

# Licensing Sub Committee

## Agenda

**Tuesday, 21 June 2022 at 6.30 p.m.  
The Council Chamber, Town Hall, Mulberry  
Place, 5 Clove Crescent, London, E14 2BG**

**Contact for further enquiries:**

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

[The quorum for this body is 3 voting Members]

**Contact for further enquiries:**

Simmi Yesmin, Senior Democratic Services Officer,

simmi.yesmin@towerhamlets.gov.uk

020 7364 4120

1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

<http://www.towerhamlets.gov.uk/committee>



## Public Information

### Viewing or Participating in Committee Meetings

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

**Please note:** Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

### Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

### Electronic agendas reports and minutes.

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

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

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



Scan this QR code to view the electronic agenda



## **A Guide to Licensing Sub Committee**

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

### **Public Engagement**

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

# London Borough of Tower Hamlets

## Licensing Sub Committee

Tuesday, 21 June 2022

6.30 p.m.

### APOLOGIES FOR ABSENCE

To receive any apologies for absence.

#### 1. DECLARATIONS OF INTEREST (Pages 7 - 8)

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

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

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

#### 2. RULES OF PROCEDURE (Pages 9 - 18)

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



	PAGE NUMBER	WARD(S) AFFECTED
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3.1 Application for variation of a Premises Licence for The Space Spitalfields, 44 Commercial Street, London, E1 6LT</b>	<b>19 - 110</b>	<b>Spitalfields &amp; Banglatown</b>

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Local Resident(s)

<b>3.2 Application for a New Premise Licence for Brussels Wharf Market, Wapping Wall, London, E1W 3SG</b>	<b>111 - 188</b>	<b>St Katharine's &amp; Wapping</b>
---	------------------	-------------------------------------

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Environmental Health

#### **4 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.

##### **Next Meeting of the Licensing Sub Committee**

Tuesday, 5 July 2022 at 6.30 p.m. to be held in The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG





The best of London in one borough

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

# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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

## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

This page is intentionally left blank

# Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	21 June 2022	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for variation of a Premises Licence for The Space Spitalfields, 44 Commercial Street, London, E1 6LT</b>  Ward affected: <b>Spitalfields &amp; Banglatown</b>
---	--

## 1.0 Summary

Applicant: **The Space Spitalfields Ltd (Alev Ozten)**

Name and Address of Premises: **The Space Spitalfields  
44 Commercial Street  
London  
E1 6LT**

Licence sought: **Licensing Act 2003 - Variation to Premise Licence**

- **Extend licensable hours/opening times**

Objectors: **Residents**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Section 182 guidance  
Licensing Policy  
File

Corinne Holland  
020 7364 3986

### 3.0 **Background**

3.1 This is an application for a variation of the premises licence for 'The Space Spitalfields', 44 Commercial Street, London, E1 6LT.

3.2 The existing Premise Licence was issued on 6<sup>th</sup> October 2010 and a copy is enclosed as **Appendix 1**.

3.3 The timings of the existing licence are detailed below for information purposes only:-

*The Supply of Alcohol (on sales)*

- *Monday to Sunday, from 11:00 hours to 23:30 hours*

*Provision of late night refreshment – Indoor and outdoor*

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

*Provision of regulated Entertainment - Indoor*

*Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description*

- *Monday to Sunday, from 11:00 hours to 23:30 hours*

*Licensable activities non-standard timings:*

- *New Year's Eve, from 11:00 hours to 01:30 hours the following day*

*Opening hours*

- *Monday to Sunday, from 11:00 hours to 00:00 hours (midnight)*

*Non-standard timings:*

- *New Year's Eve, from 11:00 hours to 02:00 hours the following day*

3.4 The applicant has described the nature of the variation as follows:  
*'To extend licensable hours by an hour to allow for customers to leisurely eat their meal'*

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

3.6 Recorded music has been withdrawn from application. The variation/additional hours applied for:

**The Supply of Alcohol (on sales)**

- **Tuesday to Saturday from 23:30 hours to 00:30 hours**
- **Sunday – no extension to current hours**

### **Provision of late night refreshment – Indoor and outdoor**

- Tuesday to Saturday from 23:30 hours to 00:30 hours
- Sunday – no extension to current hours

### **Opening hours**

- Tuesday to Saturday from 11:00 hours to 01:00 hours
- Sunday 11:00 to 23:30 hours (*although this appears to be a 30 minute reduction*)

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

4.1 Photographs of the venue and immediate vicinity are enclosed in **Appendix 3**.

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

4.3 Nearby Licensed Premises are shown in **Appendix 5**.

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

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

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

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

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

## **6.0 Representations**

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

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been received.

REPRESENTATION	APPENDIX
Alex Gordon Shute (SPIRE)	7
Susan Kay	8

- 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
- Immigration

- 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 cover allegations of

- Public nuisance
- Anti - social behaviour
- Protection of children from harm

6.12 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.

6.13 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 on existing Premises Licence:**

1. A Challenge 25 policy shall be operated at all times, and all staff shall be trained to accept only a proof of age (pass scheme) card, passport or photo driving licence as acceptable forms of identification when selling alcohol to young people.
2. Signage shall be displayed at the point of sale stating “No proof of age – No sale”.
3. Refusal book to be kept at the premises and maintain at all times.
4. A CCTV camera system shall be installed / updated covering both internal and external areas to the premises.
5. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.
6. Any outdoor seating service to be concluded by 22:00 hours

## **Conditions consistent with Operating Schedule**

No enforceable conditions

### **8.0 Conditions agreed in consultation with the responsible authorities**

#### **Conditions agreed with the police – Appendix 9**

1. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
  
2. 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.
  
3. The premises shall operate as a restaurant where the sale of alcohol is ancillary to the sale of food.

#### **Conditions agreed with the Licensing Authority - Appendix 10**

1. 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.
  
2. 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.

3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) 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.
4. 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.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. There shall be no vertical consumption on the premises or in any outside areas.
7. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
8. The supply of alcohol shall be by waiter or waitress service only.
9. A telephone number for the duty 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.

## 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)

- ❖ It is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention (10.5)
  - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ❖ The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
  - ❖ 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)
  - ❖ 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. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.21).
  - ❖ 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)
- 9.3 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 “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 and to respect the rights of people living nearby to a peaceful night.” (2.21)
- 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 11 - 17** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy the existing licence
<b>Appendix 2</b>	A copy of the application for variation
<b>Appendix 3</b>	Photographs
<b>Appendix 4</b>	Maps of the surrounding area
<b>Appendix 5</b>	Nearby licensed premises
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Resident Association representation (SPIRE)
<b>Appendix 8</b>	Resident representation
<b>Appendix 9</b>	Police conditions
<b>Appendix 10</b>	Licensing Authority conditions
<b>Appendix 11</b>	S182 advice re public nuisance
<b>Appendix 12</b>	Licensing Policy advice on public nuisance
<b>Appendix 13</b>	Anti-social behaviour when leaving premises
<b>Appendix 14</b>	Section 182 Protection of Children from Harm
<b>Appendix 15</b>	Licensing Policy advice on Protection of Children from Harm
<b>Appendix 16</b>	Framework hours
<b>Appendix 17</b>	Planning

This page is intentionally left blank

# Appendix 1

**(The Space Spitalfields)**

44 Commercial Street  
London  
E1 6LT

**Licensable Activities authorised by the licence**

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

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

**Signed by**



**Head of Environmental Health and Trading Standards**

**Date: 6<sup>th</sup> October 2010**



**Part A - Format of premises licence**

Premises licence number

29351

**Part 1 - Premises details**

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

**(The Space Spitalfields)**  
44 Commercial Street

**Post town**  
London

**Post code**  
E1 6LT

**Telephone number**  
None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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

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

**Sale of alcohol**

- Monday to Sunday, from 11:00 hours to 23:30 hours

**Provision of late night refreshment – Indoor and outdoor**

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

**Provision of regulated Entertainment - Indoor**

Live music, recorded music, performance of dance and anything of a similar description.  
Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description

- Monday to Sunday, from 11:00 hours to 23:30 hours

Licensable activities non-standard timings:

- New Year's Eve, from 11:00 hours to 01:30 hours the following day

**The opening hours of the premises**

- Monday to Sunday, from 11:00 hours to 00:00 hours (midnight)

Non-standard timings:

- New Year's Eve, from 11:00 hours to 02:00 hours the following day

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

On sales

**Part 2**

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

The Space Spitalfields Limited



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

12045117

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

Alev Ozten



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

**Personal Licence Number:**

**Issuing Authority:**



## 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. A challenge 25 policy shall be operated at all times, and all staff shall be trained to accept only a proof of age (pass scheme) card, passport or photo driving licence as acceptable forms of identification when selling alcohol to young people.
2. Signage shall be displayed at the point of sale stating “No proof of age – No sale”.
3. Refusal book to be kept at the premises and maintain at all times.

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
**Conditions attached following the licensing subcommittee hearing of 6<sup>th</sup> October 2010:**

1. A CCTV camera system shall be installed / updated covering both internal and external areas to the premises.
2. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.
3. Any outdoor seating service to be concluded by 22:00 hours

**Annex 4 - Plans**

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

6<sup>th</sup> August 2010 – *Basement floor and ground floor (including the outside seating area on Commercial Street)*



**Part B - Premises licence summary**

**Premises licence number**

29351

**Premises details**

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

**(The Space Spitalfields)**  
44 Commercial Street

**Post town**

London

**Post code**

E1 6LT

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

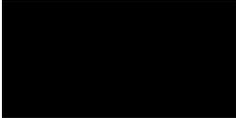
The times the licence authorises the carrying out of licensable activities

<p><b>Sale of alcohol</b></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 23:30 hours</li></ul> <p><b>Provision of late night refreshment – Indoor and outdoor</b></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 23:00 hours to 23:30 hours</li></ul> <p><b>Provision of regulated Entertainment - Indoor</b></p> <p><u>Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description</u></p> <ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 23:30 hours</li></ul> <p><u>Licensable activities non-standard timings:</u></p> <ul style="list-style-type: none"><li>New Year’s Eve, from 11:00 hours to 01:30 hours the following day</li></ul>
--

The opening hours of the premises

<ul style="list-style-type: none"><li>Monday to Sunday, from 11:00 hours to 00:00 hours (midnight)</li></ul> <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"><li>New Year’s Eve, from 11:00 hours to 02:00 hours the following day</li></ul>
--

Name, (registered) address of holder of premises licence

<p>The Space Spitalfields Limited</p> 
--

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

<p>On sales</p>
-----------------

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

<p>12045117</p>
-----------------

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

<p>Alev Ozten</p>
-------------------

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

<p>No</p>
-----------

# 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](mailto: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 Alev Ozten (The Space Spitalfields Ltd)

*(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**

29230

### Part 1 – Premises details

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

44 Commercial Street,

**Post town**

London

**Post code**

E1 6LT

**Telephone number at premises (if any)**

**Non-domestic rateable value of premises**

£30,750

## Part 2 - Applicant details

<b>Daytime contact telephone number</b>	[REDACTED]		
<b>E-mail address (optional)</b>	[REDACTED]		
<b>Current postal address if different from premises address</b>	As above		
<b>Post Town</b>		<b>Postcode</b>	

## Part 3 - Variation

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

I would like to make an application to extend our opening hours. At present, our licence allows us to serve alcohol until 23.30hrs and we close at 00.00 hours. As our establishment is quite calm and our customers like to leisurely eat their meals with their drinks we often find that we are rushing them out of an evening. Our request is that we are able to serve alcoholic beverages for an extra hour which would enable us to serve our final drinks at 00.30 hours which would enable us to close at 01.00hrs. Although this variation in closing time would mostly be used on Friday and Saturday, it would be helpful for this change to apply to all days that we are open in case it is needed.

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

N/A
-----

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

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

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

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 4)</u></b>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 8)			<b><u>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 4)</u></b>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for exhibition of films</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					



**E**

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

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u></b> (please read guidance note 4)	Indoors	
Day				Outdoors	
Start				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	Closed				
Tue	11:00	01:00			
Wed	11:00	01:00			
Thur	11:00	01:00			
Fri	11:00	01:00			
Sat	11:00	01:00			
			<b><u>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</u></b> (please read guidance note 7)		

Sun	11:00	23:30	
-----	-------	-------	--

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both		
Tue						
Wed				<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Thur						
Fri						
Sat				<b>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</b> (please read guidance note 7)		
Sun						

## H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
				Both		
Mon	Closed		<p><b>Please give further details here</b> (please read guidance note 5)</p> <p>We would like to request last orders take place at 00:30 and so our closing time would be 01:00hrs</p> <p>Our outdoor area is seated and accommodates for 8 people.</p>			
Tue	11:00	00:30				
Wed	11:00	00:30		<p><b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)</p>		
Thur	11:00	00:30				
Fri	11:00	00:30				
Sat	11:00	00:30		<p><b>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</b> (please read guidance note 7)</p>		
Sun	11:00	23:30				

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick [Y]</b> (please read guidance note 9)	On the premises		
Day	Start	Finish		Off the premises		
				Both		
Mon	Closed		<p><b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)</p>			
Tue	11:00	00:30				
Wed	11:00	00:30				
Thur	11:00	00:30		<p><b>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</b> (please read guidance note 7)</p>		
Fri	11:00	00:30				
Sat	11:00	00:30				
Sun	11:00	23:30				

--	--	--	--

**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)**

None

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 8)			<b>State any seasonal variation</b> (please read guidance note 6)
Day	Start	Finish	
Mon	Closed		
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:00	
Fri	11:00	01:00	
Sat	11:00	01:00	
Sun	11:00	23:30	

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

None

Please tick yes

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

Yes

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

N/A

## **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)**

As a family owned restaurant we individually take steps and responsibility in order to keep and maintain a safe environment for ourselves, customers and the general public. We have become a consistently peaceful, calm and friendly environment to the general public and have a good flow of regular customers. We are consistently engaged in any events or incidents occurring outside of the premises and on the main road and are quick to offer support or any help when needed. Our customers feel safe in our environment and since opening in November 2019, we have had very limited incidents occur and have dealt with any minor incidents with care and consideration to all.

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

- Effective and responsible measures are taken consistently as and when necessary in order to ensure that the premises are managed in order to prevent any disorder from taking place.
- Personalised training is provided to members of staff, we communicate effectively in order to ensure most effective and safe practice.
- CCTV is installed around the exterior perimeter of the premises and also internally, regular checks ensure that recording is in working order and effective.
- Toughened glass is used where possible and used glasses are swiftly collected from tables once used.
- The exterior of the building is well lit and clearly visible.

### **c) Public safety**

- All relevant risk assessments are carried out on a regular basis.
- Relevant training and guidance is provided to all staff.
- Regular testing of appliances and procedures takes place.
- Consistently aware of the immediate outside and any potential dangers e.g; accidents, road works etc

### **d) The prevention of public nuisance**

- Ensuring that customers leave the premises quietly as not to disturb the neighbours.
- A very effective refuse and recycling company are used in order to ensure that our rubbish is away from the premises whilst customers are within or outside our establishment.
- We have a good rapport with local police and have regular conversations in regard to how things are going.

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

- All members of staff understand their responsibility in regard to age checks on younger customers. They consistently ask for forms of identification as and when necessary.
- Members of staff are given training in relation to the correct behaviours and etiquette when having to refuse customers any alcohol.

**CHECKLIST:**

Please tick  **yes**

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

**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	<i>A. Ozten</i>
Date	03/03/2022
Capacity	Managing Director

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> 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)

Alev Ozten  
44 Commercial Street,

**Post town**  
London

**Post code**  
E1 6LT

**Telephone number (if any)**

[REDACTED]

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

[REDACTED]

## Notes for Guidance

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

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

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

# Appendix 3

**Photos – The Space Spitalfields, 44 Commercial Street, London, E1 6LT**





LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003

NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Notice is given that The Space Spitalfields Ltd.  
has applied to London Borough of Tower Hamlets Licensing  
Authority to vary a Premises Licence under  
the Licensing Act 2003.

Premises	<u>The Space Spitalfields</u> <u>44 Commercial Street,</u> <u>E1 6LT</u>
The proposed variation is:	<u>Provision of late night refreshment</u> <u>Tuesday - Saturday 23:00 hrs - 00:30 hrs</u> <u>Sunday 23:00 hrs - 23:30 hrs</u> <u>Sale of alcohol (on sales)</u> <u>11:00 am - 00:30 Tuesday - Saturday</u> <u>11:00 am - 23:30 Sunday.</u>

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Team, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London E14**  
2BG email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: 020 7364 6008

Representations must be received no later than 8/4/2022

The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000)

© Licensing 2003/2002 Lic Act, Standard Premises Licence Variation, 2012

# Appendix 4



# Appendix 5

**44 Commercial Street - Nearest licences**

<b>Name and address</b>	<b>Licensable activities and hours</b>	<b>Opening hours</b>
43 Commercial Street	<p><b>The sale by retail of alcohol (on sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 12:00hrs (midday) to 23:00hrs</li> <li>• Friday and Saturday from 12:00hrs (midday) to 00:30hrs the following day</li> <li>• Sunday from 12:00hrs (midday) to 23:00hrs</li> </ul> <p><b>The Provision of Late-Night Refreshment - indoors</b></p> <ul style="list-style-type: none"> <li>• (Monday to Thursday – None)</li> <li>• Friday and Saturday from 23:00hrs to 00:30hrs the following day</li> <li>• (Sunday – None)</li> </ul> <p><b>The Provision of Regulated Entertainment - Indoors</b> (in the form of Recorded Music )</p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 12:00hrs (midday) to 23:00hrs</li> <li>• Friday and Saturday from 12:00hrs (midday) to 23:30hrs</li> <li>• Sunday from 12:00hrs (midday) to 22:00hrs</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Thursday from 07:00hrs to 23:30hrs</li> <li>• Friday and Saturday from 07:00hrs to 01:00hrs the following day</li> <li>• Sunday from 07:00hrs to 23:30hrs</li> </ul>
(Som Saa) 43a Commercial Street	<p><b>The sale by retail of alcohol (On and off sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday, from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 10:00 hours to midnight</li> <li>• Sunday, from 12:00 hours to 22:30 hours</li> </ul> <p><b>The provision of late night refreshment (Indoors only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday until 23:30 hours</li> </ul> <p>Friday and Saturday until midnight</p>	<ul style="list-style-type: none"> <li>• Monday to Thursday, from 10:00 hours to 23:30 hours</li> <li>• Friday and Saturday, from 10:00 hours to midnight</li> <li>• Sunday, from 12:00 hours to 22:30 hours</li> </ul>
(La Luna Italian Pizza & Deli) 43a Commercial Street	<p><b>The sale by retail of alcohol (On sales)</b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 11:30 hours to 22:30 hours</li> <li>• Friday and Saturday from 11:30 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday to Thursday from 11:30 hours to 23:00 hours</li> <li>• Friday and Saturday 11:30 hours to 23:30 hours</li> </ul>

**44 Commercial Street - Nearest licences**

<p><b>(Culpeper)</b> 40-42 Commercial Street</p>	<p><b>Supply of Alcohol (on and off sales), Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight)</li> <li>▪ Thursday to Saturday, from 07:00hrs to 03:00hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <p><b>Live music</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Saturday, from 07:00hrs to 23:30hrs</li> <li>▪ Sunday, from 10:00hrs to 23:00hrs</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 23:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 23:00hrs to 04:00hrs</li> <li>▪ Sunday, from 23:00hrs to 23:30hrs</li> </ul> <p><b><u>Non-standard timings</u></b></p> <p><b>Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs</li> <li>▪ Bank Holiday Mondays, from 07:00hrs to 01:00hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs</li> <li>▪ New Year's Eve, from 07:00hrs to 03:00hrs 2<sup>nd</sup> January</li> </ul>	<p><b>The opening hours of the premises</b></p> <ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 07:00hrs to 00:30hrs</li> <li>▪ Thursday to Saturday, from 07:00hrs to 04:00hrs</li> <li>▪ Sunday, from 10:00 hours to 23:30hrs</li> </ul> <p><b><u>Non-standard timings</u></b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs</li> <li>▪ Bank Holiday Mondays, from 07:00hrs to 01:30hrs</li> <li>▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs</li> <li>▪ New Year's Eve, from 07:00hrs to 03:00hrs 2<sup>nd</sup> January</li> </ul>
--	--	--

**44 Commercial Street - Nearest licences**

	<p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs</li> <li>▪ Bank Holiday Mondays, from 23:00hrs to 01:30hrs</li> <li>▪ St. Valentines Day, St. Patrick’s Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs</li> <li>▪ New Year’s Eve, from 23:00hrs to 04:00hrs 2<sup>nd</sup> January</li> </ul>	
<p><b>(Hotbox)</b> 46-48 Commercial Street</p>	<p><b>Sale by retail of alcohol (on sales)</b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday, from 11:00 hours to 23:30 hours</li> <li>• Thursday to Saturday, from 11:00 hours to 00:30 hours</li> <li>• Sunday 11:00 hours to 22:30 hours</li> </ul> <p><b>The provision of late-night refreshment - Indoors</b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday, from 23:00 hours to 23:30 hours</li> <li>• Thursday to Saturday, from 23:00 hours to 00:30 hours</li> </ul> <p><b>The provision of regulated entertainment – Basement only</b> <u>(Recorded Music &amp; Performance of Dance)</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11:00 hours to 23:00 hours</li> <li>• Sunday 11:00 hours – 22:30 hours</li> </ul> <p><u>Provision of anything of a similar description to Live Music , Recorded Music or Performance of Dance</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday 11:00 hours to 23:00 hours</li> <li>• Sunday 11:00 hours to 22:30 hours</li> </ul> <p><b><u>Non-standard timings</u></b></p> <ul style="list-style-type: none"> <li>• To extend the times for all the licensable activities from the end of the permitted hours on New Years’ Eve to 03:00 hours on New Year’s Day.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monday to Wednesday, from 11:00 hours to 00:00 hours</li> <li>▪ Thursday to Saturday, from 11:00 hours to 01:00 hours</li> <li>▪ Sunday, from 11:00 hours to 23:00 hours</li> <li>▪</li> </ul>

**44 Commercial Street - Nearest licences**

<p><b>(Absurd Bird)</b> 54 Commercial Street</p>	<p><u>The sale by retail of alcohol (on sales only):</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 11:00hrs to 23:00hrs</li> <li>• Thursday to Saturday from 11:00hrs to 00:00hrs (midnight)</li> </ul> <p><u>The provision of late night refreshment (both indoors and outdoors):</u></p> <ul style="list-style-type: none"> <li>• Thursday to Saturday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>• Sunday to Wednesday from 09:00hrs to 23:30hrs</li> <li>• Thursday to Saturday from 09:00hrs to 00:30hrs (the following day)</li> </ul>																				
<p><b>(Artsadmin)</b> Toynbee Studios 28 Commercial Street</p>	<p><b><u>Alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 11:30 hours to 12midnight</li> </ul> <p><b><u>Regulated entertainment</u></b> (Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music and provision of facilities for dancing)</p> <ul style="list-style-type: none"> <li>▪ Monday to Sunday, from 10:00 hours to 12midnight</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 08:30 hours to 12midnight</li> </ul>																				
<p><b>(YUU Kitchen)</b> 29 Commercial Street</p>	<p><b><u>The supply by retail of alcohol (on &amp; off sales)</u></b></p> <ul style="list-style-type: none"> <li>• Monday – Thursday 12:00 hours – 23:00 hours</li> <li>• Friday – Saturday 12:00 hours – 23:30 hours</li> <li>• Sunday 12:00 hours - 22:30 hours</li> <li>• Supply of Alcohol in external areas and off sales until 21:30 hours only.</li> </ul> <p><b><u>The provision of late night refreshment (indoors)</u></b></p> <ul style="list-style-type: none"> <li>• Friday – Saturday 23:00 hours - 23:30 hours</li> </ul> <p><b><u>Non- Standard Hours:</u></b> Christmas Eve – Supply of alcohol and provision of late night refreshment to 00:00 hours (midnight)</p>	<table border="0"> <tr> <td>Monday - Thursday</td> <td>12:00 hours</td> </tr> <tr> <td>- 23:30 hours</td> <td></td> </tr> <tr> <td>Friday – Saturday</td> <td>12:00 hours</td> </tr> <tr> <td>- 00:00 hours</td> <td></td> </tr> <tr> <td>Sunday</td> <td>12:00 hours</td> </tr> <tr> <td>- 23:00 hours</td> <td></td> </tr> <tr> <td>Christmas Eve</td> <td>12:00 hours</td> </tr> <tr> <td>- 00:00 hours</td> <td></td> </tr> <tr> <td>New Year’s Eve</td> <td>12:00 hours</td> </tr> <tr> <td>- 02:00 hours</td> <td></td> </tr> </table>	Monday - Thursday	12:00 hours	- 23:30 hours		Friday – Saturday	12:00 hours	- 00:00 hours		Sunday	12:00 hours	- 23:00 hours		Christmas Eve	12:00 hours	- 00:00 hours		New Year’s Eve	12:00 hours	- 02:00 hours	
Monday - Thursday	12:00 hours																					
- 23:30 hours																						
Friday – Saturday	12:00 hours																					
- 00:00 hours																						
Sunday	12:00 hours																					
- 23:00 hours																						
Christmas Eve	12:00 hours																					
- 00:00 hours																						
New Year’s Eve	12:00 hours																					
- 02:00 hours																						

**44 Commercial Street - Nearest licences**

	On New Year's Eve supply by retail of alcohol and provision of late night refreshment to 01:30 hours	
<b>(Unity Diner)</b> 60 Wentworth Street	<p><b>The sale by retail of alcohol (On sales only)</b></p> <ul style="list-style-type: none"> <li>Monday to Friday from 12:00 hours to 23:00 hours</li> <li>Saturday, from 12:00 hours to 23:30 hours (midnight)</li> <li>Sunday, from 12:00 hours to 21:30 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Friday from 12:00 hours to 23:30 hours</li> <li>Saturday, from 12:00 hours to 00:00 hours</li> <li>Sunday, from 12:00 hours to 22:00 hours</li> </ul>
<b>(Xian Biang Biang)</b> 62 Wentworth Street	<p><b>The sale by retail of alcohol (on sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 11:00 hours to 22:30 hours</li> </ul>	Monday to Sunday from 11:00 hours to 23:00 hours
<b>(Hungry Donkey)</b> 56 Wentworth Street	<p><b>Sale by retail of alcohol (On sale)</b></p> <ul style="list-style-type: none"> <li>Monday to Thursday from 11:00hrs to 23:00hrs</li> <li>Friday and Saturday from 11:00hrs to 23:30hrs</li> <li>Sunday from 11.00hrs to 22:00hrs</li> </ul> <p><b>Sale by retail of alcohol (Off sale)</b></p> <ul style="list-style-type: none"> <li>Monday to Saturday from 11:00hrs to 23:00hrs</li> <li>Sunday from 11:00hrs to 22:00hrs</li> </ul> <p><b>The provision of regulated entertainment</b></p> <p><u>Recorded Music</u></p> <ul style="list-style-type: none"> <li>Monday to Thursday from 11:00hrs to 23:00hrs</li> <li>Friday and Saturday from 11:00hrs to 23:30hrs</li> <li>Sunday from 11:00hrs to 22:00hrs</li> </ul> <p><b>Provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>Monday to Thursday from 23:00hrs to 23:30hrs</li> <li>Friday and Saturday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Thursday from 07:30hrs to 23.30hrs</li> <li>Friday and Saturday from 07.30hrs to 00:00hrs (midnight)</li> <li>Sunday, from 07:30hrs to 22:30hrs</li> </ul>

# Appendix 6

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

### Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

# Appendix 7

28<sup>th</sup> March 2022

London Borough of Tower Hamlets  
Licensing Team  
Environmental Health & Trading Standards  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Send via E-Mail

**Re: Formal Objection to Proposed Variation of Premise (Alcohol) License for The Space Spitalfields, 44 Commercial Street, E1 6LT**

Dear Licensing Team

I am writing on behalf of Spitalfields Residents Against Anti-Social Behaviour ("SPIRE"), a community group established in 2012, which represents individuals and, at least, six of the largest resident associations including, Exchange Building Residents Association, St George's Residents Association, Spitalfields Community Group (SCG), Spitalfields Market Residents Association (SMRA), Norton Folgate Community Group (NFCG), and Spitalfields Society, in Spitalfields and Banglatown ("the Ward").

SPIRE reviews all new and/or amended applications for alcohol licenses in the Ward to ensure the interests of individuals and group it represents are not negatively impacted by any such application(s).

Specifically, SPIRE reviews all new and/or amended applications for alcohol licenses to ensure they do not contravene applicable law, guidelines, and/or other acceptable practices for alcohol licenses in the Ward. This includes, but is not limited to, the appropriate enforcement of the Brick Lane Cumulative Impact Assessment (CIA), which applies to a majority of the Ward.

Where reasonable and possible, SPIRE attempts to first address any concerns and/or objections directly with the individual or party making an application for a new and/or amended alcohol license. Formal objections are only typically made to the London Borough of Tower Hamlets (LBTH) in situations where concerns and/or objections remain unresolved after direct contact with an applicant or if an applicant chooses not engage with SPIRE.

SPIRE is a 'pro-commerce' community group and supports the careful balance of a vibrant, diverse and commercial ward with the needs of residents and visitors to appreciate a safe, clean and liveable neighbourhood free from anti-social behaviour and related issues.

Consequently, when a formal objection is raised by SPIRE, such as the case detailed below, it has been carefully considered and represents a substantial number of constituents in the Ward.

**Formal Objection**

SPIRE raises formal objection to the proposed variation of premise licence for The Space Spitalfields, 44 Commercial Street, E1 6LT to extend licensing hours from 23.30hrs (closing at 00.00hrs) by an hour, enabling final drinks to be served until 00.30hrs (closing at 01.00hrs), 7 days a week.

The premise is in the Cumulative Impact Area which means either 'one in, one out' must be applied and we have received no details of late licenses being withdrawn from the area which would justify this one being extended. Or alternatively there must be an exceptional reason for why the licence should be granted. We see no

exceptional circumstances here (the applicant cites 'rushing [customers] out of an evening' as the only reason for the extension).

In addition to the CIA criteria, SPIRE objects on the following grounds:

- **Prevention of crime and disorder, and prevention of public nuisance**  
An extended licence, gives more people a longer time, and with more alcoholic intoxication as a fuel, for crime, disorder and public nuisance. Spitalfields has many incidents of peeing in doorways, shouting and excess noise late at night, and criminal damage from drunken revellers, happening frequently – especially in this area. More time and more alcohol will lead to more disturbance, crime and nuisance.
- **Public safety and the protection of children from harm**  
This is an area where many families live, so children are directly impacted by late licences. If they are awake, they have to run the gauntlet of drunken, badly behaved adults who at the least are frightening and at the worst, may abuse them verbally or physically. If asleep, they will be woken by noisy, rowdy behaviour and the very late night clearing up sounds of clanking of glass bottles and rubbish dumping

The applicant has a viable and flourishing business without a later licence.

We ask kindly that you reject the stated application in alignment with our concerns. Please acknowledge that our objection has been received and that the contents of this letter will be considered as part of the overall review process.

Yours sincerely,

A large black rectangular redaction box covering the signature area of the letter.

**Alex Gordon Shute**  
**On behalf of SPIRE**

# Appendix 8

## Corinne Holland

---

**From:** Licensing  
**Sent:** 29 March 2022 09:49  
**To:** Corinne Holland  
**Subject:** FW: Licensing Objection: Premises licence No 29230 (The Space Spitalfields 44 Commercial St E1 6LT)

-----Original Message-----

From: Susan Kay [REDACTED]  
Sent: 28 March 2022 20:09  
To: Licensing <Licensing@towerhamlets.gov.uk>  
Cc: [REDACTED]; Alex Gordon Shute  
<[REDACTED]>; [REDACTED]; [REDACTED]  
<[REDACTED]>  
Subject: Licensing Objection: Premises licence No 29230 (The Space Spitalfields 44 Commercial St E1 6LT)

Dear Licensing Team,

My name is Susan Kay. I have lived in the Spitalfields area for over 20 years and now live at [REDACTED]  
[REDACTED]

It has been brought to my attention by Spire, a local community group, addressing ASB issues that The Space at 44 Commercial Street E1 6LT have applied to extend their licensing hours from 23.30hrs(closing at 00.00hrs) by an hour which means that final drinks will be served until 00.30 hrs (closing at 01.00hrs) 7 days a week!!

These premises are in a largely residential area, with many families and children living in neighbouring homes. Local restaurants and bars are very much part of the living experience of being close to the Spitalfields Market and surrounding streets, and many people choose to live here so that they are close to these amenities.

However, in the 20 years of living here, I have noticed a worrying change in ASB and other nuisances on our doorstep, mainly as a result of increasingly late night openings and late night licences being permitted. The area is now part of a Cumulative Impact Zone brought in as a result of many local residents endlessly complaining to the authorities of having to suffer unacceptable levels of ASB, due to drunkenness right up and into the early hours. This, initially, helped to keep the shouting and screaming at an acceptable level but now with more bars opening, the noise levels are rising again, especially at weekends.

There is also the additional problem of broken glass from beer bottles left over from a weekends partying and urine spilling down off walls or found in basement areas. It all makes for a very unpleasant task of clearing up on Sundays.

The Space is a flourishing business as is and to close at midnight is later than most other bars in the area. To allow an extension into the early hours 7 days a week is really not on and will only cause more disruptive bad behaviour that local residents will have to endure.

I object most strongly to the late night extension of this License and hope that the Licensing Team will help the residents in Spitalfields by rejecting this application.

Yours sincerely

Susan Kay

# Appendix 9

## Corinne Holland

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 05 April 2022 13:27  
**To:** [REDACTED]  
**Cc:** Licensing  
**Subject:** RE: Premises License Variation The Space 44 Commercial St

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

Hi Alev,

Thank you for getting back to me so quickly, and sorry for the delay in confirming. Tower Hamlets council please see conditions agreed with the applicant below.

Kind Regards

Mark



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



---

**From:** The Space [REDACTED]  
**Sent:** 10 March 2022 14:09  
**To:** Perry Mark J - [REDACTED] >  
**Cc:** [REDACTED]  
**Subject:** Re: Premises License Variation The Space 44 Commercial St

Dear PC Mark Perry,

Thank you for your email and your recent telephone call where we discussed the content of your email. We very much appreciate that you have no objections in principle regarding our opening hours being extended by an hour, as discussed with you in our telephone conversation we will most definitely follow your guidance and work within the four conditions set out within your email. In addition, please also

note that we have recorded music which is set at a comfortable level which can only be heard within the restaurant, I mentioned this in my application as it was one of the areas included on the form.

Please do not hesitate in contacting me in the event of any further questions in regard to our application.

Kind Regards  
Alev Ozten  
Managing Director  
The Space Spitalfields

Get [Outlook for Android](#)

---

**From:** [MARK.J.Perry](#) [REDACTED]  
**Sent:** Wednesday, March 9, 2022 10:16:32 AM  
**To:** The Space <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** Premises License Variation The Space 44 Commercial St

Hi,

I am PC Mark Perry from Central East Police Licensing and I am dealing with your application. I have no objection in principle to the extended hours for Sale of Alcohol, Late Night Refreshment and Open to the Public. I do have concerns about why a restaurant would like recorded music until 1am and the impact this would have on the local community. If your hours for Sale of Alcohol, late Night Refreshment and Open to the Public were extended as you request I would like some conditions added to your license which I have set out below:

1. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
2. 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.
3. The premises shall operate as a restaurant where the sale of alcohol is ancillary to the sale of food.

I have tried to call you but I am unable to leave a message on the number you provide. If you wish to discuss please reply to this e-mail and let me when is a good time to call and on what number.

Kind Regards

Mark



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



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

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

# Appendix 10

## Corinne Holland

---

**From:** The Space <[REDACTED]>  
**Sent:** 05 April 2022 17:02  
**To:** Lavine Miller-Johnson  
**Cc:** Corinne Holland  
**Subject:** Re: Variation application - The Space Spitalfields 44 Commercial Street London E1 6LT MA 147106

Dear Lavine,

Thank you for your response, I would like to confirm that I agree with and accept the conditions to be added to our license. It's very unfortunate that a representation has been made against our application, the objective is that we continue to function as we currently are doing so, the variation being one extra hour. This is the only change. Our establishment has consistently displayed good practice and we have not experienced any issues or complaints as yet. The majority of the specified guidelines are followed and have been followed to-date.

I look forward to hearing from you.

Kind Regards  
Alev Ozten  
Managing Director  
The Space Spitalfields

On 5 Apr 2022, at 16:42, Lavine Miller-Johnson <[REDACTED]>  
wrote:

Dear Alev

### **Licensing Act 2003**

Variation premises licence application: The Space Spitalfields 44 Commercial Street  
London E1 6LT

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

This premises falls within the Brick Lane CIA and therefore I would be asking that the following conditions be imposing onto the licence if granted so that the licence can continue to uphold the licensing objectives with the new amendments of the licence.

#### **Conditions to be added to the licence if granted**

1. 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.

2. 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.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) 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.
4. 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.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
6. There shall be no vertical consumption on the premises or in any outside areas.
7. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
8. The supply of alcohol shall be by waiter or waitress service only.
9. A telephone number for the duty 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.

All of the above will be in addition to the existing conditions on the premises licence and any others agreed with the responsible authorities .

If the applicant is willing to accept the above the Licensing Authority may be willing to withdraw.

**Kind Regards**

**Lavine Miller-Johnson**

Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
Place Directorate  
2<sup>nd</sup> Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG



Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

# 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

## 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 13

## **Anti-Social Behaviour from Patrons Leaving the Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

### **Page 93**

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

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

# Appendix 14

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

Updated April 2018

## Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

# Appendix 15

## Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
  - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
  - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is provided
  - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
  - Limitations on ages below 18,
  - Limitations or exclusion when certain activities are taking place,
  - Requirements for an accompanying adult,
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the “Challenge 25 Scheme”. The rationale for this is because it can often be difficult to judge how old teenagers are and “Challenge 25 age verification system” would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
  - 2) 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.
  - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

## **11 Access to Cinemas**

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

## **12 Children and Public Entertainment**

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
  - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
  - No child unless accompanied by an adult to be permitted in the front row of any balcony,
  - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.

# Appendix 16

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

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 17

## **Planning**

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

This page is intentionally left blank

# Agenda Item 3.2

Committee: <b>Licensing Sub Committee</b>	Date 21 June 2022	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
--	----------------------	---------------------------------------	------------	-----------------

Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for Brussels Wharf Market, Wapping Wall, London, E1W 3SG</b>  Ward affected: <b>St Katherine's and Wapping</b>
--	---

## 1.0 Summary

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

## 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 1<sup>st</sup> November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photographs of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from Licensing Authority
<b>Appendix 8</b>	Representation from Environmental Protection
<b>Appendix 9</b>	Applicants Noise Management Plan
<b>Appendix 10</b>	Licensing Officer comments on public nuisance
<b>Appendix 11</b>	S182 advice on public nuisance
<b>Appendix 12</b>	Licensing Officer comments on crime & disorder
<b>Appendix 13</b>	S182 advice on crime & disorder
<b>Appendix 14</b>	Noise whilst premises in use
<b>Appendix 15</b>	Licensing Policy relating to hours of trading
<b>Appendix 16</b>	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](http://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			
<b>Brussels Wharf Wapping Wall Wapping</b>			
<b>Post town</b>	London	<b>Postcode</b>	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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/>	Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/>	Please tick yes	
<b>Nationality</b>					
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	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur								
Fri								
Sat						<b>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</b> (please read guidance note 6)		
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur								
Fri								
Sat						<b>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</b> (please read guidance note 6)		
Sun								

**C**

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

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri					
			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (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			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat	10:00	17:00			
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (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			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat	10:00	17:00			
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><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></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat	10:00	17:00			
Sun			<b>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</b> (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):

<b>Name</b>	William Michael Francis Cutteridge
<b>Date of birth</b>	██████████
<b>Address</b>	██████████ ██████████ ██████████
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b>	██████████
<b>Issuing licensing authority (if known)</b>	██████████

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

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul>
Signature	
Date	08/02/2022
Capacity	Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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.

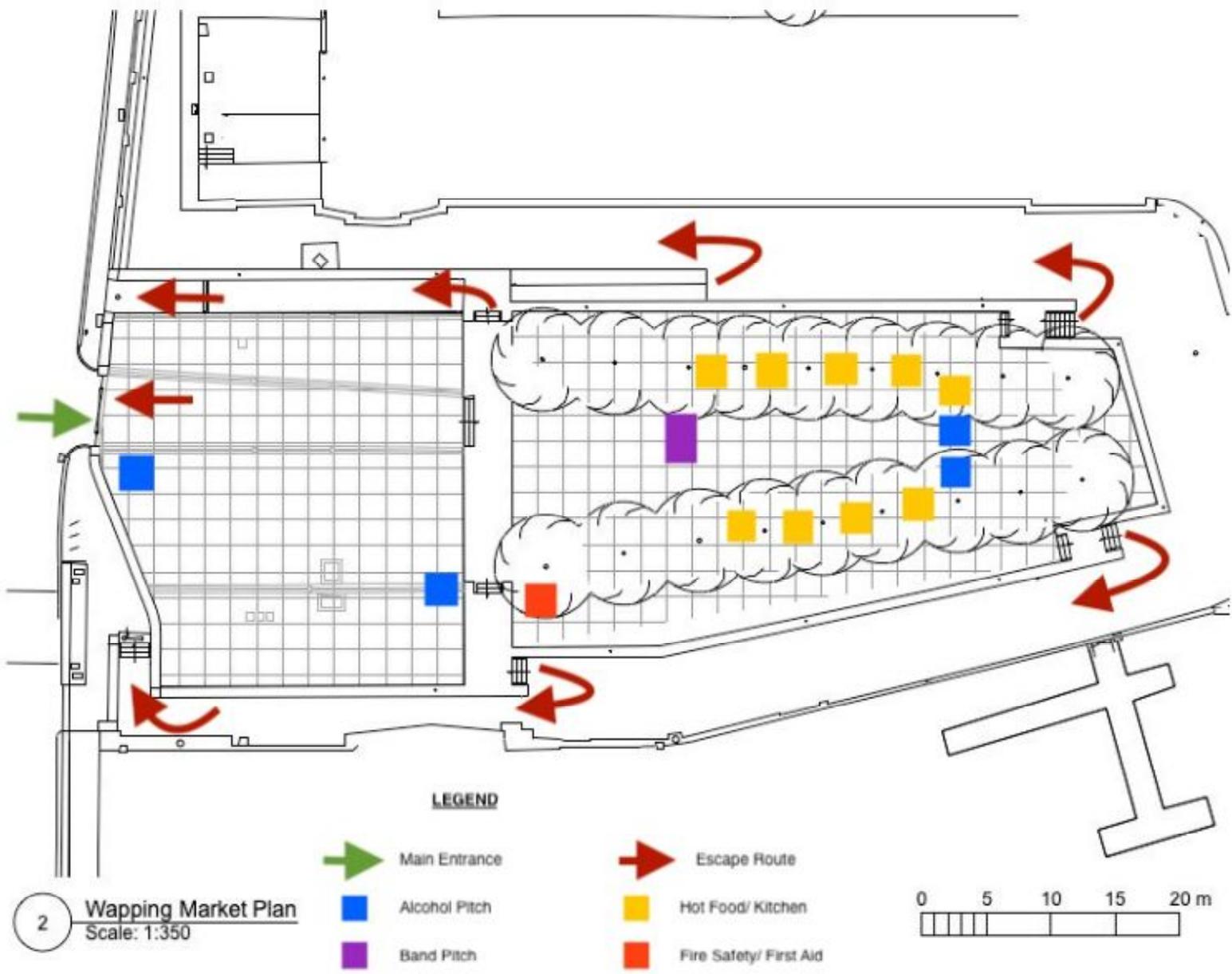
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth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

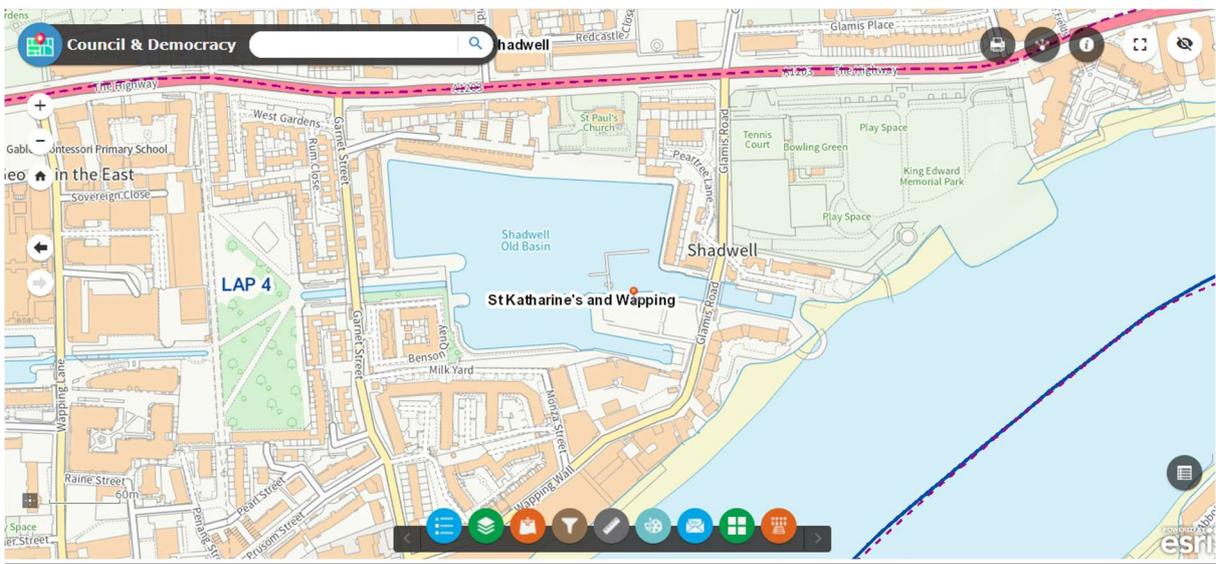
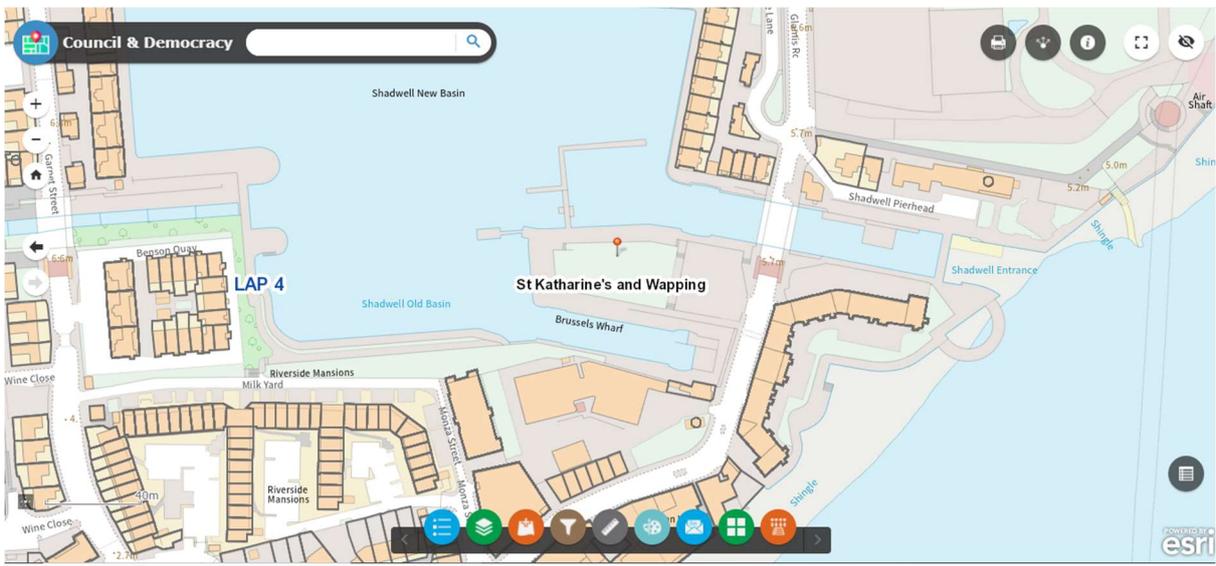
# Appendix 2



2 Wapping Market Plan  
Scale: 1:350

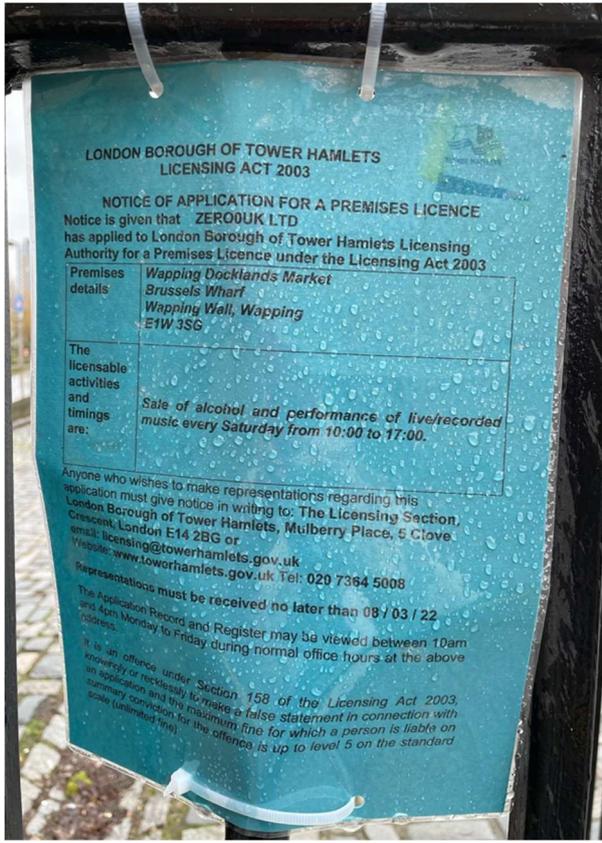
# Appendix 3

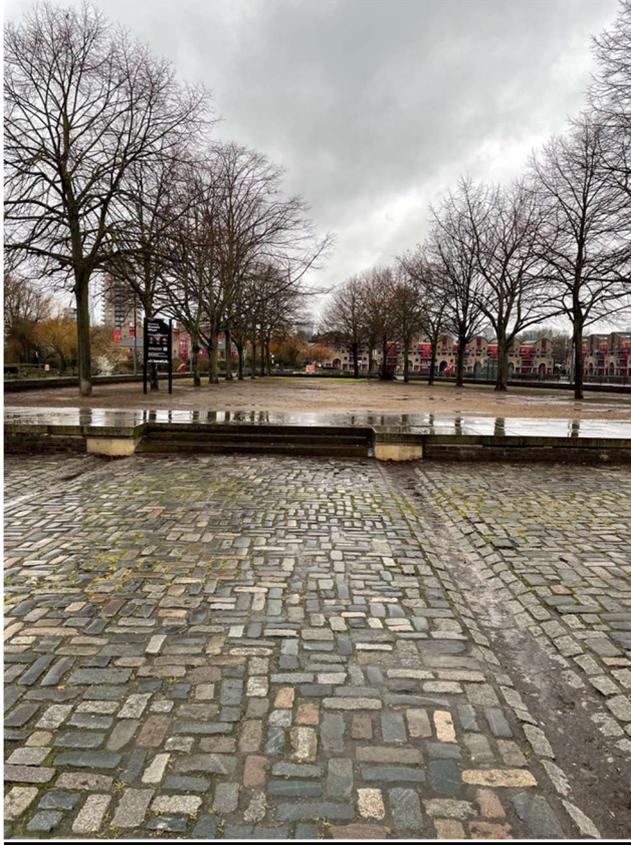
# Brussels Wharf Market



# Appendix 4

## Photos - Brussels Wharf







# Appendix 5

<b>Name &amp; Address</b>	<b>Licensable Hours</b>	<b>Opening Hours</b>
<p><b>Prospect of Whitby) 57 Wapping Wall</b></p>	<p><b>Supply of Alcohol – on &amp; off sales</b> Monday - Wednesday 10:00 hrs until 00:00 hrs (Midnight) Thursday – Sunday 10:00 hrs until 01:00 hrs</p> <p><b>Late Night Refreshment</b> Monday - Wednesday until 01:00 hrs Thursday -Saturday until 02:00 hours Sunday until 01:00 hours</p> <p><b>For All Regulated Entertainment, Live Entertainment and Karaoke.</b> 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><b>(Il Bordello)</b> Unit G01, Metropolitan Wharf Building 70 Wapping Wall</p>	<p><b><u>The sale of alcohol (on sales)</u></b> 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><b>(Docklands General Store)</b> Unit 4 New Crane Wharf 84 Wapping Wall</p>	<p><b><u>The sale by retail of alcohol (off sales)</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Sunday, from 07:00 hours to 21:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>• Monday to Sunday, from 07:00 hours to 21:00 hours</li> </ul>
<p><b>(Da Nonna) Unit 2</b> <b>New Crane Place</b></p>	<p><b><u>Sale of Alcohol</u></b> 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><b><u>The Provision of Late-Night Refreshments</u></b> 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><b>(Wapping Food)</b> Ground floor Wapping Hydraulic Power Station Glamis Road Wapping Wall</p>	<p><b>Alcohol</b> Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ol style="list-style-type: none"> <li>a. On weekdays, other than Christmas Day, Good Friday or New Year’s Eve, 10 a.m. to 11 p.m.</li> <li>b. On Sundays, other than Christmas Day or New Year’s Eve, 12 noon to 10.30 p.m.</li> <li>c. On Good Friday, 12 noon to 10.30 p.m.</li> <li>d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>e. On New Year’s Eve, except on a Sunday, 11 a.m. to 11 p.m.</li> <li>f. On New Year’s Eve on a Sunday, 12 noon to 10.30 p.m.</li> </ol>	

	<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><b>Supper Hours Certificate</b> 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. <b>Late Night Refreshment</b> 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><b>Regulated Entertainment - Music and Dancing including entertainment of the like kind</b></p>	
--	--	--

	<p><b>and public performance of Plays</b></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"><li>• Monday to Thursday, 09:00 hrs to 23:00 hrs</li><li>• Friday and Saturday, 09:00 hrs to 12midnight</li><li>• Sunday, 09:00 hrs to 10.30pm (Plays to start at 14:00 hrs on Sundays)</li></ul> <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>	
--	---	--

# 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](mailto:licensing@towerhamlets.gov.uk)

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

8<sup>th</sup> 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 3<sup>rd</sup> 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 2<sup>nd</sup> 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 3<sup>rd</sup> 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:-**

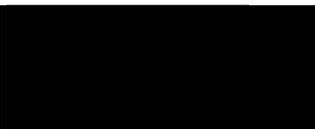
***“A band of what appeared to be professional musicians were performing at the Saturday Market at Brussels Wharf, Shadwell Basin during the afternoon of 30-10-21 after 13:00 and periodically throughout the afternoon. The music was loud enough to be audible through the closed windows of my flat on Shadwell 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



Mohshin Ali  
Senior Licensing Officer



# 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 2<sup>nd</sup> 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](http://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

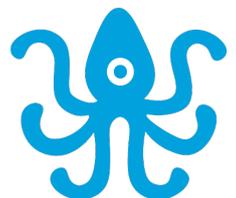
To control noise from regulated entertainment, the following polices and procedures will be actioned:

- 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.

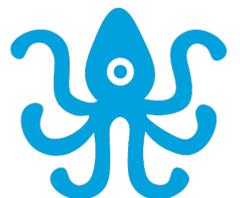
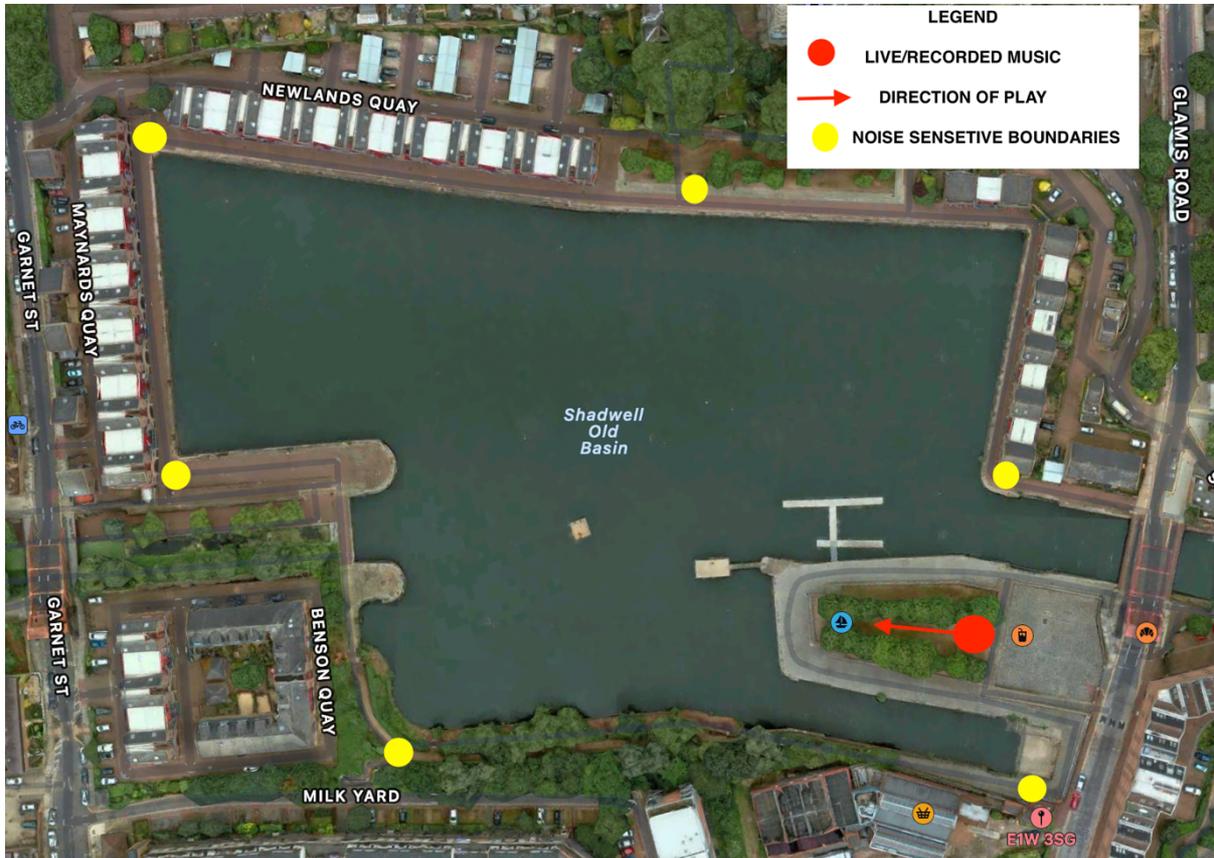
Upon receipt of a noise complaint an investigation into the source will be carried out by the onsite team, immediate action will then be taken to mitigate the source of the complaint. The complaint will then be recorded in the log book located within the staff pack on site.





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

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

# Appendix 14

## 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 framework hours to any particular application regard should be had to the following

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 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.

This page is intentionally left blank