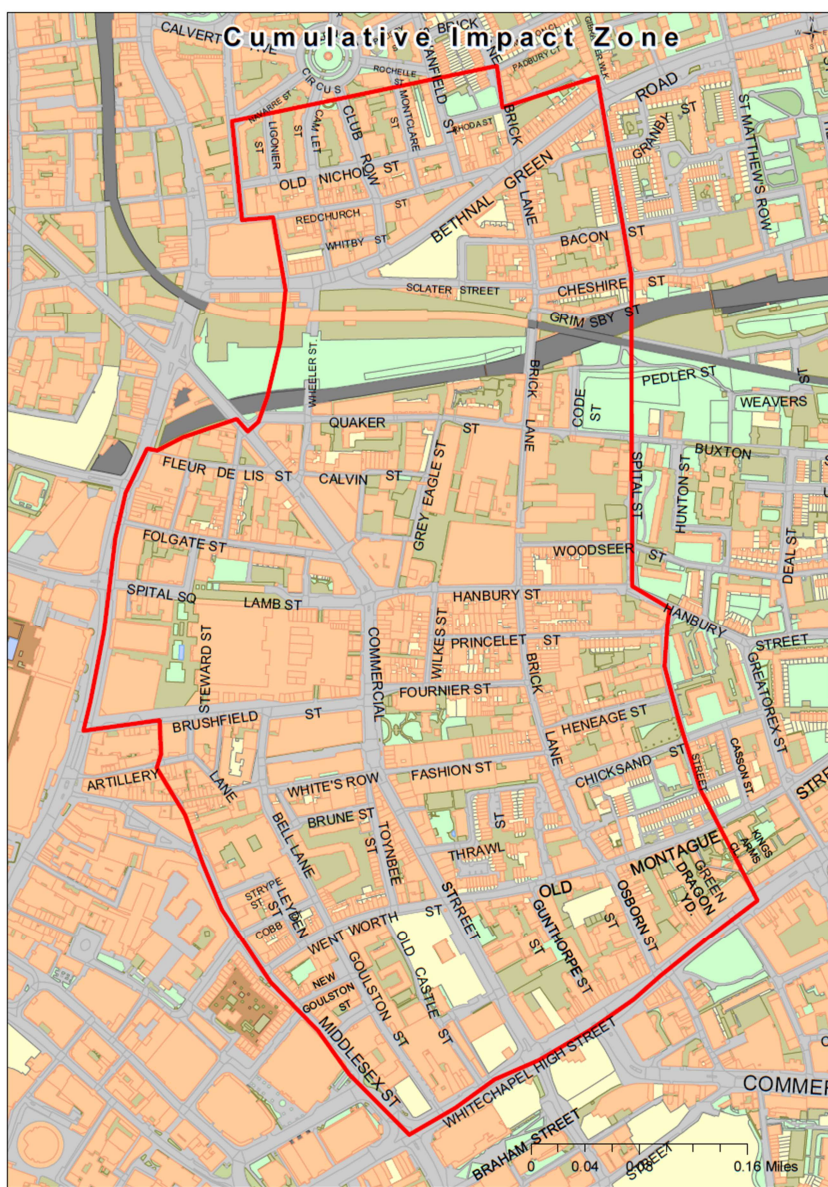
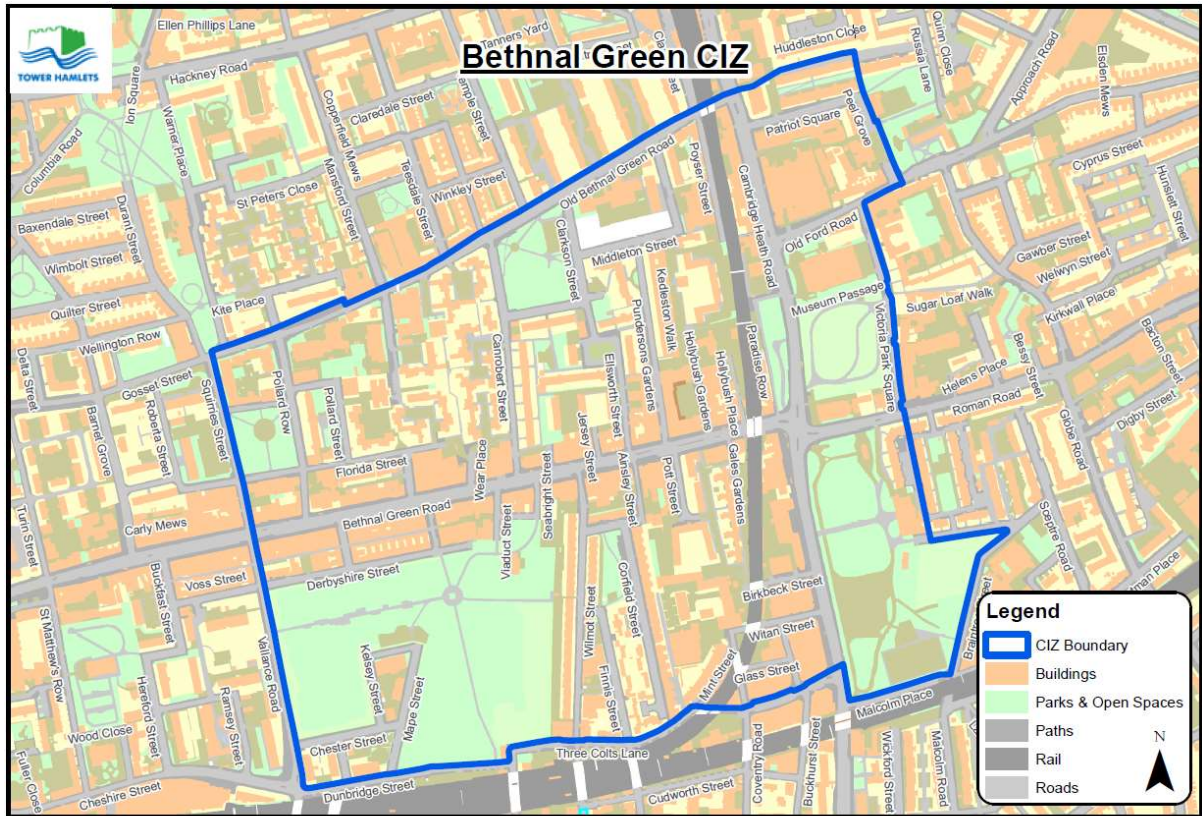


Figure Two:

Bethnal Green Area



Appendix 10

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 11

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

Agenda Item 4.3

Committee: Licensing Sub Committee	Date 05 April 2022	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Brussels Wharf Market, Wapping Wall, London, E1W 3SG Ward affected: St Katherine's and Wapping
--	---

1.0 Summary

Applicant:	ZERO0UK Limited (William Cutteridge)
Name and Address of Premises:	Brussels Wharf Market Brussels Wharf Wapping Wall London E1W 3SG
Licence sought:	Licensing Act 2003 Sale by retail of Alcohol (on & off sales) Regulated Entertainment (live & recorded music)
Objectors:	Licensing Authority Environmental Protection

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Brussels Wharf Market, Brussels Wharf, Wapping Wall, London, E1W 3SG.
- 3.2 The applicant has described the premises as: A public park used weekly for the purposes of a community market including the sale of alcohol and live music.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

Sale of Alcohol (on & off sales)

Saturday 10:00 hours – 17:00 hours

Regulated Entertainment in the form of live & recorded music (outdoors)

Saturday 10:00 hours – 17:00 hours

Opening times

Saturday 10:00 hours – 17:00 hours

4.0 **Location and Nature of the premises**

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

5.0 **Licensing Policy and Government Advice**

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

areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

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

 - Applicants' response to Environmental Protections representation – Noise management plan – **Appendix 9**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety

- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health
- Home office (Immigration Enforcement)

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

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

6.11 The objections relate to:

- Public nuisance
- Crime and Disorder
- Noise when premises in use

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

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

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

7.0 Conditions consistent with Operating Schedule

1. To ensure all staff/marshals are trained sufficiently to promote the licensing objectives.
2. To ensure that the alcohol sellers are aware of the licensing objectives and know who the DPS is to report any problems to.
3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised

photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

4. To display clear signage advising customers of the licensable hours under the terms of the licence.
5. To display clear signage of potential criminal activities, such as theft that may target customers.
6. To ensure all staff/marshals are trained sufficiently to monitor and deal with any public safety issues.
7. Our music will be maintained at a level that is within the legal requirements.
8. We will leave the site clean and clear of any rubbish.

8.0 Conditions Agreed/Requested by Responsible Authority

None

9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

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

decision in the interests of the promotion of the licensing objectives.”
(1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

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

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

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

- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 10 - 16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

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

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



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 ZERO0UK Ltd
(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			
Brussels Wharf Wapping Wall Wapping			
Post town	London	Postcode	E1W 3SG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ none

Part 2 - Applicant details

- Please state whether you are applying for a premises licence as **Please tick as appropriate**
- | | | | |
|-----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) | a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | 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 | <input type="checkbox"/> |
| a function discharged by virtue of Her Majesty's prerogative | <input type="checkbox"/> |

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

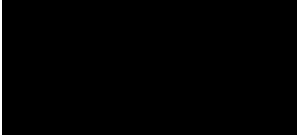


Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		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 ZERO0UK Ltd
Address 
Registered number (where applicable) 12932271
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 
E-mail address (optional) 

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	5	0 2 2 0 2 2

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

DD	MM	YYYY

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

Public park used weekly for the purpose of a community market including sale of alcohol and live music.

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
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	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur								
Fri								
Sat						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)		
Sun								

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Performance of live music during the market hours using amplified equipment. The music will be kept to acceptable levels, so it does not cause nuisance to our neighbours.		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat	10:00	17:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Performance of recorded music during the market hours using amplified equipment. The music will be kept to acceptable levels, so it does not cause nuisance to our neighbours.		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
Sat	10:00	17:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat	10:00	17:00			
Sun			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	William Michael Francis Cutteridge
Date of birth	██████████
Address	██████████ ██████████ ██████████
Postcode	██████████
Personal licence number (if known)	██████████
Issuing licensing authority (if known)	██████████

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).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat	10:00	17:00	
Sun			
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)			

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)

We will ensure that all staff/marshals will be trained to promote all four licensing objectives.
We will ensure that alcohol sellers are aware of the licensing objectives and know who the DPS is to report problems.

The Challenge 25 policy will be implemented by all alcohol sellers.

We are a neighbourhood market focused on supporting local charities, businesses and the community.

b) The prevention of crime and disorder

We will display clear signage advising customers on normal hours under the terms of the license.
We will also display clear signage of potential criminal activities such as theft that may target customers.

We will report any problems to the police as soon as possible.

c) Public safety

We will conduct a risk assessment for the premises.

We will have staff/marshals that have been trained to monitor and deal with any public safety issues quickly and professionally.

d) The prevention of public nuisance

We will ensure that set up and dismantle of the market is as noiseless as possible.

Our music will be maintained at a level that is within the legal requirements, having open communication with our neighbours to maintain a healthy working relationship.

We are particular in keeping and leaving the site clean and clear of any rubbish.

e) The protection of children from harm

We offer a safe environment with tables and chairs for families to eat and enjoy the market.

We ensure that all alcohol traders strictly adhere to The Licensing Act 2003, all those who look under 25 must show identification. We have clear and obvious signage detailing this.

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	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, 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	
Date	08/02/2022
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)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. 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 do not need to be certified) that are published on GOV.UK and in guidance issued under Section 182 of 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.

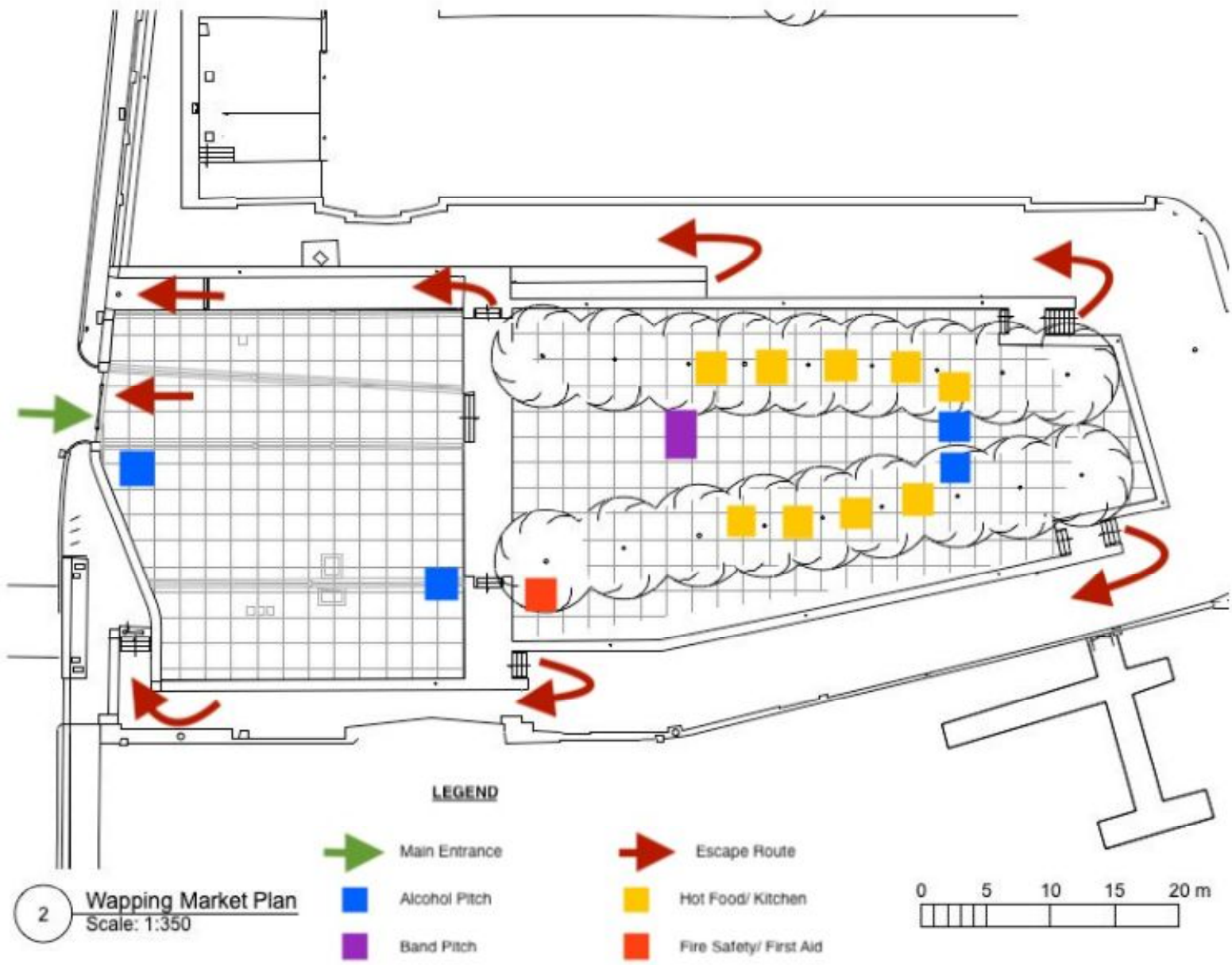
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth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

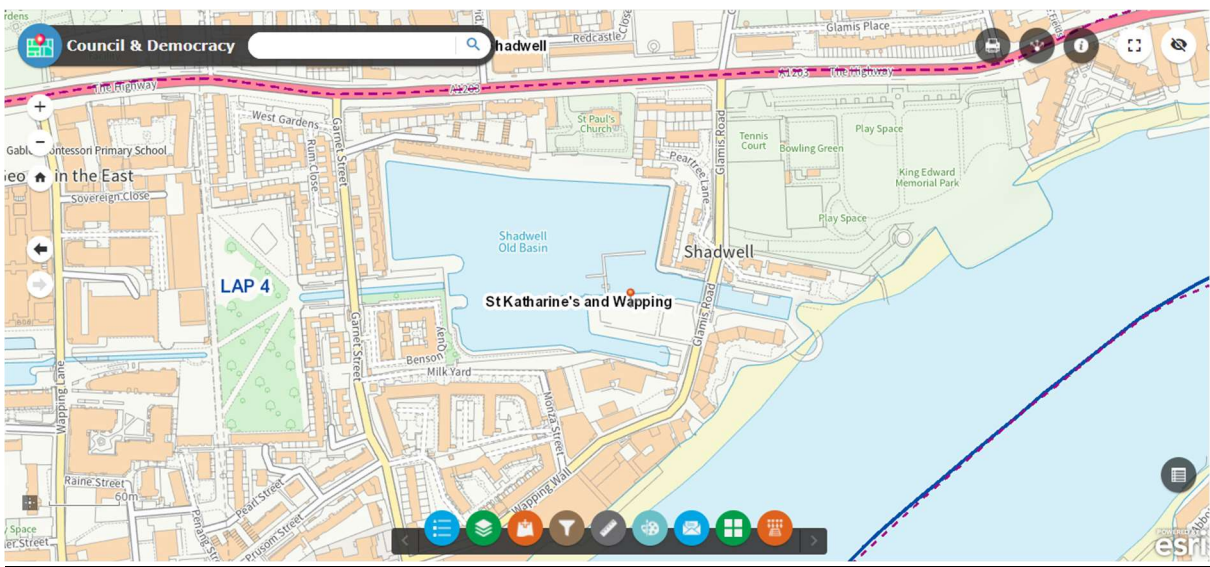
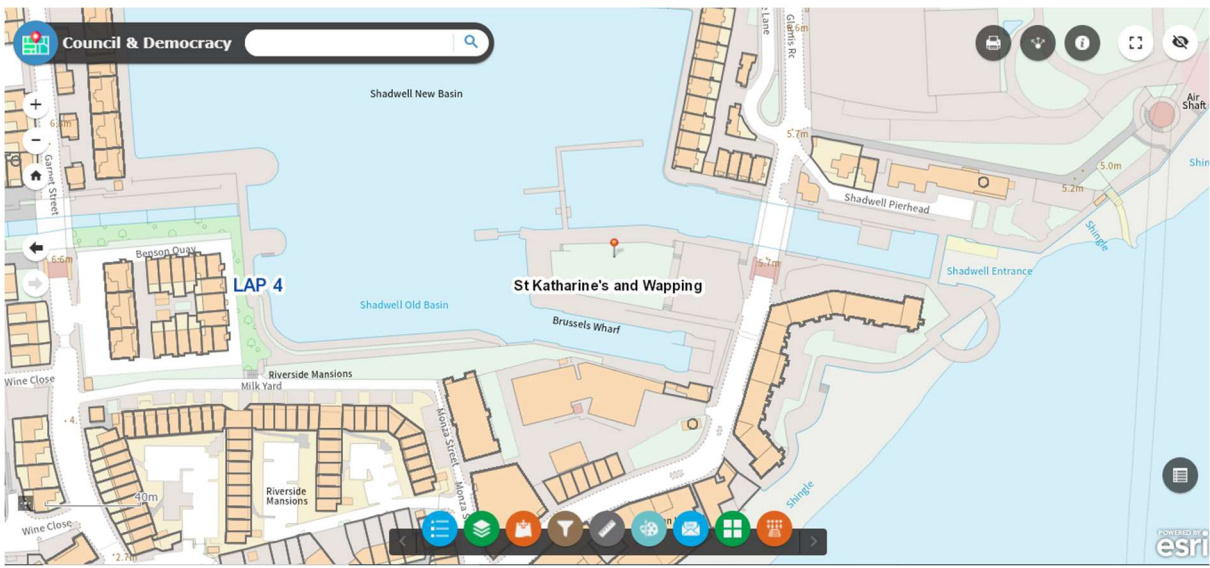
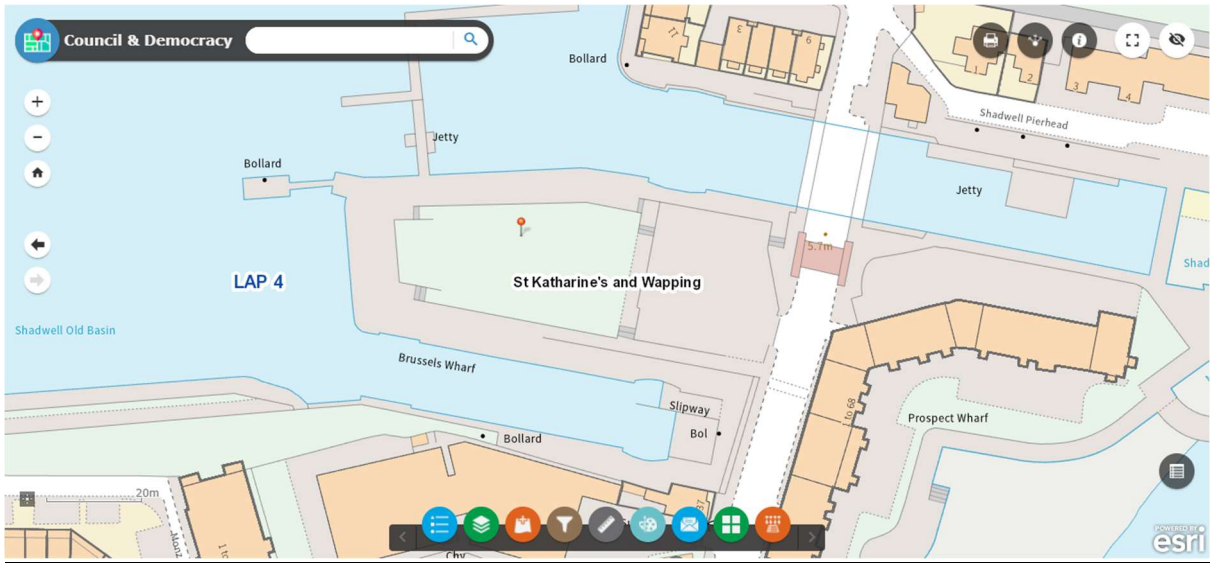
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home office. Your licence application will not be determined until you have complied with this guidance.

Appendix 2



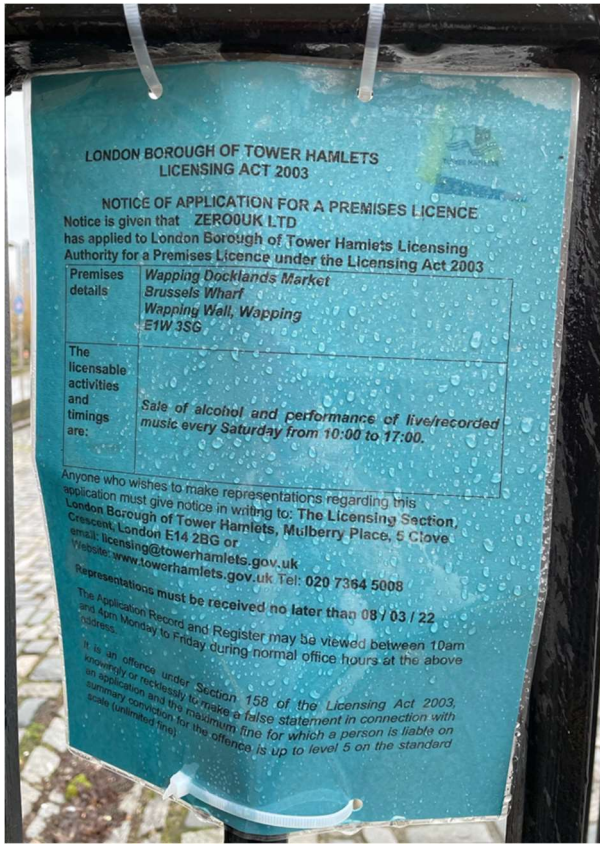
Appendix 3

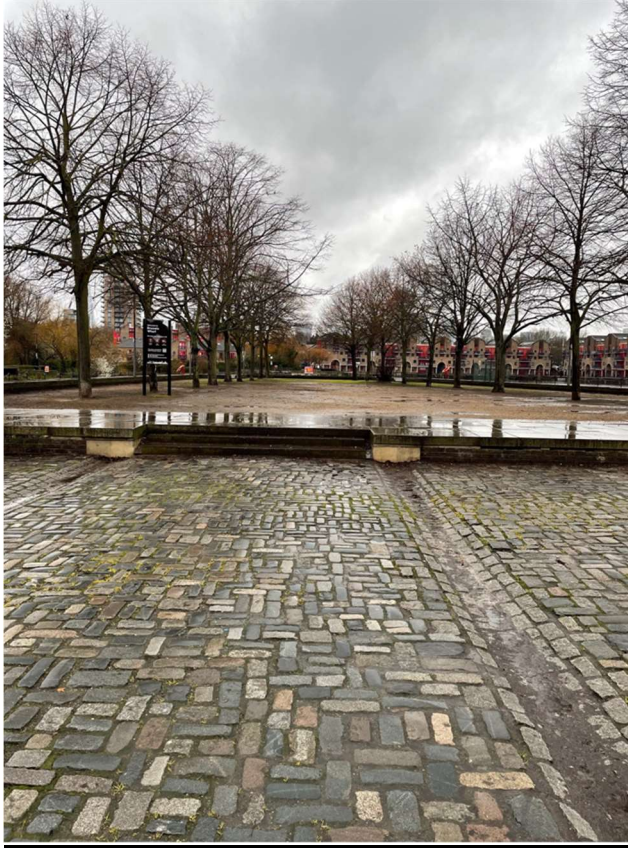
Brussels Wharf Market



Appendix 4

Photos - Brussels Wharf







Appendix 5

Name & Address	Licensable Hours	Opening Hours
<p>Prospect of Whitby) 57 Wapping Wall</p>	<p>Supply of Alcohol – on & off sales Monday - Wednesday 10:00 hrs until 00:00 hrs (Midnight) Thursday – Sunday 10:00 hrs until 01:00 hrs</p> <p>Late Night Refreshment Monday - Wednesday until 01:00 hrs Thursday -Saturday until 02:00 hours Sunday until 01:00 hours</p> <p>For All Regulated Entertainment, Live Entertainment and Karaoke. Monday - Wednesday 10:00 hrs until Midnight Thursday - Saturday 10:00 hrs until 01:00 Sunday 10: 00 hrs until Midnight</p> <p>On St David's Day, St Patrick's Day, St Georges Day and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Mondays and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p>	<p>Sunday - Wednesday 07:00 until 01:00 hrs Thursday - Saturday 07:00 until 02:00</p>

<p>(Il Bordello) Unit G01, Metropolitan Wharf Building 70 Wapping Wall</p>	<p><u>The sale of alcohol (on sales)</u> Monday – Friday 12:00 to 23:00 hours Saturday 18:00 to 23:00 hours Sunday 13:00 to 23:00 hours</p>	<p>Monday – Friday 12:00 to 23:30 hours Saturday 18:00 to 23:30 hours Sunday 13:00 to 23:30 hours</p>
<p>(Docklands General Store) Unit 4 New Crane Wharf 84 Wapping Wall</p>	<p><u>The sale by retail of alcohol (off sales)</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 07:00 hours to 21:00 hours 	<ul style="list-style-type: none"> • Monday to Sunday, from 07:00 hours to 21:00 hours
<p>(Da Nonna) Unit 2 New Crane Place</p>	<p><u>Sale of Alcohol</u> Monday to Thursday from 10:00 hours to 23:00 hours Friday and Saturday from 10:00 hours to 23:30 hours Sunday from 10:00 hours to 22:00 hours</p> <p><u>The Provision of Late-Night Refreshments</u> Friday and Saturday from 23:00 hours to 23:30 hours</p>	<p>Monday to Thursday from 08:00 hours to 23:30 hours Friday and Saturday from 08:00 hours to 00:00 hours (midnight) Sunday from 08:00 hours to 22:30 hours</p>
<p>(Wapping Food) Ground floor Wapping Hydraulic Power Station Glamis Road Wapping Wall</p>	<p>Alcohol Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year’s Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year’s Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year’s Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year’s Eve on a Sunday, 12 noon to 10.30 p.m. 	

	<p>g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Supper Hours Certificate Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply. In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours</p> <p>The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. Late Night Refreshment Hot drinks and hot food can be served up to 30 minutes after the last permitted sale of alcohol. Thus Monday to Saturday until 00:30 hrs Sunday 12 midnight</p> <p>Regulated Entertainment - Music and Dancing including entertainment of the like kind</p>	
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	<p>and public performance of Plays</p> <p>This licence is subject to the standard rules of the Council relating to the management of places of public entertainment and the also the following:</p> <ul style="list-style-type: none">• Monday to Thursday, 09:00 hrs to 23:00 hrs• Friday and Saturday, 09:00 hrs to 12midnight• Sunday, 09:00 hrs to 10.30pm (Plays to start at 14:00 hrs on Sundays) <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	
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Appendix 6

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

Appendix 7



Licensing Authority:
[REDACTED]

CC: Applicant – ZERO0UK Ltd
(William Michael Francis Cutteridge)
[REDACTED]

PLACE Directorate
Public Realm

Environmental Health & Trading Standards
Licensing & Safety Team

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

www.towerhamlets.gov.uk

8th March 2021

Your reference
My reference: LIC/146201/MA

Dear Sir/Madam,

Licensing Act 2003

New premises licence application: ZERO0UK Ltd, Brussels Wharf, Wapping Wall Wapping, London E1W 3SG

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

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

The Home Office guidance

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

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

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



The best of London in one borough

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



The applicant is “ZERO0UK Ltd” and the company director is “William Michael Francis Cutteridge”. Mr Cutteridge applied for Temporary Event Notice (TENs) including one for Friday 3rd December 2021 to carry out the sale by retail of alcohol (on and off sales) and the provision of regulated entertainment from 13:00 hrs to 23:00 hrs. However, this TEN was not granted.

On Thursday 2nd December 2021 (13:54 hrs) the Licensing Authority (Kathy Driver) emailed Mr Cutteridge and explained that the “*applications have reached the maximum limit under the legislation*” and “*not within 5 working days*”. It explained to Mr Cutteridge that “*In regards to this weekend the event can still take place however no alcohol can be sold, you can opt to offer alcohol for free or “bring your own” policy or utilise a licensed premises*”.

15:22 hrs, Mr Cutteridge replied to the email by asking if he “*could be granted a daily pass to cover this Friday, Saturday and Sunday*”.

At 16:29 hrs Kathy Driver stated:

Thank you for your email, as explained to you over the phone the event can still go ahead as there are elements to your event that do not require a licence, choir singing is not regulated entertainment and therefore can still go ahead, any unamplified live music can also take place without a licence. A market where entertainment is ancillary to the event is also considered incidental as long as the entertainment has not been described as the main focus of the event.

There are a number of activities that are permitted without the need for a licence of which I attach the relevant guidance to assist you with activities that are taking place this weekend, however I am afraid that alcohol cannot be sold. As explained, TENs have limits under the legislation and I have described in my email alternatives open to you but I’m afraid we have to remain within the boundaries of the law and the timescales for this weekend are too short to make any application, this is without considering any consultation with the Responsible Authorities.

Alcohol can be brought on site as “bring your own” you can offer it for free but this has to be legitimately free without any ticket charge or contribution. The alternative is utilising an already licensed premises for off sales.

This Authority is concerned that despite the above advice Noise & Nuisance Response Officers witnessed stalls selling alcohol and they test purchased alcohol from one of those stalls on the 3rd December 2021. This incident is currently under investigation. Various TEN’s were also applied for on numerous dates and we are also looking into whether offences were committed on the other dates.





There are also previous complaints that were passed on to Licensing from Environmental Protection as follows:

FYI on the 2/11/2021 we received the complaint below, and I refer for any action you may consider.

I quote the complainant as below:-

“A band of what appeared to be professional musicians were performing at the Saturday Market at Brussels Wharf, Shadwell Basin during the afternoon of 30-10-21 after 13:00 and periodically throughout the afternoon. The music was loud enough to be audible through the closed windows of my flat on Shadwell Basin about two hundred feet away from Brussels Wharf. It is not the first occasion on which this has happened.

The entertainment was likely enjoyed by people attending the market in the same way that people attending a festival enjoy it. The music was not enjoyed by a captive audience two hundred feet away. In addition, I don't believe Brussels Wharf is an outdoor music venue. I'm puzzled about why music at that volume is being permitted. It was clearly audible on the opposite side of Shadwell Basin. I have a short video/audio sample available if needed.

I'd be grateful if someone could investigate the terms of the license given to the Saturday Market to trade at Brussels Wharf in relation to noise nuisance, and if possible take action to prevent it from becoming habitual”

On a balance of probability, the above allegations show there is a concern that the premises may be unlikely to comply with the Licensing Act 2003. Members would expect the applicant to offer appropriate conditions for the promotion of the licensing objectives.

Yours faithfully

[Redacted signature]

Mohshin Ali
Senior Licensing Officer

[Redacted contact information]



Appendix 8

Corinne Holland

From: Nicola Cadzow
Sent: 08 March 2022 15:12
To: Licensing; Mohshin Ali
Cc: MARK.J.Perr [REDACTED] Barry.D.Leban [REDACTED]
will [REDACTED]
Subject: 146201 MAU REPRESENTATION Brussels Wharf Wapping Wall, Wapping

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Having considered the premises license application for Brussels Wharf Wapping Wall, Wapping 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 the premises being external space, to be causing disturbance to people in the vicinity.

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.

The condition on the application "Our music shall be maintained at a level that is within legal requirements" is very general. Also a noise complaint was received from the venue for loud music on the 2nd November 2021.

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.

CONCLUSION

Environmental Protection **does not** support the application for Brussels Wharf Wapping Wall, Wapping for the following reason :

- (1) The applicant has provided insufficient information to show how they will promote the licensing objective for the prevention of public nuisance.

However if I am willing to consider withdrawing my representation if the applicant provides a noise management plan to include noise mitigation measures including music noise levels

Kind regards

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

Appendix 9

Corinne Holland

From: Fabiana Cunha <[REDACTED]>
Sent: 11 March 2022 17:38
To: Nicola Cadzow; Will Cutteridge
Cc: Licensing; Mohshin Ali Cc: MARK.J.Perr [REDACTED]
Barry.D.Leban [REDACTED]
Subject: Re: 146201 MAU REPRESENTATION Brussels Wharf Wapping Wall, Wapping
Attachments: Noise Management Plan 1.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Nicola,

Thank you for your email.

Please find attached our noise management plan which goes into further detail on how we will promote the licensing objective for the prevention public nuisance.

We are working with local councillors to solve the other representation surrounding this licence application.

Please let us know if the attached supplies you with sufficient information to withdraw the representation from an Environmental Health perspective.

Many thanks,
Fabi



Fabiana Cunha | Operations Manager
Squid Markets

M: [REDACTED]
E: [REDACTED]

W: www.squidmarkets.co.uk

[REDACTED]



WAPPING DOCKLANDS MARKET

Noise Management Plan

The purpose of this document is to outline the measures proposed to reduce and control any potential noise disturbances to local residents by activities in and around Brussels Wharf during the times that Wapping Docklands Market is operational. This plan should be reviewed regularly considering any alterations to the premises or any changes to the activities taking place on the site.

Part 1 – Contact Details

Name of premises	Brussels Wharf
Address of premises	Brussels Wharf, Wapping Wall, Wapping, E1W 3SG
Name of licensee and/ or premises supervisor	Will Cutteridge
Contact telephone number	[REDACTED]
Email address	will@[REDACTED]

Part 2 - About the Premises

Brussels Wharf is a public park used weekly for the purpose of a community market. The market is open to the public on Saturdays from 10am to 5pm. Live/ recorded music is played during the market hours.

Part 3 - Source of Potential Noise Disturbance

The set up of the market starts at 8am, and take down of the market is finished by 6pm.

Live/ recorded music is played between 10am and 5pm.

Part 4 - Polices and Procedures

To control noise from regulated entertainment, the following polices and procedures will be actioned:

- Maintain good and open communication with our neighbours, in order not to cause disturbance and nuisance emanating from potential noise disturbance.
- Respond pro-actively to noise complaints, and action immediately when received during operational hours.
- Sounds levels will be taken at set times throughout the event at noise sensitive boundaries and other pre-determined places. Readings will be documented and must not exceed 65 decibels. It is widely accepted that a standard human conversation emits 60 decibels.
- Readings will be used to provide a detailed database of noise levels around the site, see appendix 1.
- A site log book is to be kept and updated weekly, detailing the above readings along with any noise complaints received.

Part 5 - Complaints Procedure

A direct phone to the market manager/ licensee for complaints is displayed on our website, social media channels and google profile. Two staff members are also present onsite every week to handle complaints and take immediate action where appropriate.

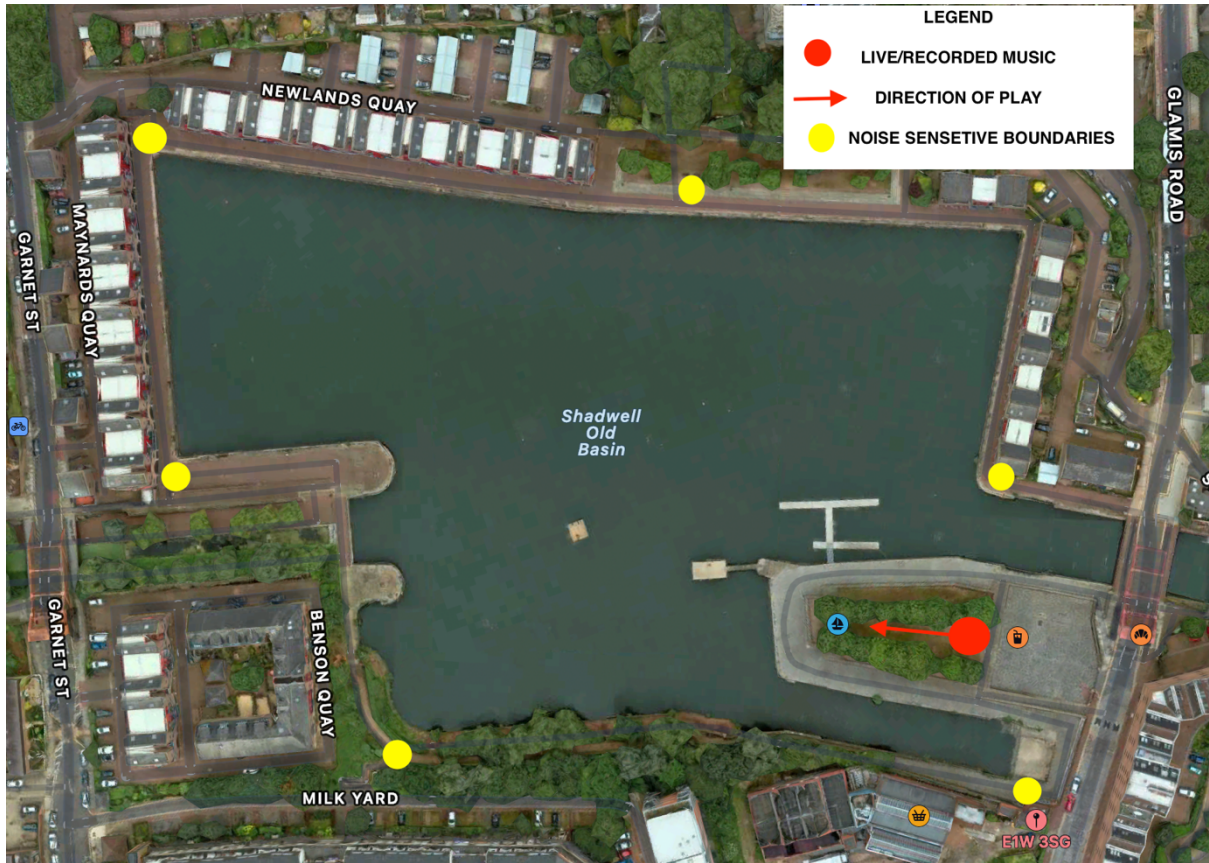
Upon receipt of a noise complaint an investigation into the source will be carried out by the onsite team, immediate action will then be taken to mitigate the source of the complaint. The complaint will then be recorded in the log book located within the staff pack on site.





WAPPING DOCKLANDS MARKET

Appendix 1



Appendix 10

Prevention of Public Nuisance

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

Appendix 11

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

Updated April 2018

Public nuisance

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

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

Appendix 12

Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

Smuggled goods

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

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

Olympic Park – Football Ground

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

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

Appendix 13

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

Updated April 2018

Crime and disorder

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

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

Appendix 14

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 15

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 16

Planning

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

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