

Licensing Sub Committee

Agenda

**Tuesday, 13 September 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]

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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.

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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, 13 September 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 7 - 8)

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

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

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

2. RULES OF PROCEDURE (Pages 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 56)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 19th & 26th July and 10th August 2022.

PAGE NUMBER	WARD(S) AFFECTED
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4. ITEMS FOR CONSIDERATION



4.1 Application for Variation of a Premises Licence for The Breakhouse Café Unit 17 Bloc River Bank 455 Wick Lane London E3 2TB **57 - 176** **Bow East**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)
- Local Ward Councillor

4.2 Application for Variation of a Premises Licence for Liberty Lounge, 1A Bell Lane, London, E1 7LA **177 - 296** **Spitalfields & Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Environmental Health
- Local Resident(s)

5 EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Tuesday, 27 September 2022 at 6.30 p.m. to be held in The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 19 APRIL 2022

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Rajib Ahmed
Councillor Victoria Obaze

Officers Present:

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

Representing applicants	Item Number	Role
Philip Kolvin	4.1	(Legal Representative)
Jeremy Godden	4.1	(Applicant)
Andrew Woods	4.1	(Solicitor)
Stephen Walsh	4.2	(Legal Representative)
Jason Dervin	4.2	(Manager of Applicant Company)
Wes Anson	4.2	(Operator)
Phil Curl	4.2	(Operator)
Torben Anderson	4.2	(Acoustician)
David Inzani	4.2	(Solicitor)

Representing objectors	Item Number	Role
Councillor Kevin Brady	4.1	(Ward Councillor)
Mohshin Ali	4.2	(Licensing Services)
Nicola Cadzow	4.2	(Environmental Health)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 8th March and 22nd March 2022 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for an Adult Gaming Centre for Palace Amusements, 450 Bethnal Green Road, London E2 0HG**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for an Adult Gaming Centre for Palace Amusements, 450 Bethnal Green Road, London E2 0AG. It was noted that objections had been received from the Ward Councillor, Councillor Kevin Brady, and from two local residents in relation to protecting children and other vulnerable persons from being harmed or exploited by gambling, preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

At the request of the Chair, Mr Philip Kolvin, Legal Representative on behalf of the Applicant gave a brief background of the company history and management team, it was noted that the Applicant had 10 venues, and each venue was visited by the management team at least twice a week and when new venues are open, one of the team would be there everyday to ensure that the premises and the systems were running smoothly. He then explained the Applicant's track record and ability to comply with the licensing objectives under the Gambling Act 2005. Mr Kolvin stated that staff were trained regularly, risk assessments were carried out, and there were strict policies in place, such as Challenge 25 and independent verification checks by mystery shoppers.

Mr Kolvin explained that the management team take the responsibility to understand the locality and put in place appropriate protective measures and, as a result, the applicant's venues operate without significant issues: they don't suffer crime and disorder, they don't have trouble with children trying to enter the premises, and consequently none of the Applicant's venues had never been subject to a review. They were experienced at operating in challenging areas.

Due to good planning, good training, good procedures, proper management and thorough oversight they operated in a safe manner without troubling the police or other responsible authorities providing a safe welcoming clean well

supervised environment for their customers and that has been the secret of their success. He explained that the key rules for these premises are that no alcohol is permitted and there are no children allowed in the premises.

Mr. Kolvin explained the nature of the Premises and the differences between it and a betting shop. These included a staff presence on the floor and not behind a counter as they would be on the trading floor ready to greet anyone who walks in. This was strengthened by it being a proposed condition. There were no TVs or communal seating. The number of customers at any given time tended to be small, approximately 10 people. This meant that crime and disorder was not an issue. Mr. Kolvin also informed the Sub-Committee that no other AGC in the area had any additional conditions imposed on their licence. The Applicant, however, had volunteered a number of conditions, which would be complied with, and agreed with the Licensing Authority, which would potentially raise standards in the area.

Mr Kolvin stated that there were no objections from the Police or any other responsible authorities who were guardians of crime disorder and community safety, local amenity, child protection or any agent or treatment facility or hostel which safeguards vulnerable people. He said there were no representations before the sub-committee from expert authorities or agencies because there was no evidence that the premises could cause harm or any suggestion that the applicant was not a good operator in terms of promoting the licencing objectives, or that these premises are unsuitable. The premises would be well lit and well equipped and would have safety features such as CCTV cameras, door panic alarms, etc. There was no evidence that the risk assessment was insufficient.

Mr. Kolvin then addressed the representations briefly, which in his view were arguably not relevant to the licensing objectives. He said representations raised concerns that there were just too many gambling establishments and there should be fewer or that gambling provides insufficient benefit to the area he said they were focused on need, which was relevant to planning rather than to gambling. He said there was no evidence that the grant of this application would undermine the licensing objectives and there was no other similar premises that had the conditions being offered, and therefore respectfully urged The Sub-Committee to grant the application.

Members then heard from Councillor Kevin Brady. He clarified that he did not have any moral objection to the application itself but believed that it didn't meet the licensing objectives and in particular the objective to protect children and vulnerable people. He expressed concern as to who those vulnerable people were, and would include people who would gamble beyond their means or people who may not be able to make informed or balanced decisions about their gambling. Cllr Brady then explained the makeup of the area, an area that has undergone significant change and a active High Street full of shops and fairly busy with a fairly significant residential area with high levels of social housing both the North and South of that particular part and some of those who live in some of the most deprived housing in the borough. He said that statistics confirmed that the area suffers from high levels of anti-social behaviour (ASB). He attended the local Police Safer Neighbourhood

Team meetings, which also confirmed the problem with ASB in the area. ASB issues were also referred to by one of the other objectors too. Bethnal Green Road also had a lot of drinking establishments and was close proximity to homelessness services and hostel as well as other organisations nearby that offers support to the vulnerable.

Cllr Brady disputed the fact that the operation of the premises met the licensing objectives. He explained that there was a significant number of schools in the location, with secondary schools and curious teenagers asking questions and wanting to explore the prospect of gambling if they see family members using the facility etc. children living in families with high levels of deprivation families that might themselves take part in gambling and therefore did not believe that the licensing objectives would be met.

Cllr Brady concluded by saying that there was no need for another gambling establishment, there were high levels of ASB in the area, an area which was in the cumulative impact zone and which already experiences public nuisance and crime and disorder.

In response to questions the following was stated;

- That a number of factors were considered which inform where gambling premises are located, such as the need to find a premises which is the right shape and with the right services and facilities, whether they were available on leasehold terms which are commercially attractive, and generally AGCs site themselves in areas of high footfall such as High Streets.
- That staff would be employed locally.
- Concerns were raised that the area was not suitable for an adult gaming centre, as there was a large night time economy, high levels of anti-social behaviour and did not meet the licensing objectives in that area.
- The close proximity to schools were noted.
- That AGCs were located on High Streets and that staff training and conditions, such as no alcohol being permitted within the Premises, meant that issues were not likely to arise. Children walking past a gambling premises was not of itself a problem.
- That alcohol is not sold at the premises, no alcohol is permitted at the premises, people who are intoxicated for whatever reason are not permitted into the premises and there were rules and procedures about that in my applicant's operational policies.
- That all policies would be enforced, audited and complied with and there was no evidence that the applicants breach the rules.
- That a Challenge 25 policy would be in operation.
- The applicant would not object to a condition to have no more than 3 smokers to be permitted to smoke outside the premises at any one time.
- The applicant would also not object to a condition to ensure that gambling machines were not visible from outside the premises if a licence were to be granted.

Concluding remarks were made by both parties.

The Licensing Objectives

Consideration

The Sub-Committee considered an application by East Kent Leasing Ltd. (“the Applicant”) for a new premises licence to be held in respect of Palace Amusements, 450 Bethnal Green Road, London, E2 0HG (“the Premises”). The Premises would operate as an Adult Gaming Centre (AGC) and would do so for 24 hours per day.

The application attracted representations from the Ward Councillor, Councillor Kevin Brady, and from two local residents.

The Sub-Committee heard from Philip Kolvin QC on behalf of the Applicant. He explained the Applicant’s track record and ability to comply with the licensing objectives under the Gambling Act 2005. The Sub-Committee was told that members of the management team visited all their premises at least twice-weekly and that when a new premises is opened, one of them would be present every day for an initial period. Staff were trained regularly, risk assessments were carried out, and there were strict policies in place, such as Challenge 25 and independent verification checks by mystery shoppers. The Applicant had never been subject to a review and was experienced at operating in challenging areas.

Mr. Kolvin explained the nature of the Premises and the differences between it and a betting shop. These included a staff presence on the floor and no TVs or communal seating. The number of customers at any given time tended to be small. This meant that crime and disorder was not an issue. Mr. Kolvin also informed the Sub-Committee that no other AGC in the area had any additional conditions imposed on their licence. The Applicant, however, had volunteered a number of conditions, which would be complied with, and which potentially raised standards in the area.

Mr. Kolvin addressed the representations briefly, which in his view were arguably not relevant to the licensing objectives. They were focused on need, which was relevant to planning rather than to gambling. Fundamentally, however, there was no evidence that the grant of this application would undermine the licensing objectives. No other similar premises had the conditions being offered, and he submitted that there was no basis on which the Sub-Committee could refuse the application.

Cllr. Brady addressed the Sub-Committee and explained that he did not believe that the Premises would meet the licensing objectives. The area suffered from anti-social behaviour (ASB), with drinking establishments and homelessness hostels nearby, as well as a number of schools. He attended the local Police Safer Neighbourhood Team meetings, which confirmed the

problem with ASB in the area. ASB issues were also referred to by one of the other objectors.

Members queried the proximity of the Premises to schools and within the Bethnal Green Cumulative Impact Zone. Mr. Kolvin commented that AGCs were inevitably located on High Streets and that staff training and conditions, such as no alcohol being permitted within the Premises, meant that issues were not likely to arise. Children walking past a gambling premises was not of itself a problem. A family going to the seaside would inevitably go into family entertainment centres, which had arcade games and penny falls. An AGC was completely different and children simply did not want to go into them. Even if they did, however, they would be noticed by staff and promptly challenged. Cllr. Brady confirmed that he did not believe that children would go into the Premises, but that children would see it and see gambling as acceptable. Similarly, he was concerned that curious teenagers might be encouraged to gamble by, for example, parents going in to such a premises and leaving their children outside.

During the course of the hearing members queried whether there could be a limit on the number of people smoking outside the Premises. Mr. Kolvin explained that this tended not to be an issue with AGCs as it might be with a pub, but if the Sub-Committee was minded to impose a condition it was not objected to and he suggested a limit of three. There was also discussion as to whether or not it would be appropriate to require that gambling not be visible from the exterior. Mr. Kolvin commented that there was no consistency between authorities and that if the Sub-Committee were minded to impose such a condition, the Applicant did not object.

The Sub-Committee paid careful attention to the oral and written representations made by the parties, including those from the residents who had not attended the hearing. The Sub-Committee understood that the starting point of the legislation was that it should “aim to permit” the use of the premises for gambling and that a refusal of the application would be a measure of last resort when no other measure would suffice to ensure that the licensing objectives were not undermined.

To the extent that the representations made reference to the need for another gambling premises, they were disregarded by the Sub-Committee. None of the responsible authorities had objected to the application. Whilst this was not determinative, the Sub-Committee would have expected there to have been some representations if premises of this nature gave rise to concerns.

Similarly, the Premises’ location within the CIZ and the ASB issues that might arise generally within the area were not matters that the Sub-Committee could take into account, unless and to the extent that they related to the Premises and would or would be likely to adversely impact upon the licensing objectives.

Notwithstanding the references in the representations to the number of gambling premises in the area, none of the representations evidenced any issues arising in connection with any of those premises. That being so, there was no basis on which the Sub-Committee could reasonably conclude that

these Premises would give rise to any problems. Insofar as the representations expressed concern about the possible impact upon the licensing objectives, the Sub-Committee considered that these were far too speculative and unsupported by evidence. Further, even if it could be satisfied that the grant of this licence would or was likely to give rise to problems, the conditions volunteered by the Applicant would address those.

The Sub-Committee considered that it was appropriate in the circumstances to impose two additional conditions as discussed. Whilst the Sub-Committee noted that nuisance generally was not a licensing objective under the 2005 Act, there was a possibility that some patrons would exit temporarily to smoke and that this had the potential, especially later in the evening, to give rise to noise nuisance or to add to the existing problems within the CIZ. It was proportionate to require this to apply only between certain hours and the hours during which voluntary conditions 7 and 8 applied (22:00 hours to 04:00 hours) seemed was appropriate. The Sub-Committee was satisfied that this condition was in accordance with the requirements of paragraph 9.31 of the Gambling Commission's Guidance to Local Authorities as this directly related to the premises, the locality, the local risks, and the type of licence applied for.

Similarly, the Sub-Committee considered, in all the circumstances, that it was appropriate to impose a condition that gambling should not be visible from the exterior of the Premises, so as to minimise the risk of children or vulnerable people being tempted to enter and gamble when they might not otherwise be minded to do so.

Having considered the options available to it, the Sub-Committee decided to grant the application as sought and with the imposition of the additional conditions volunteered by the applicant and the additional conditions discussed during the course of the hearing:

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for an Adult Gaming Centre for Palace Amusements, 450 Bethnal Green Road, London E2 0HG be **GRANTED with conditions.**

Conditions

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

days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- 2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 3) A Think 25 policy 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) Staff shall have a clear view of the entrance from the sales desk, if one exists, and shall circulate the premises to enable good visibility and supervision of the machines and premises.
- 5) Refresher training shall take place every six months, all training shall be documented, and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 6) A magnetic locking device, commonly referred to as a Maglock shall be installed and maintain on the main entrance/exit to the premises which shall be operated thought out the day by staff at their discretion.
- 7) When the hours are trading between the hours of 22:00 hours and 04:00 hours the entrance will be locked with admittance to the premises only by video and buzzer using the maglock.
- 8) There shall be two or more members of staff on the shop floor when the premises are trading between 22:00 hours and 04.00 Monday to Sunday.
- 9) The licensee shall refuse entry to customers who appear to be under the influence of alcohol or drugs.
- 10) Signage shall be displayed in the front window, informing if they are seen drinking alcohol or taking drugs outside the venue, they will be refused entry.
- 11) Between 22:00 hours and 04:000 hours no more than three patrons at any one time shall be permitted to smoke outside the premises.
- 12) Gambling taking place within the premises shall not be visible from outside the premises.

4.2 Application for a New Premise Licence for Kill the Cat 14 Market Street London E1 6DT

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Kill the Cat, 14 Market Street, London E1 6DT. It was noted that the Applicant would surrender its licence at 43 Brushfield Street if the application was granted. The Applicant's solicitor had also confirmed that the capacity was 60 inside the premises and 25 for the external area. It was noted that objections had been received by Officers on behalf of Licensing Authority and Environmental Health in relation to the prevention of public nuisance and the prevention of crime and disorder.

At the request of the Chair, Mr Stephen Walsh, Legal Representative on behalf of the Applicant explained the representations were based solely on the Cumulative Impact Policy (CIZ) and stated that if the licence was granted it would not negatively add to the problems of the CIZ.

It was noted that the applicant was the owner of the Spitalfields Estate. They would not be operating the Premises itself and the operator would be given a lease of the Premises. The operator had been vetted and was deemed appropriate for the Spitalfields Estate. Mr Walsh explained that local Residents Associations such as SPIRE and St George's Residents had been consulted and there had been no objections and neither had the police objected on the basis of crime and disorder. Conditions had been agreed with the police.

Mr Walsh explained that the Applicant held a licence at 43 Brushfield Street, also within the CIZ, and that would be surrendered in the event that the Sub-Committee granted the application. Therefore the overall number of licences within the CIZ would remain the same. He further explained that 43 Brushfield St had been granted in August of last year and on the surrender of a licence for 12 Market Street (next to the premises). The premises licence for 12 Market had no conditions on the operating schedule and did not have any restrictions in terms of its operation or the use of the external area.

It was noted that the premises would only sell craft beer, they would be premium quality and would not be such as could be bought in supermarkets. There would be a small food offering but the Premises would not be operating as a restaurant. It was further noted that the operator had been trading from another premises in Brick Lane for some years, with no cause for concern or complaints. It was explained that the main concern of the responsible authorities related to the use of the external area and the potential for that to give rise to public nuisance. Mr Walsh referred to the acoustic report contained in the supplemental agenda which showed that the use of this area was not likely to cause public nuisance during the late hour in question between 9pm and 10pm.

Members then heard from Mr Mohshin Ali, Licensing Officer. He briefly referred to his representation on pages 164 – 168 of the agenda pack and highlighted and questioned why the two conditions on the 43 Brushfield Street licence has not been offered, namely the sale of alcohol being ancillary to food, and the use of the external area being limited to 21:00 hours, if the

application was to technically replace that other licence. It was his view that the absence of these two conditions would have an impact on the licencing objectives and therefore on the balance of probability have a negative impact on the CIZ.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer. She explained that having spoken to the solicitors acting on behalf of the applicant, she had initially come to an agreement about the external area being open till later. However, having spoken to her colleagues in Licencing she had reconsidered and believed it to be more appropriate that the use of the external area be limited to 21:00 hours. She welcomed the acoustic report provided by the applicant but her main concern was that when considering the prevention of public nuisance in this application there were two conditions that were likely to minimise the noise impact, namely to limit the numbers outside or reduce the hours for the external area to an earlier time. Ms Cadzow was of the view that without conditions around timing and limiting numbers there would be a negative impact in the area.

In response to questions from Members the following was stated;

- It was confirmed that the Applicant was willing to agree to a condition that the licence could not take effect until the licence for 43 Brushfield Street had been surrendered and was not capable of being reinstated.
- That the premises could not operate with the condition to limit alcohol ancillary to food only, as it did not fit the nature of the business.
- That the previous licence for 12 Market Street, had an unconditional licence, with no restrictions on capacity or the number people who could use the area.
- That the licence for 43 Brushfield Street has not operated since its licence was granted and had a condition that alcohol is ancillary to a meal, as it was for a restaurant licence.
- That the premises would be specialising in selling craft beers that could be tailored to individual tastes and flavours.
- That a condition had been agreed that alcohol consumed outside the premises shall only be consumed by patrons seated at a table.
- That any off sales would be sold in sealed containers.
- That a Challenge 25 policy would be operated at the premises.
- That the prices of the products meant that it was not likely for patrons to buy alcohol from the premises for street drinking.
- That the premises were alcohol-led and not food-led. However the focus of the premises would be to provide tasting experiences rather than drinking to get intoxicated.
- The applicant offered a compromise on the external area by a 50% reduction in the maximum number of patrons from 21:00 hours until 22:00 hours and the cessation of use of that area after 22:00 hours except for persons permitted to temporarily leave the premises e.g. to smoke.

Concluding remarks were made by both parties.

The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application by Bishops Square S.A.R.L ("the Applicant") for a new premises licence to be held in respect of Kill the Cat, 14 Market Street, London, E1 6DT ("the Premises"). The application sought the sale by retail of alcohol for consumption on and off the Premises from 08:00 hour to 23:00 hours Monday to Saturday and from 08:00 hours to 22:30 hours on Sundays. The application received two representations against it, from the Licensing Service and from the Environmental Health Service. The representations related to the Premises' location within the Brick Lane Cumulative Impact Zone (CIZ) and to the potential impact on the licensing objectives of the prevention of public nuisance.

The Sub-Committee heard from Stephen Walsh QC on behalf of the Applicant. He noted that the representations were based solely on policy and submitted that the licence, if granted, would not add to the problems within the CIZ.

The Applicant was the owner of the Spitalfields Estate. It would not be operating the Premises itself; the operator would have a lease of the Premises. Local residents' groups had been consulted and there had been no objections by SPIRE or any of the residents neither had the police objected on the basis of crime and disorder. The Applicant held a licence at 43 Brushfield Street, also within the CIZ, and that would be surrendered in the event that the Sub-Committee granted the application. The overall number of licences within the CIZ would therefore remain the same. Mr. Walsh confirmed that the Applicant was willing to agree to a condition that the licence could not take effect until the licence for 43 Brushfield Street had been surrendered and was not capable of being reinstated.

The Premises would only sell craft beer. There would be no products that one would expect to find on a supermarket shelf. There would be a small food offering but the Premises would not be operating as a restaurant. The operator had been trading from other premises in Brick Lane for some years, with no cause for concern. The main concern of the responsible authorities related to the use of the external area and the potential for that to give rise to

public nuisance. An acoustic report had been commissioned and that showed that the use of this area was not likely to result in public nuisance.

Mohshin Ali, Licensing Officer, expanded briefly on his representation. There were two conditions in the Brushfield Street licence which the Applicant had not included on this application, namely alcohol being ancillary to food, and the use of the external area being limited to 21:00 hours.

Nicola Cadzow, on behalf of the Environmental Health Service, confirmed that she had initially asked the Applicant to agree a condition that the external area would not be used after 22:30 hours save only for use by not more than eight smokers. The Applicant had agreed to this. However, after that and after speaking to Mr. Ali, she reconsidered and determined that 22:30 hours was too late and that 21:00 hours was more appropriate. With regard to public nuisance there were only two options likely to minimise it. Those were to keep the numbers down or to reduce the hours of use.

During questions from Members, Mr. Walsh explained that the licence for 43 Brushfield Street had been utilised. It had been intended to be used as a restaurant and thus had conditions appropriate to a restaurant. As regards the use of the external area, he noted that Ms. Cadzow's position had only changed after she had spoken to Mr. Ali. His client was willing, however, to reduce the time on the use of the external area to 22:00 hours. Whilst the Applicant acknowledged Ms. Cadzow's concerns, they had provided evidence, in the form of an acoustic report, which demonstrated that there was not likely to be any impact on the public nuisance licensing objective and that ceasing use of that area from 22:00 hours would suffice. Further, from 21:00 hours to 22:00 hours the Applicant was willing to limit the number of patrons using this area to twelve.

There was also some discussion about the need for off-sales and the risk of people buying alcohol from the Premises that would then be consumed on-street. Mr. Walsh told the Sub-Committee, however, that the prices of the products meant that this was not at all likely and that there had been no experience of that within the Spitalfields Estate.

This application engages the licensing objective of the prevention of crime and disorder. The operating schedule contained a number of conditions and there had been further conditions agreed between the parties. The real issues for determination were whether alcohol should be ancillary to food and when the use of the outside area should cease (save for use by smokers) and whether the Applicant had demonstrated that they would not adversely impact upon the CIZ.

Whilst the Premises would be alcohol-led rather than food led, the Sub-Committee was satisfied that the focus was on the tasting experience rather than on drinking in order to become intoxicated. This was borne out by the prices of some of the products on offer. The problems that might occur were the Premises to be a bar or club would therefore not occur.

The application and the representations referred to this application as replacing or reinstating a previous licence at 12 Market Street. This was not an accurate way of addressing matters; the application was nonetheless for a new premises licence. Whilst some regard might need to be paid to the previous licences, especially with regard to the conditions, the application needed to be considered in its context. Whilst 43 Brushfield Street had been intended to operate as a restaurant, this Premises is not so intended. Given the nature of the operation and, in particular, the pricing of the products on offer, the Sub-Committee was satisfied that there was no need to impose a condition that alcohol be sold as ancillary to food.

Further, the Sub-Committee noted that the licence at 43 Brushfield Street would be surrendered. Whilst it is not purely a matter of simple arithmetic, the fact that the overall number of licences within the CIZ would not increase was a matter the Sub-Committee considered relevant. Further, the operator had experience of operating within Brick Lane and the Sub-Committee understood them to be moving from that location to this. Again, this meant that there was no addition to the CIZ.

As regards the external area, the Sub-Committee was satisfied that the concessions proposed by the Applicant would suffice to ensure that there was no adverse impact on the licensing objectives. Whilst it noted the concerns raised by Environmental Health, the report from RBA Acoustics provided evidence that there would be no impact from the use of the external area. Further, the 50% reduction in the maximum number of patrons from 21:00 hours until 22:00 hours and the cessation of use of that area after 22:00 hours except for smoking ensured that as ambient noise levels reduced so too would the use of this area.

The Sub-Committee was therefore satisfied that the application could be granted as an exception to the CIZ and is granted as sought, with the agreed amendment to the non-standard timing on New Year's Eve and with the conditions as set out below. The Sub-Committee noted that there was no condition preventing the nature of the premises or the products sold from changing. Given that these matters were fundamental to the Sub-Committee's decision, it was considered appropriate and proportionate to impose a condition that the Premises only operate as a craft beer tasting room and bottle shop and supply only premium branded products:

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Kill the Cat, 14 Market Street, London E1 6DT be **GRANTED with conditions**.

Sale of Alcohol (on and off sales)

Monday to Saturday from 08:00 hours to 23:00 hours
Sunday from 08:00 hours to 22:30 hours

Hours premises are open

Monday to Saturday from 08:00 hours to 23:30 hours
Sunday from 08:00 hours to 23:00 hours

Non-standard timings

The non-standard times for licensable activity on New Year's Eve shall be from the end of permitted hours on New Year's Eve until 03:00 hours on New Year's Day.

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment
4. Deliveries to the premises shall only take place between 08.00 and 22.00 hours except for deliveries of bread and baked goods which may be delivered between 07.00 and 22.00 hour
5. Collections of waste or recycling materials from the premises shall only take place between 08.00 and 22.00 hours.

6. There shall be a physical barrier acting as demarcation between the premises outside area and the pavement.
7. No open containers of alcohol shall be allowed to taken off the premises by customers except for any designated external customer area.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
10. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram 8.0 Conditions Agreed/Requested by Responsible Authority
12. From 21:00 hours to 22:00 hours a maximum of twelve persons shall be permitted within the external area. The external area shall not be used after 22:00 hours, except for persons permitted to temporarily leave the premises e.g. to smoke, and shall be limited to eight persons at any one time.
13. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
14. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will if safe to do so, 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;
 - d) and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises
15. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables

16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. This licence shall not take effect until such time as the premises licence for 43 Brushfield Street, London, E1 6AA (no. 138889) has been surrendered to the licensing authority and is no longer capable of being reinstated pursuant to section 50 of the Licensing Act 2003.
20. The premises shall operate only as a craft beer tasting room and bottle shop. Only premium branded products may be sold or supplied.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
The Space Spitalfields, 44 Commercial Street, London E1 6LT	31/07/2022
Unit A1.1.1, 10 Park Drive, Canary Wharf E14	31/07/2022
Brussels Wharf, Wapping Wall, London, E1W 3SG	31/07/2022
Space 289, Railway Arch 289, Cambridge Heath Road, London E2 9HA	31/07/2022
The Breakhouse Café, Unit 17 Bloc Riverbank, 455 Wick Lane London E3 2TB	31/07/2022

The meeting ended at 4.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 26 JULY 2022

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

Members Present in Person:

Councillor Sabina Akhtar	Chair
Councillor Rebaka Sultana	
Councillor Abdul Wahid	

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Mohshin Ali	(Senior Licensing Officer)
Tom Lewis	(Team Leader - Licensing Services)
Lavine Miller-Johnson	(Licensing Officer)
Farhana Zia	(Democratic Services Officer, Committees, Governance)

Officers In Attendance Virtually:

Yale Sherlock	Environmental Protection
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Representing applicants

	Item Number	Role
Lilianna Martins	3.1	Applicant's Friend
Zoltan Pasztor	3.1	Applicant
Leo Charalambides	3.2	Applicant's Counsel
Yuval Hen	3.2	Applicant
Supporters	3.2	Applicant's Supporters

Representing objectors

	Item Number	Role
Lavine Miller Johnson	3.1	Licensing Authority
Yale Sherlock	3.1	Environmental Protection
Gary Grant	3.2	Licensing Authority Counsel
Tom Lewis	3.2	Licensing Authority

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003 Application for a Premises Licence for (The Hungry Tummy) 24a Wentworth Street, London E1 7TF

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Hungry Tummy, 24a Wentworth Street, London E1 7TF. It was noted that objections had been received on behalf of the Licensing Authority, the Environmental Protection team, SPIRE Residents Association and local residents. Concerns relating to all four licensing objectives had been raised in their representations.

At the request of the Chair, Ms Liliana Martins, the Applicant's friend explained the restaurant covered a small square footage, with 10 covers inside and 4 outside. She said at the time the application was submitted by Mr Zoltan Posztor he did not fully appreciate the detail required for the application. Ms Martins explained English was not Mr Posztor's first language and he hadn't grasped the requirements of the Cumulative Impact Zone. She explained the café was a small canteen/deli-type premises serving Hungarian snacks and alcohol. She referred to the written submission appended in supplement 4 and said Mr Posztor would comply with the licensing objectives. She said in view of the objections the Applicant was looking to reduce the time for the sale of alcohol and would not be opening on a Sunday. Ms Martins said whilst the premises was in the cumulative impact zone it was in the 'yellow' coloured zone and not in the 'red' zone. She said the music played would be background music which would not disturb neighbours.

Ms Lavine-Miller, Licensing Officer then addressed the Sub-Committee. She referred members to her representation on page 67 of the agenda and said the Licensing Authority were concerned with the lack of evidence in the application to show how Mr Posztor would comply with the Licensing objectives particularly as the premises is in the Cumulative Impact Zone. She said it was unclear if the sale of alcohol would be with food or if vertical drinking would also be allowed. She said there was a risk of the premises becoming a bar and said that if the sub-committee were minded to grant the application then the conditions set out pages 71-72 should be considered by the members.

Mr Yale Sherlock, from the Environmental Protection team added they were concerned about noise emanating from the premises and disturbing the neighbours and the number of people entering and egressing the premises for smoking. Mr Sherlock said if the Sub-Committee were minded to grant the application then the conditions set out on pages 74-75 should be considered by members.

In response to questions the following was noted:

- The music played would be background music to disguise kitchen noise and would not be audible to neighbours so as to cause a disturbance.
- The capacity of the premises is very small with ten people inside and four outside. The seating area outside allows for people to eat and converse with each other.
- With respect to footfall, large numbers of people were not expected, as the premises is serving specialised Hungarian food. The food serving is snack food, for example Hungarian sausage with chips and not a complete meal.
- Authorisation for late-night refreshment was not required due to the operating hours.
- The Applicant is aware and understands the CIZ and how this is applied.
- There is signage in the premises and at the door, asking patron to be respectful of neighbours.

Concluding remarks were made by all parties.

The Licensing Objectives

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

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by The Hungry Tummy Ltd, for a new premises licence to be held in respect of The Hungry Tummy, 24a Wentworth Street, London, E1 7TF ("the Premises"). The application originally sought authorisation for the sale by retail of alcohol for consumption on and off the Premises and for the provision of recorded music from 10:00 hours to 22:00 hours Monday to Saturday and from 10:00 hours to 18:00 hours on Sunday. These were also the opening hours.

Six representations against the representation were received. These were from the Licensing Authority, the Environmental Protection Service, SPIRE, and three residents. The objections were based on the fact that the Premises were located in the Brick Lane CIZ and that the applicant had failed to

demonstrate that they would not add to the overall impact of licensed premises in the area. The residents made specific reference to the fact that they thought this application would lead to more intoxicated people in the area and thus more anti-social behaviour such as public urination and broken bottles in the street.

Conditions had been agreed with the Police. Supporting information from the applicant stated that they were willing to reduce the hours sought for the sale of alcohol. Although no specific time was stated, the time of 20:00 or 21:00 hours was indicated.

Liliana Martins addressed the Sub-Committee on behalf of the applicant. She confirmed that recorded music was to be withdrawn as this was in fact deregulated and no longer licensable in the circumstances of this application. The Premises were very small, with a maximum of ten covers inside and four outside. The applicant was willing to limit the number of patrons smoking outside the Premises to five at any one time. The Sub-Committee were also told that the Premises would not be opening on a Sunday. The food offering was more of a snack/deli-type offering rather than a table meal. The Premises was a Hungarian food business and that they were catering for a niche clientele. The operators themselves lived in the area.

Ms. Martins also stated that she was aware of the CIZ and that where the Premises were located was within a "yellow" area on the CIZ hotspot map. She stated that there was no reason to think the Premises would impact on the CIZ. There was only one other licensed premises in the street.

Ms. Miller-Johnson addressed the Sub-Committee as to her representation. She was concerned that the applicant had initially failed to address the CIZ and of the possibility that the Premises could become a bar in the future. She asked the Sub-Committee to consider imposing the conditions suggested in her representation, if Members were minded to grant the application. She noted that there were no toilets in the Premises and queried what facilities patrons would use if the public toilets across the road were out of order.

Mr. Sherlock addressed the Sub-Committee on behalf of Environmental Protection and expressed concern about the risk of possible noise disturbance. He also suggested that if the Sub-Committee were minded to grant the application, consideration should be given to imposing their suggested conditions.

None of the other persons making representations attended the hearing. Their representations were, however, considered and taken into account.

The Premises were very modest in size and scope. Moreover, the reduction in hours offered up by the applicant meant that there was much less risk of adverse impact on the licensing objectives and that any such impact would be mitigated by the agreed conditions and additional conditions. The size of the Premises, the fact that they were within framework hours, and that they were not alcohol-led, justified an exception to the CIZ policy.

The Committee determined that it was appropriate and proportionate to impose the conditions suggested by the Licensing Authority, save for proposed condition 6 which required all alcohol sales to be with a table meal, given that the applicant was not operating as a restaurant. Similarly, the Sub-Committee determined to impose proposed conditions 2 and 3 from the Environmental Protection Service. Condition 1, restricting the use of loudspeakers was not imposed; the applicant did not seek regulated entertainment, there was no suggestion that they would or intended to place loudspeakers in any external area or on the street and, in the event that they did so, there were other statutory controls in place to address that.

The Sub-Committee did, however, consider it appropriate and proportionate to impose a further condition. No “drinking-up time” had been proposed in the application and the Sub-Committee was concerned to ensure that patrons could not purchase large amounts of alcohol for consumption at the terminal hour and then consume the purchases until closing time. A condition requiring all consumption of alcohol within the premises and in the outside area to cease thirty minutes after the terminal hour would address that concern and help to ensure that patrons leaving the Premises at or near closing time would not be intoxicated. It would also assist to mitigate any impact on the CIZ.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for **(Hungry Tummy) 24a Wentworth Street, London E1 7FT** be **GRANTED** subject to the following hours and conditions:

Sale by retail of alcohol (for consumption on and off the premises)

Monday to Thursday 10:00 hours to 20:00 hours

Friday and Saturday 10:00 hours to 21:00 hours

Opening hours

Monday to Saturday 10:00 hours to 22:00 hours

Conditions

1. 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.
2. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;

- b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder;
 - d) any incidents of disorder;
 - e) 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.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
 4. 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.
 5. When the designated premises supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
 6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 7. There shall be no vertical drinking at the premises.
 8. Customers shall not be permitted to take alcohol beyond the boundary of the outside seated area, save for those alcoholic beverages in a sealed container for the purpose of takeaway.
 9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
 10. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

11. Patrons shall not be permitted to consume alcohol inside the premises or in the outside seated area more than thirty minutes after the terminal hour for the sale of alcohol.

3.2 Licensing Act 2003 Application for a variation of a Premises Licence for (Studio Spaces Ltd / E1), 110 Pennington Street, London E1W 2BB

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for variation for a premises licence for Studio Spaces Ltd / E1, 110 Pennington Street, London E1W 2BB. It was noted that an objection had been received on behalf of the Licensing Authority, who had raised concerns relating to the crime and disorder objective and public safety objective.

The Legal Adviser to the Sub-Committee stated that he had been told before the hearing that the parties had had the opportunity to discuss how best to manage the hearing, given the numbers of people who had made representations and wished to speak. Mr. Charalambides would speak for about fifteen minutes on behalf of his client and then for about the same time for those making representations and had attended and indicated a wish to speak. Mr. Grant, on behalf of the Licensing Authority, would address the Sub-Committee for about fifteen minutes. He confirmed his assent and all those present physically and virtually were given the opportunity to respond or object if the Legal Adviser's understanding of the position was incorrect. None did so and the Sub-Committee agreed to proceed as suggested.

The Sub-Committee was asked to consider if the condition in Annex 2, condition 1 should be removed from the premises licence.

At the request of the Chair, Mr Leo Charalambides, Counsel for the Applicant, addressed the Sub-Committee. He referred members to his submission in supplemental agenda 2 and stated that the condition "No nudity or semi nudity permitted" should be removed from the licence, as the condition was vague and unenforceable. Mr Charalambides argued this was a historical imposition on the licence and said that under the current licensing legislation this would not be a condition that would be considered or imposed.

Mr Charalambides referred to Tower Hamlets being a diverse and welcoming borough for various communities and said the 'queer' community had a long-standing connection with the borough, with many other venues offering a haven for the queer and LGBTQ+ communities. Mr Charalambides referred to Backstreet and Crossbreed as clubs which operated in Tower Hamlets which were facing an uncertain future.

Mr Charalambides then referred to the Public Sector Equality Duty (PSED) and said the licensing policy had not been updated in accordance with this duty and said the Licensing Authority had not undertaken an equalities impact assessment (EIA). Mr Charalambides said the Applicant had provided a draft EIA which members could adopt if they chose.

Referring to the allegation arising from the incident of 12th February 2022, Mr Charalambides said it was clear this was a one-off incident which had not led to a prosecution by the Police. Mr Charalambides pointed out the Police had not objected to the application and said all events were risk assessed before being held at the premises. He said the information was shared with the police and the licensing authority. The authorities were fully aware of the types of events that were held at the premises.

Mr Charalambides continued stating that if the condition remained or was modified it would be unworkable. He said the authority could not be the gatekeeper as to how consenting adults should dress at queer events. Why was it acceptable for a male to display their nipples and not a woman? And what of those who were non-binary or had transitioned to the opposite sex?

The Sub-Committee then heard from Mr Gary Grant, Counsel for the Licensing Authority. Mr Grant referred members to his submission in supplemental agenda 3, and said that the event held on the 12th February by external promoters 'Torture Garden' had given rise to concerns that the premises was in breach of the no nudity condition. He said the Licensing Authority had written to the Premises and the Premise Licence Holder (PHL), Mr Yuval Hen in relation to this event. He said the CCTV pictures showed widespread nudity and sexual activity. He said it was evident these breaches had been occurring for some time. He said removing the condition would amount to rewarding the Premises Licence holder, that it was acceptable not to comply with the conditions on the licence and would set a precedent for other PHL to follow.

Mr Grant accepted the term semi-nudity was vague. However, he said the condition should be modified in line with the Sexual Entertainment Venue (SEV) definition. He said the Local Authority had concerns the Premises Licence Holder had not applied for a SEV Licence, which perhaps would be relevant, as under the Licensing Act 2003, adult entertainment including sexual entertainment was permitted under 'occasional use', up to 11 times a year.

Referring to the PSED Mr Grant concurred this was engaged and said the Sub-Committee needed to comply with that. Mr Grant reminded members of the 'Brown Principles' and the freedom of expression right under the European Convention on Human Rights and said his submission set out the principles however there was no absolute right. He said it was important for the members to grapple with this before making a decision.

The Sub-Committee then heard from a selection of the 203 supporters who had made representations in support of the Applicant. The Sub-Committee heard from Farima Toosi, Aimee Ellenor, James Lancley, Anis Azman, Peace Williams-Ojomu, Anastassia Fedorova (Supporters) and Karl Verboten, a supporter and promoter of kink events held at the premises.

The Supporters voiced their support of the premises and events held at the premises. They praised the organisation and safety procedures event

organisers followed, to ensure they all had an enjoyable time. Many said they felt it was a safe space for them to express their sexuality without unwanted sexual attention or harassment. They said because Klub Verboden was a membership only organisation which vetted all its members, they were reassured of their safety. They urged the Sub-Committee to remove the condition on the licence and allow a safe space of their community to come together and enjoy themselves.

In response to questions the following was noted:

- Mr Charalambides said it was immaterial if the Applicant was aware of the condition on his licence, prior to the Licensing Authority issuing their warning letter. He said the condition was an historical condition that would not be appropriate on a licence today. Mr Charalambides said the condition related to lap-dancing performances and not to adult entertainment events held for consenting adults.
- Mr Yuval Hen, PHL added he was not aware he had breached the condition on the licence. He said every event is risk assessed and the risk assessment is provided to the police and licensing authority. He said the Responsible Authorities had never raised any concerns prior to the alleged incident of 12th February 2022.
- Mr Charalambides stated that under the PSED, the protected characteristics were engaged, and the Sub-Committee should be mindful of this. He said the Licensing Act 2003 allowed for adult entertainment and such it was unlawful to impose censorship on how people should dress. He said the Local Government (Miscellaneous Provisions) Act 1982 was concerned with controlling lap-dancing and protecting the dancer and not other forms of adult entertainment.
- The condition 'No Nudity/semi nudity' was not enforceable as the Local Authority's Licensing policy did not make reference to this.
- The Applicant confirmed they had not applied for an SEV licence. Mr Charalambides said his client did not need one. He said each example under the SEV policy related to lap-dancing and striptease and as such an SEV licence was not required.
- Mr Lewis confirmed there had been no complaints received against the premises other than the alleged assault incident that had been brought to their attention by the police.
- Mr Lewis confirmed he had considered the PSED duty but had not a written record. He said the Licensing Authority risk assessed each case and had made a representation on the grounds of safeguarding.

Concluding remarks were made by all parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance, and the Council's Statement of

Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Studio Spaces Ltd. to vary the premises licence held in respect of Studio Space/E1, 110 Pennington Street, London, E1W 2BB (“the Premises”). The variation sought was the removal of a condition which stated, “No nudity or semi nudity permitted.”

The application attracted some 200 representations in support. There was one representation against the application, from the Licensing Authority in its capacity as responsible authority, which sought to persuade the Sub-Committee to uphold the condition or modify it so as to clarify precisely what was meant by nudity.

The Sub-Committee heard from Mr. Charalambides, who spoke on behalf of the applicant and, helpfully, those of the supporters who had indicated a wish to address the Sub-Committee. He explained the use of the venue for kink/fetish nights and which catered for the “queer” community, which he used as a convenient umbrella term for various groups (and any reference to “queer” in this decision is used in like manner). These events, which had been held here and at various other venues over a long period of time, were fully risk-assessed, notified to the police, and took place with police approval.

The Sexual Entertainment Venue (SEV) policy operated by Tower Hamlets was concerned with lap-dancing venues and the like rather than venues such as this. The applicant was unclear why, after many years of support, the attitude of the Council had suddenly changed. In respect of the allegation of 12th February 2022, both the Council and the police had viewed the footage. There had been no criminal proceedings, the authority did not seek to review the premises licence as a consequence of the alleged breaches, and there was no representation from the police on the basis of the crime and disorder licensing objective.

The Licensing Act 2003 was not concerned with adult entertainment, save for ensuring the protection of children from harm. This was not engaged and the promoters operated age and membership policies to ensure this.

Mr. Charalambides asserted that the authority was in breach of the public sector equality duty (PSED) under the Equality Act 2010 by failing to have due regard to that when deciding to make a representation. The decision would impact on groups with protected characteristics, especially sex, sexual orientation and gender reassignment. His client had, however, produced an equality impact assessment (EQIA) which the Sub-Committee could take into account when complying with the PSED. He told the Sub-Committee that its

Statement of Licensing Policy failed to set out how the PSED had been applied when the policy was made and that the Policy had not been updated in that regard in twelve years. He urged that this be reviewed as a matter of urgency.

Mr. Charalambides submitted that the Licensing Authority's position, in seeking to uphold or modify the condition, effectively told consenting adults what they could or could not wear and how they could or could not behave. It raised the question of how the modified condition could properly apply to those who identified as non-binary. Why should a man be permitted to be bare-chested, but not a woman? He urged the Sub-Committee to remove the condition and invited the Sub-Committee to impose a condition that all events be risk-assessed and that there be a safeguarding policy in place by both promoters and the Premises.

Mr. Grant, on behalf of the Licensing Authority, suggested that the Sub-Committee modify the condition to bring it more in line with the definition of nudity as it applied to SEVs. He had added a further clause that meant a man who self-identified as a woman would be classed as such, and vice versa.

He told the Sub-Committee that the Licensing Authority took no view on the morality of kink or fetish nights. Their concern was purely one of safeguarding and the importance of the venue and these events being regulated.

The stills from the event of 12th February 2022 showed widespread nudity and sexual activity. This had been occurring for some time, on the licence holder's admission and it was, in his view, a breach. He asserted that to remove the condition would be tantamount to rewarding the licence holder and that this could lead to other operators being minded to breach conditions that they did not wish to comply with.

Mr. Grant accepted that the PSED was engaged and that the Sub-Committee needed to comply with that. He reminded the Sub-Committee of the principles to be applied and that Members needed to be satisfied that they had sufficient information about the effect of keeping or modifying the condition on those with protected characteristics. He commented that the Sub-Committee could, if it saw fit, adjourn in order to obtain further information to allow it to properly consider the PSED. Mr. Grant reminded the Sub-Committee that the PSED was not a duty to achieve any particular outcome and that to the extent that the applicant relied upon Article 10 of the European Convention on Human Rights, that too was a qualified rather than absolute right.

The Sub-Committee heard briefly from some of those who had made representations in support of the application, including Karl Verboten. They expanded briefly upon their representations and emphasised the safety of the venue, the importance the promoters placed upon safeguarding, and that they considered it to be important to be able to dress and express themselves freely in these venues.

During questions, the Sub-Committee was told that the applicant's understanding of the condition was that it had been imposed by policy to limit

performances of lap-dancing and similar. They had been told this by the police. Mr. Charalambides referred to the relevant section of that old policy as being headed "Striptease." It was a vague condition and was not intended to control patrons. On that basis, there was in fact no breach of condition and the responsible authorities were aware of the activities that went on and had expressed no concerns. Mr. Charalambides stated that there was also no breach because the condition was unclear and therefore unenforceable.

Mr. Charalambides further explained that the Licensing Act 2003 did not contain a definition of nudity because it was not concerned with that and that the regulation of SEVs was concerned with regulating the power dynamic between operators and performers. In clubs such as this, or Crossbreed, or Backstreet, the 2003 Act had no role to play in regulating and controlling those activities.

The Sub-Committee also sought information about how these events were promoted and advertised. In essence, this was via social media to vetted members, in advance of any event.

Mr. Lewis confirmed to the Sub-Committee that there had been no complaints to the Council save for that reported to the police in respect of 12th February 2022.

Whilst the Sub-Committee had before it a considerable amount of information and had benefitted from the oral submissions of the parties, the issue for determination was ultimately a simple one; if the condition were to be removed, would that be likely to adversely impact upon the licensing objectives, in this case the prevention of crime and disorder, and public safety? The Sub-Committee understood that were it not for the Licensing Authority's representation, this application would not have been before it.

The Sub-Committee had no evidence at all that the removal of the condition would adversely impact upon any of the licensing objectives. The Licensing Authority's representation referred to just one allegation; by the time of the hearing the Authority had expressly stated it would not ask the Sub-Committee to place any weight on that. There were no representations from any other responsible authority. The police, who the Statutory Guidance refers to as being the main source of information on crime and disorder (paragraph 9.12), had not made a representation. There were no residents making representations against the application. The Sub-Committee would have expected that events at the Premises which gave rise to any problems would have been reported and that this would be reflected in any representations. That the police were aware of these events and raised no concerns also gave an indication that the crime and disorder objective would not be undermined.

With respect to the alleged breach, the Sub-Committee was advised that its function was not to determine guilt or innocence. In any event, given the various issues raised, all that could properly be said is that there was some nudity to a degree. However, the Sub-Committee noted that this was not a review application and that the focus needed to be forward-looking. Even if there had been a breach of that condition, that alone would not justify the condition remaining, unless it could be shown that to do otherwise would

undermine the licensing objectives. The Licensing Authority sought to rely upon the alleged breaches of the condition as evidence that the licensing objective of the prevention of crime and disorder would be undermined. However, if the condition were removed, logically that aspect of concern falls away.

The statements of the supporters also provided evidence as to the way that the Premises had been conducted in their experiences. Some referred to having felt unsafe or had been harassed or sexually assaulted or inappropriately touched in “mainstream” venues. That they did not feel unsafe in this venue or at events such as these was a strong indication that the licensing objectives would not be undermined by granting the application.

Given the complete absence of evidence that the licensing objectives would be adversely impacted by the removal of the condition, the Sub-Committee considered that the only appropriate and proportionate course of action open to it was to remove the condition entirely. It follows that the Sub-Committee also did not consider it appropriate and proportionate to impose the modified condition as suggested by the Licensing Authority.

The Sub-Committee was, however, minded to impose a condition with respect to welfare policies, as suggested by Mr. Charalambides. The Sub-Committee noted that there was a condition requiring risk assessments. For the avoidance of doubt, this will apply equally to queer/fetish/kink events and a condition added accordingly.

Finally, the Sub-Committee did have concern, especially in light of the publicity that this application had attracted, that there was a risk of increased numbers attending the Premises and which could adversely impact upon the licensing objectives. Given that the applicant stated that these events were held and open only to members of clubs or schemes operated by the various promoters, the Sub-Committee considered that imposing a condition to this effect was appropriate and proportionate for the promotion of the licensing objectives.

In light of this decision, the Sub-Committee considers that it can address the PSED issue quite briefly. The Sub-Committee specifically considered the applicant’s EQIA and, in the absence of any other relevant information from the Licensing Authority, felt constrained to adopt the applicant’s EQIA. The Sub-Committee noted that the nature of the events meant that there was a greater impact on certain groups with protected characteristics. The Sub-Committee noted that although the events at the Premises tended to cater to the queer community, there were disparate groups of people attending these events, some of whom shared one protected characteristics, others who shared another, and some who had none at all. The Sub-Committee was informed that these events were inclusive and welcomed diversity and were open to all; being of the queer community was not a prerequisite for attendance or entry. Given the comments made by some of the supporters as to harassment and discrimination that they had faced in mainstream venues, and how safe they felt at events such as Klub Verboten, the Sub-Committee

accepted that these events were of considerable importance to the queer community.

For completeness, however, the Sub-Committee was aware that the PSED did not require it to achieve a particular result and the above was in no way determinative of the issue. Whilst the Sub-Committee had had due regard to the PSED, the removal of the condition was simply because of the approach required to be taken under the Licensing Act 2003.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for the variation of the premises licence for **(Studio Spaces Limited/E1) 110 Pennington Street, London E1W 2BB** be **GRANTED with conditions.**

Conditions

1. The premises licence holder shall implement, maintain and comply with a wellbeing and safeguarding policy for queer, kink and fetish events. The premises licence holder shall ensure that any external promotor putting on queer/fetish/kink events is aware of and complies with this policy. A copy of the policy will be made available to the Licensing Authority and Police upon written request. Any updates to the policy shall be communicated to the Local Authority and Police within seven days of such updates.
2. Any queer/kink/fetish events being promoted at the premises shall operate a members-only policy by the promoter.
3. Condition 24 of Annex 2 shall apply to any queer/fetish/kink events taking place on the premises

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 9.08 p.m.

Chair, Councillor Sabina Akhtar
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON WEDNESDAY, 10 AUGUST 2022****COMMITTEE ROOM 1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed
Councillor Gulam Kibria Choudhury**Officers Present:**

Kathy Driver	–	(Principal Licensing Officer)	
David Wong	–	(Legal Services)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants	Item Number	Role
Mr Vincenzo Senatore	4.1	(Legal Representative)
Ms Giada Botti	4.1	(Applicant)
Mr Nicola Bodano	4.1	(Legal Representative)

Representing objectors	Item Number	Role
Mr Shaukat	4.1	(Objector)
Ms Celia Willis	4.1	(Objector)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meeting held on 5th July were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a new Premise Licence for Flour & Flowers, 408 Hackney Road, London, E2 7AP

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Flour & Flowers, 408 Hackney Road, London E2 7AP. It was noted that objections had been received from other persons (freeholders of properties nearby) in relation to the prevention of public nuisance and crime and disorder.

The Sub Committee were made aware that late supporting documents had been received from Mr Shakut, Freeholder and Objector. However, they would not be tabled at the meeting as the applicant had not agreed to these documents being added to the agenda at such short notice.

At the request of the Chair, Mr Vincenzo Senatore, Legal Representative for the applicant Ms Giada Botti, explained that they would be unable to respond to the documents at such short notice.

Mr Senatore explained that the premises was a small coffee shop, selling food, cakes and flowers, and wanted a premises licence in order to sell alcohol ancillary to a meal. He then asked the Sub-Committee to refer to the photos of the premises to familiarise themselves with the layout of the premises. It was noted that the premises opening hours were between 8.30am to 5.00pm Monday to Sunday, they were very modest hours and therefore unlikely to give rise to the problems associated with late-night premises.

Mr Senatore then referred the Sub-Committee to the supplemental agenda at pages 25-43, which included statements from customers who were local residents, and families living in the area who frequented the premises and expressed their support. It was noted that the applicant was committed to complying with conditions already agreed with the Responsible Authorities, designed to prevent crime and disorder and public nuisance, such as the maintenance of a CCTV system, and conditions to ensure adequate lighting and address noise emanating from the premises. Mr Senatore stated that the objections made were frivolous and vexatious. Ms Botti explained that the hours applied for were within the Council's framework hours and that alcohol would only be sold ancillary to a meal. She was happy to accept conditions that the Sub-Committee felt to be necessary and proportionate.

Members then heard from Ms Celia Willis and Mr Shaukat, both freeholders of nearby properties, who both shared similar concerns relating to public nuisance which they felt arose from the premises, in particular noise nuisance. They both referred to complaints made directly to them from their

tenants about noise coming from the premises in the early morning before the shop opens. It was noted that the premises had no sound proofing and therefore any noise such as the coffee grinder, coffee machine etc would be heard in nearby premises by residents, affecting their quality of life.

Mr Shaukat shared examples of other kinds of anti-social behaviour and public nuisance occurring generally in the area, but when asked by Members about the link to the applicant's premises, it was noted from his response that there was no evidence linking any of these behaviours to the premises itself.

In response to questions, the following was noted;

- That only background music was played inside the premises from 8.30am onwards.
- That there were two speakers through which music was transmitted, one of which was located on the first floor, the other one on the ground floor.
- That the Environmental Protection Noise Team had been consulted during the application process, that they had already agreed conditions with the applicant, and not made any representations against the application.
- There would be no vertical drinking at the premises, and alcohol would be served ancillary to customers seated and taking a table meal.
- The applicant was happy to reduce the volume of the background music to reduce any concerns of loud music, and was happy for Council officers to set a volume limit.
- That the premises had been trading since November 2021, only 1 complaint had been made so far to the applicant's business, which had been addressed by reducing the speaker level, and since then there had been no further complaints made directly to the applicant.
- That the applicant had a lease for 10 years, and there were no restrictions on the lease apart from the hours of operation.
- Concerns about the deregulation under the Live Music Act were noted, in respect of which the applicant responded offered a condition that there to be no live music at the premises.
- The applicant expressed no objection, if no table and chairs were allowed outside the premises.

It was made clear on behalf of the Sub-Committee during this meeting, that its remit at law was confined to licensing matters, particularly in relation to the licensing objectives, and therefore, landlord and tenant issues and planning issues could not be considered by the Licensing Sub-Committee.

Concluding remarks were made by all parties.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

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

Consideration

The Sub-Committee considered an application by Giada Botti, for a new premises licence to be held in respect of Flour & Flowers, 408 Hackney Road, London E2 7AP. The application sought authorisation for the sale by retail of alcohol for consumption on and off the Premises from 11.30 hours to 17:00 hours Monday to Sunday. The Sub-Committee noted two representations against it from other persons.

The Sub-Committee noted that there were no objections from the responsible authorities, in particular the Police and Environmental Health with whom the Applicant had agreed conditions in the event the application were granted by the Sub-Committee.

The Sub-Committee considered what they had heard from Mr Shaukat and Ms Celia Willis, freeholders of properties nearby and the objectors in relation to the potential noise nuisance that may arise in addition to the noise nuisance that currently exists. Examples of public nuisance were referred to, but there was no evidence that they were directly associated with the premises. The Sub-Committee also took into account the fact that they were legally bound to place weight only on evidence directly tied to the premises, the Applicant and patrons of the Applicant's business at those premises. Hence, no weight could attach to incidents of general anti-social behaviour in the area, nor to concerns over potential issues, the latter being matters of speculation, not evidence. The Sub-Committee took into account the impact of noise which could be attributable to the premises, particularly music.

The Sub-Committee took into account what they heard from the Applicant, that she would be amenable to agreeing to conditions to have no live music and that she would accede to any noise conditions deemed necessary and proportionate. The Sub-Committee took into account, the Applicant saying that she agreed to have no tables and chairs outside the premises, as that would cut down on noise emanating from patrons of the business. In relation to the objectors' concerns about anti-social behaviour, the Sub-Committee took into account the Applicant presenting that sale of alcohol would only be ancillary to a seated meal at the premises and that there would be no vertical drinking, which the Sub-Committee considered indication that the premises would not be alcohol led, allaying any concerns of alcohol fuelled anti-social behaviour emanating from patrons of the business at these premises.

The Sub-Committee were satisfied that the grant of the application with the following conditions would uphold the licensing objectives of preventing public

nuisance and preventing crime and disorder. As a matter of law, the Sub-Committee could only consider things which directly related to the licensing objectives, and therefore could not have regard to matters raised relating to any planning issues or any landlord and tenant issues.

The application is therefore granted as sought and with the additional conditions indicated.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Flour & Flowers, 408 Hackney Road, London E2 7AP be **GRANTED with conditions.**

Sale of alcohol (on and off-sales)

Monday to Sunday 11.30 hours to 17:00 hours

Opening times

Monday to Sunday 08:00 hours to 17:30 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures/finds of drugs or offensive weapons;

- f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. 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 Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
8. There shall be no live music
9. Alcohol shall only be supplied ancillary to a seated table meal.
10. Table and chairs shall not be placed on the public highway.
11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

4.2 Application for a New Premise Licence for Wilde by Staycity Aparthotel, 92 Middlesex Street, London, E1 7EZ

This item was resolved prior to the meeting.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
Alchemy & Duo, 280 Bishopsgate, London, EC2M 4RB	30/11/22
Vout-O-Reenees, Basement, 30 Prescott Street, London E1 8BB	30/11/22

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	13 September 2022	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for The Breakhouse Café Unit 17 Bloc River Bank 455 Wick Lane London E3 2TB Ward affected: Bow West
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1.0 Summary

Applicant:	The Breakhouse Ltd
Name and Address of Premises:	The Breakhouse Café Unit 17 Bloc River Bank 455 Wick Lane London E3 2TB
Licence sought:	Licensing Act 2003 - Variation to Premise Licence
Objectors:	Residents, Ward Councillor

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

Lavine Miller-Johnson
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation of the premises licence for 'The Breakhouse Café Unit 17 Bloc River Bank 455 Wick Lane London E3 2TB

3.2 The existing Premise Licence was issued on 13th April 2021 following a licensing subcommittee and a copy is enclosed as **Appendix 1**.

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

The sale by retail of alcohol

- Monday to Sunday from 12:00 hours to 23:00 hours

Opening hours

- Monday to Sunday from 08:00 hours to 23:30 hours

3.4 The applicant has described the nature of the variation as follows:

1. To permit off sales for delivery or off-site catering
2. Amend condition 8 in Annex 3 to permit the external area to be used until 23:00 hours
3. To replace condition 3 in Annex 3 with the following condition "Substantial food shall be available throughout the premises at all times."
4. To permit supply of alcohol on the premises from 09:00 hours subject to the following condition "The supply of alcohol between 09:00 hours and midday shall only be ancillary to a meal.
5. " To add films as a licensable activity between 12:00 hours and 23:00 hours everyday.

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

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 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.
- 6.0 **Representations**
- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been received. The application has also received supporting representations

Representation	Appendix
Michael Dover	7
David Griffiths	8
Cllr Rachel Blake	9
Supporting Representation	
Felix Borrelli	10
Louis Mustill	11
Liam Phillips	12
Nicole Warmerdam	13
Robert Woods	14
Annelise Sealy	15
Natalie & Adam Tinley	16
Amy Smith	17
Julian Gascoigne	18

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: Annex 3 – Added following a licensing subcommittee on 13th April 2021**
1. There shall be no off sales of alcohol.
 2. The premises shall ensure that customers do not take or consume open containers of alcohol off the premises.
 3. 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.
 4. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
 5. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
 6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 7. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
 8. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time. Any person temporarily leaving the premises shall not be permitted to take drinks outside.
 9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. 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.
12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
14. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) 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.
15. 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.

16. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

Conditions consistent with Operating Schedule

1. Amend condition 8 in Annex 3 to permit the external area to be used until 23:00 hours
2. The supply of alcohol between 09:00 hours and midday shall only be ancillary to a meal.
3. Substantial food shall be available throughout the premises at all times

8.0 Conditions agreed in consultation with the responsible authorities

Conditions agreed Environmental Protection – Appendix 21

- Agreed to reduce the external area hours from 23:00 hour to 22:00 hours

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 22 - 28** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Photographs
Appendix 4	Maps of the surrounding area
Appendix 5	Nearby licensed premises
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7-18	Resident representation and support
Appendix 19	Objector and solicitor mediation
Appendix 20	Councillor Blake and applicant mediation
Appendix 21	Agreement with Environmental Protection
Appendix 22	S182 advice re public nuisance
Appendix 23	Licensing Policy advice on public nuisance
Appendix 24	Anti-social behaviour when leaving premises
Appendix 25	Section 182 Protection of Children from Harm
Appendix 26	Licensing Policy advice on Protection of Children from Harm
Appendix 27	Framework hours
Appendix 28	Planning

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Appendix 1



**Lic No:
135242**

(The Breakhouse Café)
Unit 17, Bloc Riverbank
455 Wick Lane
London
E3 2TB

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by



Date: 13th April 2021

OFFICE USE	Receipt No: 075935	Paid: £190	Date: 04/01/2021
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Part A - Format of premises licence

Premises licence number

135242

Part 1 - Premises details

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

(The Breakhouse Café)
Unit 17, Bloc Riverbank
455 Wick Lane

Post town
London

Post code
E3 2TB

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday from 12:00 hours to 23:00 hours

The opening hours of the premises

- Monday to Sunday from 08:00 hours to 23:30 hours

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

On sales only

Part 2

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

The Breakhouse Ltd
Unit 17,
Bloc Riverbank
455 Wick Lane
E3 2TB



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

12269535

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

Chloe Bailey-Williams



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



Annex 1 - Mandatory conditions

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

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

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

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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

measures are available.

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

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

1. There shall be no off sales of alcohol.
2. The premises shall ensure that customers do not take or consume open containers of alcohol off the premises.
3. 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.
4. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
5. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
8. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time. Any person temporarily leaving the premises shall not be permitted to take drinks outside.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the

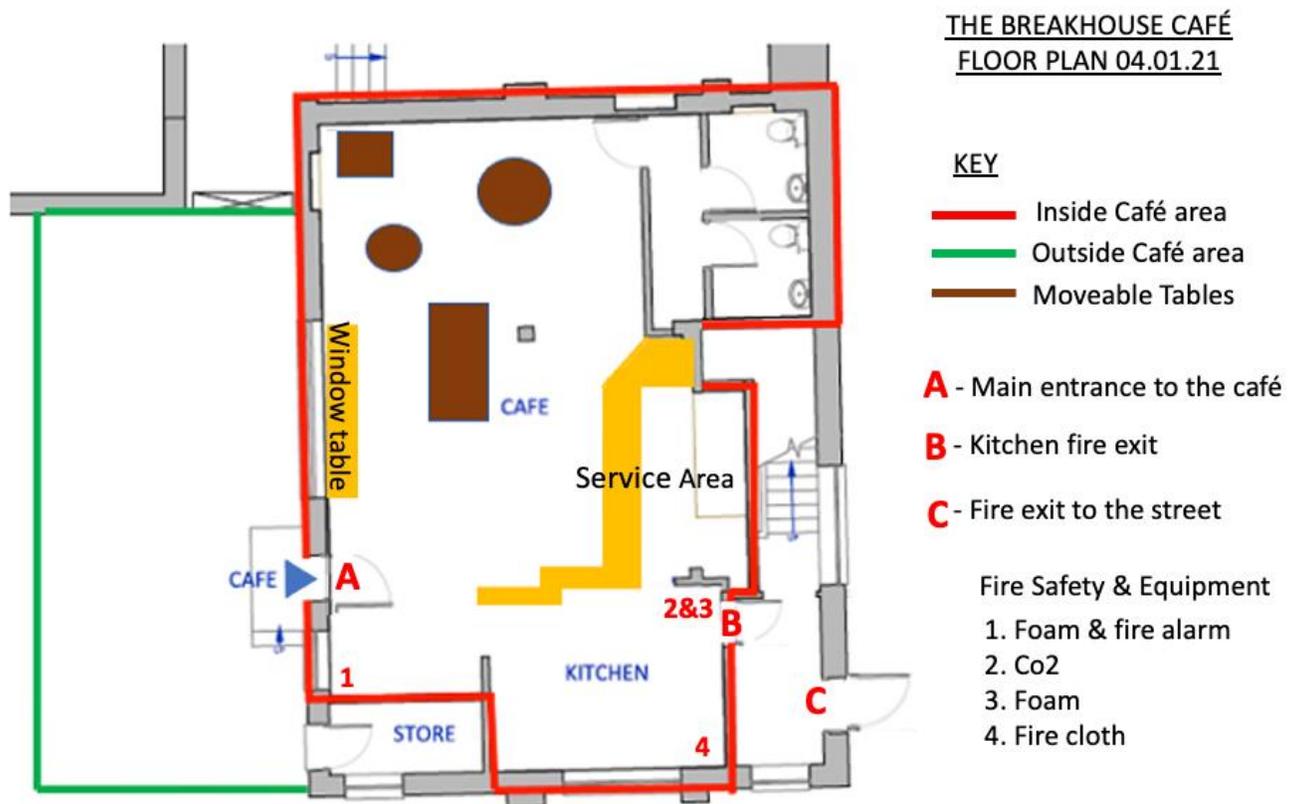
- premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant 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.
 12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
 13. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
 14. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) 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.
 15. 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.
 16. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
 17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. 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.

Annex 4 - Plans

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

4th January 2021 – Ground floor (plan dated 04.01.21)





Part B - Premises licence summary

Premises licence number

135242

Premises details

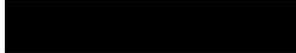
Postal address of premises, or if none, ordnance survey map reference or description

(The Breakhouse Café)
Unit 17, Bloc Riverbank
455 Wick Lane

Post town
London

Post code
E3 2TB

Tele hone number



Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday from 12:00 hours to 23:00 hours

The opening hours of the premises

- Monday to Sunday from 08:00 hours to 23:30 hours

Name, (registered) address of holder of premises licence

The Breakhouse Ltd
Unit 17,
Bloc Riverbank
455 Wick Lane
E3 2TB

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

On sales only

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

12269535

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

Chloe Bailey-Williams

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

Not restricted

Appendix 2



* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

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

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A private individual acting as an agent

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

81,500

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

1. Permit off sales for delivery or off site catering
2. Amend condition 8 in Annex 3 to permit the external area to be used until 23.00
3. Replace condition 3 in Annex 3 with the following condition "Substantial food shall be available throughout the premises at all times"
4. Permit supply of alcohol on the premises from 09.00 subject to the following condition " The supply of alcohol between 09.00 and midday shall only be ancillary to a meal"
5. Add films as a licensable activity between 12.00 and 23.00 every day

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

State any seasonal variations for the exhibition of film.

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

Continued from previous page...

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

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

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

Yes No

Continued from previous page...

Section 11 of 18

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

See guidance on regulated entertainment

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

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 09:00

End 23:00

Start

End

SUNDAY

Start 09:00

End 23:00

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

The sale of alcohol for consumption off the premises shall only be from 12:00 to 23:00 on any day

Section 14 of 18

ADULT ENTERTAINMENT

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

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

None

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Continued from previous page...

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

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

Amend condition 8 in Annex 3 to permit the external area to be used until 23.00
The supply of alcohol between 09.00 and midday shall only be ancillary to a meal
Substantial food shall be available throughout the premises at all times

b) The prevention of crime and disorder

see box a

c) Public safety

see box a

d) The prevention of public nuisance

see box a

e) The protection of children from harm

see box a

Continued from previous page...

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - 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.

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

Variation Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

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

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

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

DECLARATION

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

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

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

* Full name	<input type="text" value="CRAIG BAYLIS"/>
* Capacity	<input type="text" value="SOLICITOR FOR APPLICANT."/>
Date (dd/mm/yyyy)	<input type="text" value="07-04-2022"/>

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

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

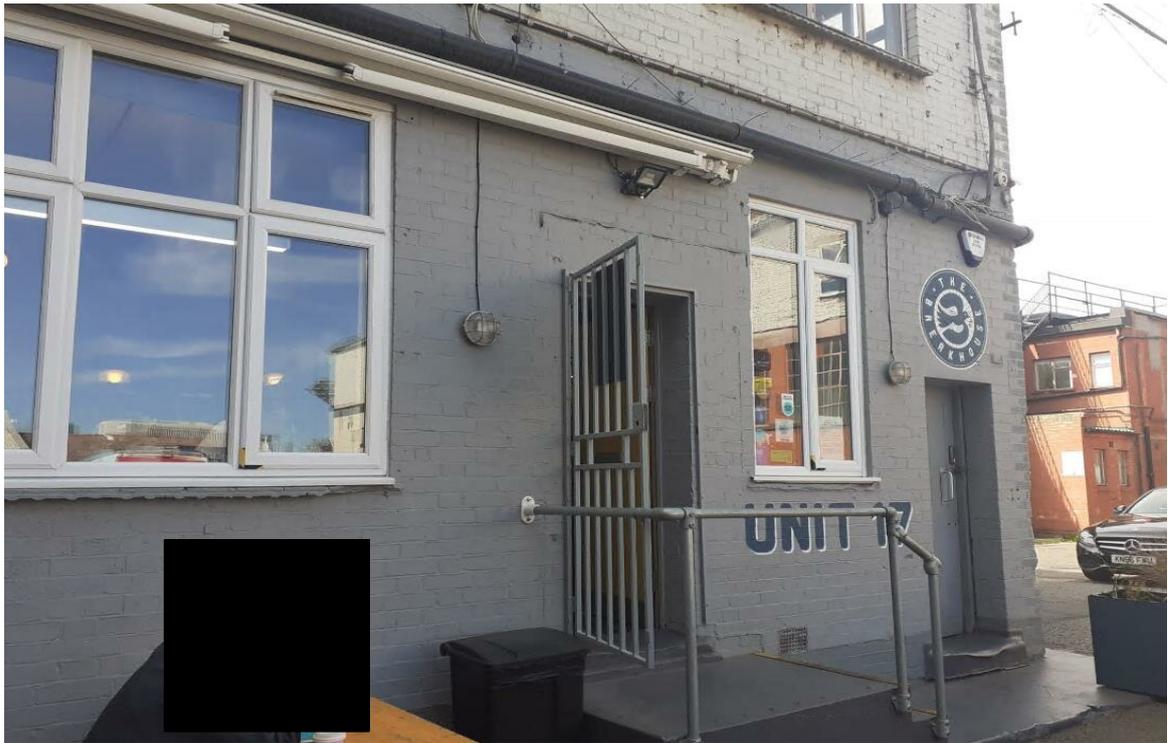
Don't forget to make sure you have all your supporting documentation to hand.

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

Appendix 3

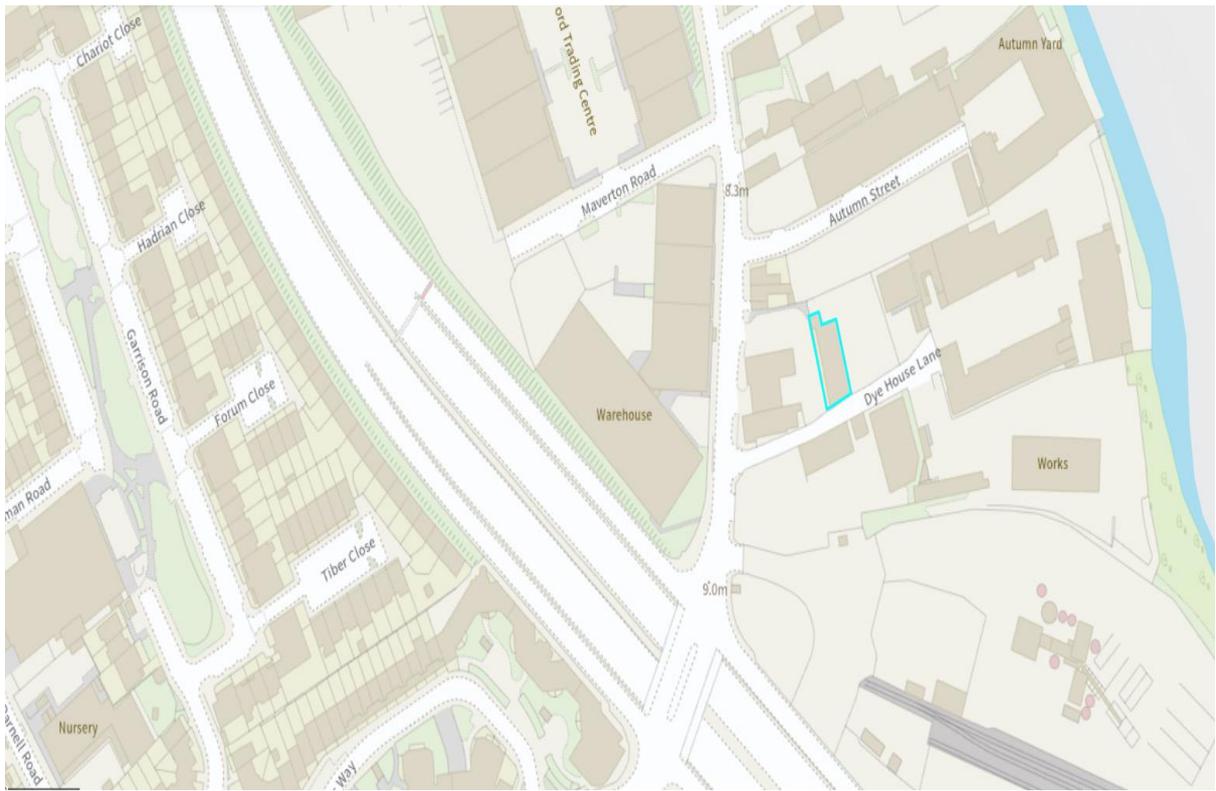
Breakhouse Cafe- Photographs of the venue and the immediate vicinity





Appendix 4

Breakhouse Unit 17 455 Wick Lane -map of area



Appendix 5

Breakhouse Cafe - Nearest licences

Name and address	Licensable activities and hours	Opening hours
<p>(Shell Old Ford Shop) 445 Wick Lane London E3 2TB</p>	<p>The sale by retail of alcohol (Off sales only)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 06:00 hours to 23:30 hours • Friday and Saturday, from 06:00 hours to 00:00 hours (midnight) • Sunday, from 06:00 hours to 22:30 hours <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday from 23:00 hours to 05:00 hours 	<p>Monday to Sunday 24 hours a day</p>
<p>(The Lighthouse) 421 Wick Lane London E3 2NG</p>	<p><u>Sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Thursday, from 10:00 hours to 23:00 hours • Friday and Saturday, from 10:00 hours to 00:00 hours (midnight) • Sunday, from 10:00 hours to 22:30 hours <p>The Provision of Regulated Entertainment - Indoors <u>(Films, Indoor Sporting Events and Recorded Music)</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 10:00 hours to 23:00 hours • Friday & Saturday from 10:00 hours to 00:00 hours (midnight) • Sunday from 10:00 hours to 22:30 hours <p><u>(Live Music)</u></p> <ul style="list-style-type: none"> • Friday & Saturday from 18:00 hours to 00:00 hours (midnight) • Sunday from 11:00 hours to 22:30 hours <p>The Provision for Late Night Refreshments</p> <ul style="list-style-type: none"> • Friday & Saturday from 23:00 hours to 00:00 hours (midnight) <p><u>Non Standard Times</u></p> <ul style="list-style-type: none"> • Christmas Eve, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, Diwali Day from 10:00 	<ul style="list-style-type: none"> • Monday to Thursday from 10:00 hours to 23:30 hours • Friday & Saturday from 10:00 hours to 00:30 hours (midnight) • Sunday from 10:00 hours to 23:00 hours <p><u>Non Standard Times</u></p> <ul style="list-style-type: none"> • Christmas Eve, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, Diwali Day from 10:00 hours to 02:00 hours (the following day) <p>New Year's Eve is subject to the Regulatory Reform (Special Occasions Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for twelve hours between 11pm in New Year's Eve and 11am on New Year's Day</p>

Breakhouse Cafe - Nearest licences

	hours to 02:00 hours (the following day)	
(24/7 Drinks Delivery) Booze Delivery Attic Self Storage Unit 4003 500 Wick Lane Bow E3 2TB	The sale by retail of alcohol (Off sales only) <ul style="list-style-type: none"> • Monday to Sunday, from 21:00 hours to 06:00 hours the following day 	<ul style="list-style-type: none"> • Monday to Sunday, from 21:00 hours to 06:00 hours the following day
(Big Yellow Storage Co) Unit G161 400 Wick Lane London E3 2JG	<u>The sale by retail of alcohol (off sales)</u> Monday to Sunday 11:00 hours – 23:00 hours	Premises not open to the public
Las Olas Ltd Unit 3011 500 Wick Lane London E3 2TB	The sale by retail of alcohol (Off sales only) Monday to Sunday from 09:00 hours to 21:00 hours	No access to public.
Other World Wines Unit 3092 500 Wick Lane London E3 2TB	The sale of alcohol (off sales) Monday – Sunday 05:30 hours – 23:30 hours	Monday – Sunday 05:30 hours – 23:30 hours (No public access)

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

Kathy Driver

From: Michael Dover [REDACTED]
Sent: 11 April 2022 09:10
To: Licensing
Cc: Rachel Blake
Subject: Application by The Breakhouse Café Unit 17 Bloc Riverbank 455 Wick lane London E3 2TB

Follow Up Flag: Follow up
Flag Status: Completed

I am contacting you with regard to a recent application that has been made by The Breakhouse Cafe, Unit 17 Bloc Riverbank, 456 Wick lane London E3 2TB

It has come to my attention that an application has been made by them for a variation to their premises license which would fundamentally allow them to operate in a completely different way and would in my opinion make it more of a bar selling food than a café which it is currently operating as.

Less than a year ago despite strong opposition from the local ward councillor, adjacent business premises and local residents this premises was granted a license on 13th April 2021 but with firm conditions attached to ensure that the concerns of the objectors would be mitigated in some way.

The licensing committee at the time made a very strong statement as to why they were insisting on the conditions and sensibly realised that the conditions attached to the license were very necessary in order to alleviate the concerns raised by the various objectors.

13th April 2021

The Sub Committee were satisfied that the removal of off sales from the Application and the imposition of an additional condition that drinks not to be taken or consumed off the premises would be appropriate and proportionate measures to alleviate the concerns relating to Public Safety and Noise Nuisance.

The Sub Committee noted that the applicant was agreeable to these measures.

The Sub Committee was satisfied that the robust set of conditions agreed with the Metropolitan Police Environmental Health and the Licensing Authority together with the removal of off sales and the prohibition of drinks being taken or consumed off the premises would promote the licensing objectives.

The above statement is as valid today as it was when the license was originally granted in April 2021

The access to the location of the premises is still as dark and as dangerous as it always has been,

The potential for noise disturbance to local residents is still as valid as it was a year ago when the license was granted and in fact the disturbance from their customers at this location has actually increased over the past twelve months

On 25th March 2022 a music event was held at the Breakhouse Café premises which (according to publicity material illegally flyposted in the local area) was called “Rook Records Takeover” which was described / advertised as “Celebrating 15 years of Bloc”



This event was as far as I could tell well attended and sadly from what I witnessed the rules and regulations regarding the use of the exterior area were being largely ignored for most of the evening

Additionally I have very good reason to believe that some persons attending this event on the evening of 25th March 2022 were responsible for some spray paint tagging that appeared in the immediate area along Wick lane including my neighbours house and also on the walls of the premises adjacent to Dye House Lane



To allow any changes or alterations to the licensing conditions that are currently very sensibly attached to the license of this premises would definatly in my opinion create problems and disturbance to both local

businesses and local residents and I therefore ask that this application be rejected in full as it would not contribute in any way to upholding the Licensing Objectives.

Kind regards

Michael Dover, [REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows

Appendix 8

Kathy Driver

From: Griffiths, David [REDACTED]
Sent: 28 April 2022 19:20
To: Licensing
Subject: Application made by Breakhouse Cafe (455 Wick Lane, E3 2TB)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs

I am writing with regards to a new application that has been submitted by The Breakhouse Café with the address: Unit 17, Bloc Riverbank, 455 Wick Lane, London E3 2TB. Their application involves a variation to their current premises license and will mean increased times that alcohol will be able to be sold and consumed at the premises.

We would like to advise of our objection on the following grounds:-

Dye House Lane is a privately owned lane, from which access and egress to the aforementioned business is gained. JB Riney Ltd (based also at 455 Wick Lane, London E3 2TB) are a large civil engineering (term maintenance) contractor whom are the incumbent contractors for eight London Boroughs. We operate 24 hours a day, 365 days a year and part of which involves us operating heavy goods vehicles and large items of plant from our premises (plus our supply chain entering and exiting our premises).

At present, the area is already congested with the throughflow of both vehicular and pedestrian traffic which poses risks to both our employees and members of the public, given our operations (not to mention that this is without any alcohol being consumed).

The private road which acts as the only entry/exit point to the applying premises is unlit, has no public footpath down it and is only wide enough for one vehicle to enter/exit at one time.

Often we have people enter our premises un-invited (both on-foot and in vehicles), because they are lost or simply wishing to conduct a three point turn via our premises (effectively a large construction company) and without any reversing banksmen

There have been multiple third party incidents (again, by delivery vehicles unable to make sufficient turns) etc as a result of increased vehicular activity.

We also have an increase in vehicles parked in our marked parking bays and causing obstruction to our heavy goods vehicles entering and leaving our premises and via Dye House Lane (which forms part of our lease)

The area within Dye House Lane and the Bloc Riverbank Business Park, due to it's unlit nature is a 'hot-spot' for antisocial behaviour, with the Police now seemingly having to patrol it of an evening most days to move on any people that are loitering (we have also been asked to report any potential underage people attending such venues) – all of which is not our responsibility.

We would like to express further concerns that now the government restrictions are lifted and we are seeing a return to events being hosted with increased capacities at the locally based Olympic Stadium, the granting of this extended license would see a further increase of pedestrian and vehicular traffic (not to mention intoxicated members of public and potential for antisocial behaviour) down an already overly congested lane.

As a main contractor for multiple local authorities, we would like to stress that the granting of this license would certainly give us cause for concern for the safety of the general public and would therefore like to reaffirm our objection.

I trust the above information is adequate, however if you have any questions or wish to discuss further, please let me know.

Wishing you all safe and well.

Regards
David Griffiths
For and on behalf of JB Riney Ltd

Appendix 9

Corinne Holland

From: Rachel Blake
Sent: 12 April 2022 11:41
To: Licensing
Cc: Marc Francis; Amina Ali
Subject: OBJECTION: Unit 17 Bloc, Riverbank, 455 Wick Lane, E3 2TB

Dear Licensing,

I am writing to object to the application to vary the license for the above premises on the grounds of public safety and noise nuisance.

The application requests permission for external use until 2300hrs and alcohol license all day.

I urge the committee to carefully review the location drawings of the premises and consider whether the licensing policy can be met with this variation. The external use of the yard could not possibly meet licensing objectives because the noise will carry to the neighbouring properties.

I remind the committee of the following conditions from the last application.

13th April 2021

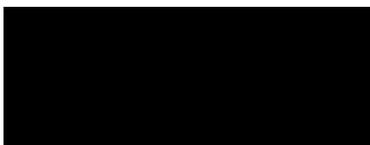
The Sub Committee were satisfied that the removal Of Off sales from the Application and the imposition of an additional condition that drinks not to be taken or consumed off the premises would be appropriate and proportionate measures to alleviate the concerns relating to Public Safety and Noise Nuisance. The Sub Committee noted that the applicant was aggregable to these measures. The Sub Committee was satisfied that the robust set of conditions agreed with the Metropolitan Police Environmental Health and the Licensing Authority together with the removal of off sales and the prohibition of drinks being taken or consumed off the premises would promote the licensing objectives.

Rachel

Councillor Rachel Blake (she/her)

Councillor for Bow East Ward

Deputy Mayor and Cabinet Member for Adults, Health and Wellbeing



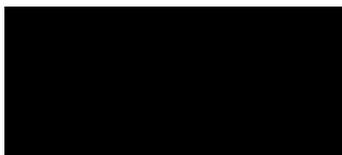
Appendix 10

Kathy Driver

From: [REDACTED]
Sent: 02 May 2022 11:29
To: Licensing
Subject: Re: Breakhouse Cafe Licensing

Hi,

My working address is:



Thank you,
Felix.

On Friday, April 29, 2022, 11:10 pm, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Thank you for your email, in order to accept your representation you will need to provide your address.

Kind Regards,

Kathy Driver
Principal Licensing Officer
Licensing & Safety Team
Place Directorate
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG



Licensing Hotline **020 7364 5008**

Licensing General Email: licensing@towerhamlets.gov.uk

Please visit our web page for application forms and guidance at www.towerhamlets.gov.uk/licensing

www.towerhamlets.gov.uk

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From: [REDACTED]
Sent: 29 April 2022 13:08

To: Licensing <Licensing@towerhamlets.gov.uk>

Subject: Breakhouse Cafe Licensing

To whom it may concern,

I am writing in regards to the licensing issues faced by the Breakhouse Cafe located in Unit 17, Bloc Riverbank, 455 Wick Lane, London, E3 2TB. The Breakhouse Cafe is a highly respected and valued beacon within the local community which operates around a heavily industrial area. Due to this, the sort of impact Chloe Bailey-Williams and her business has is unrivalled as it provides the only place for local workers, such as my colleagues and I, to get good food and drinks in such a beautiful, well curated and friendly environment during our day of work. Due to the area in which The Breakhouse Cafe is located being a largely industrial area without much of a residential clientel base my colleagues and I have always found it a shame about the restrictions placed upon the business which massively restrict it's ability to operate. The Breakhouse Cafe acts as a very respectful centre for the local community and we only wish that they were able to continue into the evening so that we were able to meet other people and professionals in the area, so that we might be able to embark in fruitful friendships and business relationships in a welcoming and warm environment that The Breakhouse Cafe is effortlessly able to emulate. There is a huge creative community based in and around where the cafe is located, with my colleagues and I working in the realm of photography ourselves, which is important because Chloe has shared with us her ideas regarding ways she would like to create a space where people can collaborate and share similar interests in the likes of cinema, music, photography and sport. The image I am trying to paint for you is of a highly respected and valued location within the local community.

During my own visits to The Breakhouse Cafe I have felt nothing but welcomed to the establishment. It is a wonderful place and I would highly suggest that anybody who finds themselves in the area should certainly check it out. I feel very strongly that changes to their current license would have nothing but positive impacts, providing a safe space in the local community for both residents and working professionals. I also cannot stress enough how much I feel that the extension of the license The Breakhouse Cafe has will not affect the nearest residential area (which is 150-200 meters down the road) with noise due to distance, nor with the sort of clientel the cafe attracts, who from those I have met are all wonderful and respectful people. The cafe is located in an industrial park, next to a motorway and several building merchants. Surely the last concern is a humble cafe?

An extension of the hours The Breakhouse Cafe can operate would provide the perfect location for my colleagues and I to wind down after a long day at work whilst sharing conversation with likeminded people and professionals with similar interests. This would certainly have the potential to boost the local economy on a macro level. I have nothing but a positive image in my head when I picture The Breakhouse Cafe and its wonderful owner Chloe and I really hope she is granted an extension to her license as it would have nothing but positive impacts on the local community. I do hope also that this is taken strongly into consideration. We patiently await the result.

Kind regards,

Felix Borrelli.

Appendix 11

Kathy Driver

From: Louis Mustill [REDACTED]
Sent: 04 May 2022 09:49
To: Louis Mustill
Cc: Licensing
Subject: Re: regarding the license application for the Breakhouse Cafe

Follow Up Flag: Follow up
Flag Status: Completed

Please see the email below.
The reference for the license application is tower-hamlets-1203578

Thank you
Louis

-
Louis Mustill - Founder & Director

[REDACTED]

On Tue, 3 May 2022 at 17:44, Louis Mustill [REDACTED] wrote:
To whom it may concern,

I would like to voice my strong support for the Breakhouse Cafe, Unit 17, Bloc Riverbank, 455 Wick lane, London, E3 2TB.

And their application for a change of license to allow for later operation and extended activities.

The Cafe is a community hub, and provides a much needed service to the business and individuals who work in the area.

I run a successful technology studio (9 years) based in the Riverbank Studios yard, and we rely on the Cafe for a place to meet, for food and beverages and a place for us and our team to socialise.

The Cafe is always welcoming and friendly, and has a really great atmosphere. They have helped to transform the yard and are good custodians of the space and help to make it feel safe and secure for all the local businesses.

I think the events and activity that the requested license changes would facilitate will really help to build the community in the yard and give it focus.

Its vitally important for the businesses here that there is a place to meet and relax and to attract productive and valuable new people to the business community.

I have never encountered any negative behaviour or activity associated with the cafe, quite the opposite, it helps to make the area feel active, safe and cared for.

Thank you
Louis Mustill

[REDACTED]

-
Louis Mustill - Founder & Director

[REDACTED]

Appendix 12

5 Clove Crescent
London E14 2BG

[REDACTED]

Licensing General Email: licensing@towerhamlets.gov.uk

Please visit our web page for application forms and guidance at www.towerhamlets.gov.uk/licensing

www.towerhamlets.gov.uk

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From: liam phillips [REDACTED]
Sent: 29 April 2022 18:33
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: The Breakhouse Cafe

To whom it may concern,

I am writing to give my support on licensing changes for the Breakhouse Cafe.

My name is Liam Phillips, and I am COO of Outlandish Digital a creative marketing agency, also based in Bloc. We have five studios in Bloc, where Breakhouse Cafe is situated.

Breakhouse Cafe is a core part of the community here at Bloc and the wider Bow area. When we first set up our business here in the UK, we regularly used it for meetings, interviews etc. and was welcomed with open arms by Chloe, the business owner.

Our only complaint about Bloc has been that there wasn't more varied events, or things happening later in the day, as we often finish work at 10pm. So if a change in licensing would allow the cafe to diversify and offer these services, it would be good for business and all of us who work nearby and have nowhere to go after.

In all honesty, Bloc is home to lots of creatives (music studios etc.) that do make lots of noise, have people coming and going late - so the change in licensing will not have any negative impact on the area, as it will be no significant change!

I have never seen or heard of any trouble in the cafe, and it is filled with local creatives who work nearby. It would be a true shame for the business to be unable to survive if licensing permission was not granted and so I give my full support.

Best wishes,

Liam

--

Liam Phillips, COO



Appendix 13

Kathy Driver

From: Nicole Warmerdam [REDACTED]
Sent: 05 May 2022 11:18
To: Licensing
Subject: Feedback on Breakhouse Cafe (ref. tower-hamlets-1203578)

To whom it may concern,

I am writing to provide my opinion on the Breakhouse Cafe (ref. tower-hamlets-1203578).

I work for the Shellworks, a small company based in Riverbank Business Park, across the way from the Breakhouse Cafe. Since joining the Shellworks about a year ago, I have very much enjoyed the energy and community environment that the cafe brings to its local area. The staff are always friendly and work hard to provide a pleasant environment for all. In fact they are a much needed pillar to making the Riverbank Business Park a lively and fun area to work.

I do not believe any of the proposed changes to their license would have a negative impact to the local community. On the contrary, I believe the changes would allow the cafe to bring a rejuvenated energy to an area which lacks a sufficient amount of eateries. By increasing the opening hours on the terrace to 23:00, this would allow a fabulous place for all local businesses' employees to gather for afterwork drinks.

Please let me know if you have any questions or would like any additional feedback on the Breakhouse Cafe.

Thank you,
Nicole

--

Nicole Warmerdam
Operations and Finance Manager, Shellworks



Appendix 14

Kathy Driver

From: Robert Woods [REDACTED]
Sent: 05 May 2022 09:36
To: Licensing
Subject: Letter of Support for Breakhouse Cafe - ref: tower-hamlets-1203578
Attachments: Breakhouse Cafe Support Letter- ref - tower-hamlets-1203578.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi

I am emailing regarding The Breakhouse Cafe - **ref: tower-hamlets-1203578** - and their current request for a change in license. Please find attached my letter of support for the Breakhouse Cafe.

If you need any further information from me then please let me know.

--

Kind Regards

Rob Woods

Mechanical Engineer - The Shellworks
[REDACTED]

Dear Sir or Madam,

I am emailing to share my experience of the Breakhouse Café at Riverbank Business Park (reference **tower-hamlets-1203578**). I have been informed there has been an objection to a request by the Breakhouse café to change their existing licence and I wanted to share my experience of the café and why I am in support of the changes they are proposing to make.

I have worked at a small company based in Riverbank Business Park for over a year now. Like most of the companies at the business park, our company is only small and has limited kitchen facilities, so having a café on-site is hugely beneficial for drinks, lunches and snacks. The nearest café outside of the Breakhouse is a considerable walk away and requires crossing multiple roads, so the café is perfectly located to support these many small businesses which would otherwise not be easily serviced. The only other feasible alternative is to get refreshments at the Shell petrol station close-by, but I would personally rather support a small, local business.

However, the Breakhouse Café is not just conveniently located – it is also an enjoyable place to visit. The staff are all delightful, friendly and will chat with you whilst preparing your order. There is upbeat, cheery music regularly playing in the café which provides a positive atmosphere, and the seating areas, both indoor and outdoors, provide a fantastic place to take a break from work and catch-up with colleagues. The Breakhouse Café also brings much needed greenery to the area – there are multiple flower boxes surrounding the outdoor seating area that are always well-tended and there are many indoor plants in the café itself.

Personally, I have a very long commute into work as I commute from outside of London, and I always get a morning coffee from the Breakhouse Café when I arrive at work and have a chat with the staff. I also occasionally get lunch from the café as they provide well-priced, high-quality food that is easy to grab from our office.

I do not feel the proposed changes the Breakhouse Café want to make will have any negative effects on the area. In fact, I would very much be in favour of the Breakhouse Café being able to use their external area until 23:00. As mentioned, I have a long commute, and any time that my colleague have socials after work, or want to have drinks after work, we need to travel a considerable distance to a suitable venue, which often adds to my journey home. Being able to have drinks in the outdoor seating area at The Breakhouse Café, particularly in the summer months, would be a very attractive and more convenient option for after work drinks with colleagues. Having substantial food available on the premises at all times would only further support this.

In conclusion, The Breakhouse Café is a fantastic local business, which uniquely services many other small businesses. It is a clean, tidy and pleasant venue with friendly staff and the well-presented façade and flower boxes help to brighten up the business park. I truly believe the area would be worse off without the café, and I fully support the changes they want to make and believe these will further benefit the area.

Yours Sincerely

Robert Woods

Appendix 15

Lavine Miller-Johnson

Subject: FW: tower-hamlets-1203578 -The Breakhouse Cafe

Annelise Sealy



From: The Fall Bride [REDACTED]
Sent: 04 May 2022 10:28
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: tower-hamlets-1203578

To whom it may concern,

This email is regarding reference **tower-hamlets-1203578**.

Regarding The Breakhouse Cafe, I have always found the venue and surrounding environment to be professional and amicable, a huge improvement on the area previously. I am a neighbour, and visit the cafe on various days of the week and at various times of day. I have always found it's customers to be exceptionally behaved and causing no disturbance to the area.

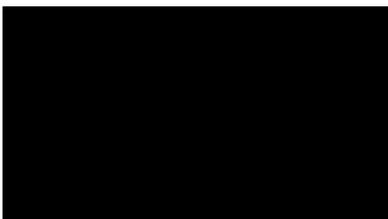
I do not feel the requested changes would have a negative effect on the area, rather I think it would significantly improve the safety of the area for the cafe to be open later, whether inside or outside. The Breakhouse contributes significantly to our local community, with cultural, art, music and film events hosted in their cafe during evenings. This new license is essential for them to keep offering these community events, and therefore to the improvement of the area and all customers' usage of it.

Best,

Annelise

--

THE FALL BRIDE



--
THE FALL BRIDE

Appendix 16

Lavine Miller-Johnson

Subject: FW: tower-hamlets-1203578 - The Breakhouse Caf 

From: NANADAM [REDACTED]
Sent: 04 May 2022 08:02
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: tower-hamlets-1203578

to whom it may concern

my husband and I are saddened to hear about the upcoming court case for The Breakhouse Caf 

we work near the premises, frequent it regularly, and very much welcome its presence. the caf  offers a very warm community based atmosphere, with healthy food and drinks which are vital in terms of time efficiency to facilitating our work flow (the other nearest supply would be at the petrol station which we can only consider for emergencies). healthy nutrition is of utmost importance to us.

we would love for the caf  to be able to engage in other ideas as well, such as movie evenings and/or social activities, seeing that creativity is high in Tower Hamlets and The Breakhouse Cafe offers a wonderful melting pot connecting these individuals.

we would be very saddened to see its presence reduced in any way and rather hope for a blossoming of its promising potential in serving and being part of our community.

best
Nana and Adam Tinley.

[REDACTED]

[REDACTED]

This message and any attached files are confidential for the person or entity to which it is addressed. Any review, publication, transmission or any other use of the information by person or entities other than the intended recipient is prohibited.
If you receive this message in error please contact the sender immediately and delete the material.

Appendix 17

Lavine Miller-Johnson

From: Licensing
Sent: 04 May 2022 15:52
To: Lavine Miller-Johnson
Subject: FW: tower-hamlets-1203578 - Breakhouse Cafe

From: Amy Smith [REDACTED]
Sent: 04 May 2022 14:01
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: tower-hamlets-1203578 - Breakhouse Cafe

Dear Sirs

I am writing in relation to the above reference and would like to show my support for the Breakhouse Cafe.

Swytch are a tech start up company that is based close by to the Cafe and our staff members frequent on a daily basis. The cafe is always clean, tidy, welcoming and the staff are very friendly and helpful.

We use the cafe for staff meetings, visitors and also for lunches that we have held for some new starters.

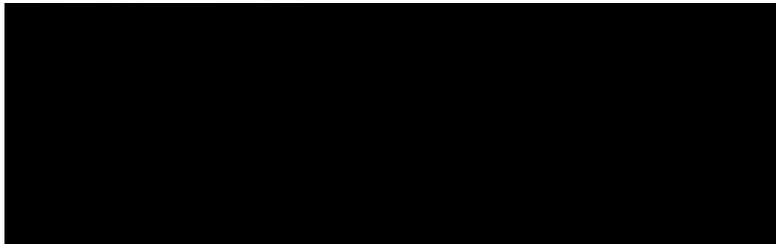
The changes would be a great way to encourage more people to use the Cafe and really build on the community that is already there. I cant see any issues with the requests they have made.

We would possibly look at holding a team event at the Cafe to do with films/ catering.

Thank you

Amy

--
Amy Smith
Personal Assistant to the CEO
Sw tch Technolo LTD



Appendix 18

Lavine Miller-Johnson

From: Licensing
Sent: 04 May 2022 15:51
To: Lavine Miller-Johnson
Subject: FW: License dispute: The Breakhouse Cafe, E3 2TB

From: Julian Gascoigne [REDACTED]
Sent: 04 May 2022 10:41
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: License dispute: The Breakhouse Cafe, E3 2TB

Hi,

I am writing with regards to the license dispute for the following premises:



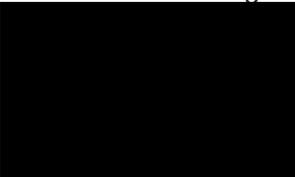
I am the owner of Rook Records, an online record shop, that operates out of the Bloc riverbank business park. The cafe is a vital social and work hub for all of the businesses in the park. The provision of alcohol and food is an integral part of this, as all the workers finish their day and go there for an after work drink and meal. This is where many of the business relationships and friendships I have made on the site have started, and it has been integral to the integration of my company into the local community. The cafe is the central hub of the Bloc riverbank area.

Chloe has been a core member and organiser of the local community as long as I've been there. Her presence has always made me feel completely welcome and at ease, and she has been responsible for the organisation of all the work and social events that have made this place such a joy to work in.

Bloc has become a place for young entrepreneurs and business people to set up their companies and share the experiences and expertise with each other. The Breakhouse Cafe is the epicentre of this, and I am very much in favour of this license variation being granted to keep this vital hub.

If you have any questions, here are my details:

John Julian Gascoigne



Kind Regards,

Julian

--

Julian Gascoigne

Managing Director

Appendix 19

Lavine Miller-Johnson

Subject: FW: Breakhouse Cafe

From: Craig Baylis
Sent: 29 April 2022 17:20
To: [REDACTED]
Cc: 'licensing@towerhamlets.gov.uk'
Subject: Breakhouse Cafe

Dear Mr Dover

I am the solicitor representing the Breakhouse Café for their current licence variation. A copy of your email objecting to the application has been sent to us for our information.

We are concerned that you have made a number of statements in your email which are unsupported by any evidence

You state that "access to the location of the premises is still as dark and dangerous as it always has been."

This issue was thoroughly aired before the licensing sub-committee at the last hearing. Do you have any evidence that there have been any accidents or problems caused in relation to the access to the premises since the last application was granted in April 2021? If so, please supply details to us so that we can investigate any accidents which you suggest have happened and to which our client's premises have contributed.

You state that "the potential for noise disturbance to local residents is still as valid as it was a year ago and in fact disturbance from their customers has actually increased over the past 12 months."

If you have experienced problems with noise from the premises why have you not brought it to the attention of the owners of the premises or the local authority? Please supply us with dates and details of occasions when you have been disturbed and disturbance has increased, so that we can investigate and verify your unsubstantiated claims.

You refer to an event which took place at the premises on 25th March last. Did you attend this event? On what basis do you suggest that it was "well attended"? How many people did you see attending this event?

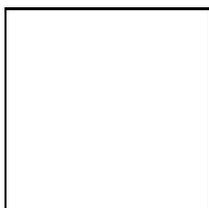
Please advise what "rules and regulations regarding the use of the exterior area were being largely ignored"?

You refer to "spray paint tagging" in the area. What evidence do you have to suggest that anyone attending the event on 25th March was responsible for this? Did you witness this activity and see persons from the event carrying out this vandalism?

We remain concerned that you are making allegations against our client that have no basis whatsoever in fact.

Despite being invited to do so you have never attended the premises since they have been in operation in order to meet the owners and discuss these concerns.

We look forward to hearing from you so that we can address these issues at the hearing.



Kathy Driver

From: Michael Dover [REDACTED]
Sent: 08 May 2022 08:41
To: Craig Baylis
Cc: Licensing
Subject: RE: Breakhouse Cafe

Dear Mr Baylis,

Thank you for your email dated 29th April 2022,

With regard to the concerns that you have about my objection email I shall hopefully address them within this reply,

Your first concern regarding my email

You state that "access to the location of the premises is still as dark and dangerous as it always has been."

The evidence to support this statement should in my opinion be obvious to anyone who has ever ventured down Dye House lane and into the Riverbank business park on foot either in daylight or in the hours of darkness, but just in case you yourself have not actually visited the location I have listed some of the hazards below,

Dye House lane is a **narrow** mainly **single vehicle width** lane that has **no footpath or street lighting** of any description along its total length therefore anybody walking along Dye House Lane is forced to share the roadway with all vehicles who happen to be using the lane at the same time,

It is also the sole access road to JB Riney Civil Engineering Contractors yard and the vast majority of vehicles using Dye House Lane are large tipper lorries and road contractors works vehicles along with tarmac laying machines, steam rollers and road marking vehicles,

I have myself on various occasions throughout the past couple of years witnessed groups of drunk/drugged people wandering down Dye House Lane completely oblivious to an HGV vehicle or something similar trying to get past them without an accident occurring

In my opinion it is down to the skill of the driving staff at JB Riney that has thus far averted any serious accidents at this location,

(I have also noted that apart from myself JB Riney have also objected to this application for very similar reasons as those outlined above)

You further state "please supply details to us so that we can investigate any accidents which you suggest have happened and to which our client's premises have contributed.

I have never in my objection email suggested or stated that your clients premises have contributed to any accidents at the location,

I am merely stating the obvious facts regarding the sole access road and **if you do not consider an unlit lane without a dedicated footway and a high proportion of HGV vehicles using it as a dark dangerous area then I would have to disagree with you totally.**

Your second concern regarding my email

“the potential for noise disturbance to local residents is still as valid as it was a year ago and in fact disturbance from their customers has actually increased over the past 12 months.”

There is always potential for noise disturbance to local residents from **any** premises (including your clients premises) that is serving alcohol and is hosting an **imported sound system with two decks in use** and I would have assumed that would be an obvious fact.

With your clients premises holding several “Events” such as World Cup football match screenings on various days last summer and **Hip Hop music events with a DJ playing music on an imported sound system during March 2022** this would have obviously created more noise at the venue and from their patrons especially when people attending the event step outside the premises to have a cigarette etc, Anyone attending such an event that describes itself as “Rocking The Joint” will naturally be talking / laughing etc in a raised voice and on a personal level over the past year I have whilst on my roof terrace or in my garden noticed more noise coming from the direction of Riverbank business park.

Your third concern regarding my email

“If you have experienced problems with noise from the premises why have you not brought it to the attention of the owners of the premises or the local authority?”

I have not complained to the owners of the premises because any noise I have attributed as emanating from the premises has been fairly minimal, **I believe this is due to the current restriction on the use of the outdoor area after 9pm in the evening which is why I wish this condition to remain in force**

Additionally any complaints made to the local authority would under the system they follow result in me being sent a diary sheet which they then would ask me to complete on a daily basis over a three week period which would be a complete waste of time with regard to your clients premises

Your fourth concern regarding my email

“You refer to an event which took place at the premises on 25th March last. Did you attend this event?”

No I did not attend the event, being 72 years old I would hardly feel at home attending an event that described itself on Rook Records website as “Rocking the Breakhouse Cafe ” and playing Hip Hop music which appeared by the photographs that I have viewed on social media to be attended by people with an estimated average age of about mid twenties

“ On what basis do you suggest that it was “well attended”? How many people did you see attending this event?”

I did walk to the entrance to the Riverbank Estate at sometime around about 10pm and observed some people standing outside the premises which I estimate at about four in total, although I could not see clearly into the venue I got the impression that it was busy

(Perhaps if you can obtain for us both a copy of the CCTV footage from the owners of around that time of the evening it would help give us both a much more accurate idea of the actual amount of people both inside and outside the premises)

Your fifth concern regarding my email

“Please advise what “rules and regulations regarding the use of the exterior area were being largely ignored”?

At least one of the windows to the premises appeared to be open and I noticed people with drinks in the hands who I assume were attending the event as they were leaning on the flower boxes that surround the seating area directly outside.

Your sixth concern regarding my email

“spray paint tagging” in the area. What evidence do you have to suggest that anyone attending the event on 25th March was responsible for this? Did you witness this activity and see persons from the event carrying out this vandalism?

The persons spray paint tagging were seen by myself spraying tags onto the walls of various properties along Wick lane,
I saw three persons and all were wearing hoodies, they went from Wick lane into Dye House Lane and sprayed several tags onto the brick walls,
I went out from my home to follow them at a distance and saw them as they entered Riverbank Business Park but I could not see exactly where they went as I was not close enough but it seemed likely to me that they had gone into the Breakhouse Cafe or possibly the entrance to the units next door as they were not in view anywhere further down into the yard,
But I cannot be 100% sure where they actually went and that is why I only stated “ I have very good reason to believe”

(Perhaps once again may I suggest that if you can obtain for us both a copy of the CCTV footage from your client of around that time of the evening hopefully it will give us both a much more accurate idea of where the culprits actually went.

You further state “Despite being invited to do so you have never attended the premises since they have been in operation in order to meet the owners and discuss these concerns”

No I have not attended the premises since they have been open because I had already visited the premises prior to them opening and made my position very clear, I informed them that I had serious concerns that once the premises was up and running that it would become just a bar selling alcohol and snacks and I was very relieved at that meeting when they informed me that they would **not** be applying for an alcohol license, despite their original assurance they subsequently decided to pursue that course of action and which despite my own and several other objections resulted in an alcohol license being granted **but with numerous conditions attached to it which the owners agreed to accept at that time.**

And now just one year later (as I anticipated all along) an application has been made to remove those conditions,

My concerns that the premises would move very quickly from being just a café in the evening to more of a drinking bar seem to have been in part borne out by various photographs which have been posted on social media where all that can be seen on the tables are glasses of alcohol with no **actual food** in sight,



You finally state "We remain concerned that you are making allegations against our client that have no basis whatsoever in fact."

I obviously completely disagree with your closing statement for the reasons I have outlined in my response to you,

And finally whilst writing **I wish to point out that I have a serious safety concern** regarding the **illegal fly posting** that has taken place on Wick lane at the junction with the A12 where a large advert for the Breakhouse Cafe has been affixed to the guardrail and now obstructs the view of both pedestrians crossing the slip road at this location as well as drivers approaching the junction, **perhaps as their acting solicitor you may wish to point out to the owners the offence that is being committed by this flyposting along with the safety concerns it raises.**



Kind regards

Michael Dover [REDACTED]

Sent from [Mail](#) for Windows

From: [Craig Baylis](#)
Sent: 29 April 2022 17:19
To: [REDACTED]
Cc: licensing@towerhamlets.gov.uk
Subject: Breakhouse Cafe

Dear Mr Dover

I am the solicitor representing the Breakhouse Café for their current licence variation. A copy of your email objecting to the application has been sent to us for our information.

We are concerned that you have made a number of statements in your email which are unsupported by any evidence

You state that “access to the location of the premises is still as dark and dangerous as it always has been.”

This issue was thoroughly aired before the licensing sub-committee at the last hearing. Do you have any evidence that there have been any accidents or problems caused in relation to the access to the premises since the last application was granted in April 2021? If so, please supply details to us so that we can investigate any accidents which you suggest have happened and to which our client’s premises have contributed.

You state that “the potential for noise disturbance to local residents is still as valid as it was a year ago and in fact disturbance from their customers has actually increased over the past 12 months.”

If you have experienced problems with noise from the premises why have you not brought it to the attention of the owners of the premises or the local authority? Please supply us with dates and details of occasions when you have been disturbed and disturbance has increased, so that we can investigate and verify your unsubstantiated claims.

You refer to an event which took place at the premises on 25th March last. Did you attend this event? On what basis do you suggest that it was “well attended”? How many people did you see attending this event?

Please advise what “rules and regulations regarding the use of the exterior area were being largely ignored”?

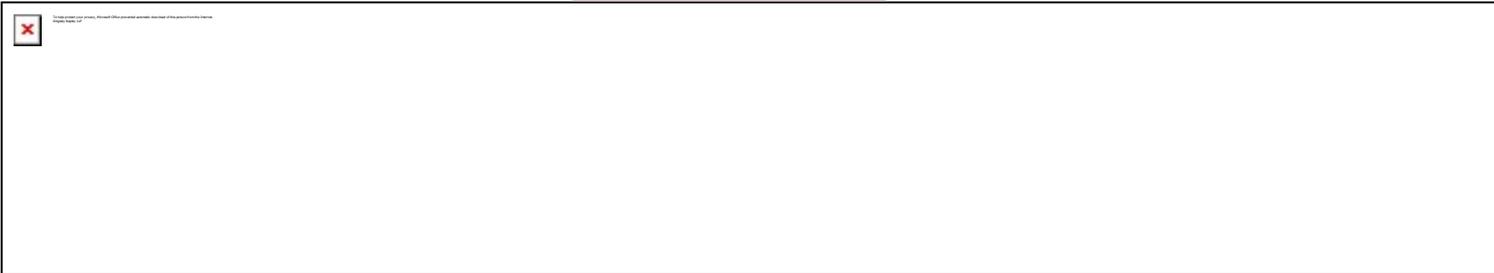
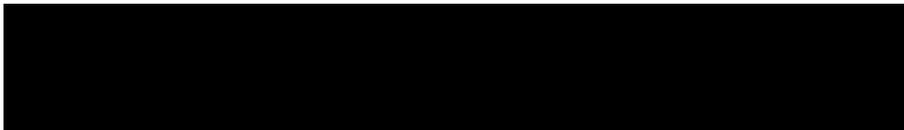
You refer to “spray paint tagging” in the area. What evidence do you have to suggest that anyone attending the event on 25th March was responsible for this? Did you witness this activity and see persons from the event carrying out this vandalism?

We remain concerned that you are making allegations against our client that have no basis whatsoever in fact.

Despite being invited to do so you have never attended the premises since they have been in operation in order to meet the owners and discuss these concerns.

We look forward to hearing from you so that we can address these issues at the hearing.

Craig Baylis
Partner
Kingsley Napley LLP



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Appendix 20

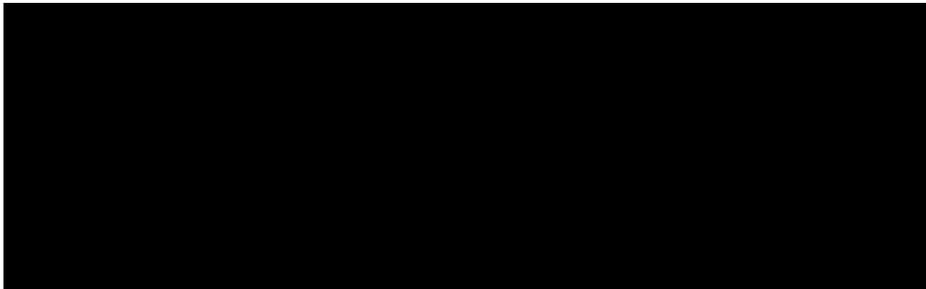
Lavine Miller-Johnson

From: Craig Baylis [REDACTED]
Sent: 04 May 2022 10:47
To: Lavine Miller-Johnson
Subject: The Breakhouse Café E3 - variation application

Follow Up Flag: Follow up
Flag Status: Completed

Morning Lavine
Please see below for the hearing.
Client has written to the councillor who is objecting.

Craig Baylis
Partner
Kingsley Napley LLP



External – this email originated outside your organisation.

Dear Rachel Blake,

I hope you have been keeping well.

Yes, I feel disheartened because you are too busy to meet me and see my business but not too busy to send an objection email to something you have never visited.

I have invited you down on 4 separate occasions now since 2021 and you have never been, you will have these invitations to visit my cafe on this work email.

Dates I have sent emails to invite you down to see my cafe

- 1 - Sat 4th Sep 2021
- 2 - Wed, 6 Oct 2021
- 3 - Fri 22 April 2022
- 4 - Weds 27 April 2022

On Friday 22nd April I informed you that I was changing my license and invited you down again to explain in person and so you can see my small independent business in Tower Hamlets for yourself.

I never heard anything from you, but now believe this was when you sent your objection email. I had to email you again on the 27th of April to get a response for you.

Impact and safety of the local community - Please be aware that since we have been in operation we have helped the local police with their inquiries on incidents that have happened in the yard. Having established regulated businesses such as mine is known to reduce criminal activity and deter anti-social behaviour.

Have you extended this invite to residents of Wick Lane? Please can you clarify what residents you are talking about here

as Wick Lane is a very long road and we have many local residents that are regulars to the cafe. I believe you know 2 of them very well: Steward + Richard.

However if you mean the 2 objections we received from people who live on Wick Lane in 2021, then yes of course I invited them to meet me in person to discuss my license and see my space but they sadly declined and rather it was taken to court than worked with a local business who was trying to navigate and survive through the pandemic.

The issues about access to the venue and safety of the route were raised comprehensively at the last hearing over 12 months ago. However these were never flagged by local police, environmental health or licensing. This was just opinions and not based on any facts.

There have been no issues whatsoever regarding the safety of the route unless you know otherwise. This is therefore no longer an issue.

You say that you receive regular complaints about noise from venues in Wick Lane. Do any of those complaints relate specifically to my venue?

If they don't, then I am concerned that you are objecting to our application when we have a good history of making no noise or raising any issues whatsoever. Also any noise complaints should be sent to the local council to be dealt with and logged.

My Licensing solicitor tells me that at the hearing, the licensing committee must decide the case based on evidence and not speculation.

At the moment, all I see from the objection that you have lodged is speculation and no support for the fact that we have traded properly without any difficulties for over 12 months.

My business has been close to failure because of Covid and all I am trying to do is make sure that the business is sustainable going forward.

I would've thought that as a local councillor, you would want to support small local independent businesses which are struggling at the moment.

Yes please come down to the cafe and meet me when you have the time. This will be the 5th invite I have sent you now :)

I would love to hear the ways that you think the local businesses need to operate, especially as you must have run a business?

Will you be attending the court hearing or will you be too busy? I suspect I will see you there before I see you visit my café.

Kind wishes,
Chloe x

On Thu, 28 Apr 2022 at 22:05, Rachel Blake [REDACTED] wrote:

Dear Chloe,

I'm really sorry that you feel disheartened. I think I have had 2 emails from you about visiting.

I have nothing against you. I strongly think that the businesses in the area need to consider the impact and safety of the local community and I receive regular complaints about noise nuisance from venues around Wick Lane. As you know, I am particularly concerned about access to the venue and safety of the access route.

I am particularly busy at the moment but I am happy to visit later in May and speak with you about the local business and ways that I think the local businesses need to operate.

Have you extended this invite to residents of Wick Lane?

Rachel

From: Chloe Bailey-Williams <[REDACTED]>
Sent: 27 April 2022 16:46
To: Rachel Blake [REDACTED]
Cc: [REDACTED]
Subject: Re: Invitation to café The Breakhouse Café E3

Dear Rachel,

Hope this email finds you well.

I have been informed that you have again objected to my license.

I have sent you several emails to personally invite you down to visit my café in person and explain my plan on how I can adapt and stay afloat in these challenging and hard times post covid + brexit, especially for a new small independent business like mine however I have yet to get a response for you.

Please can you let me know why you do not want to meet with me and speak with me in person if you feel so strongly against me and my business that you haven't spoken to me directly or stepped foot in my café.

I find this extremely disheartening as I am trying to be a pillar of the community and I am involved with many Tower Hamlets schemes like "food for health" yet you do not want to have a discussion with me.

I would be honoured if you came to the cafe to visit and meet me in person.

Please feel free to call me instead to discuss - [REDACTED]

Kind wishes,

Chloe x

On Fri, 22 Apr 2022 at 08:00, Chloe Bailey-Williams <[REDACTED]> wrote:

Dear Rachel,

Hope you have been keeping safe + well. :)

I would love to take the opportunity to invite you again down to my café **The Breakhouse Café E3**.

Unfortunately like many hospitality businesses, especially a small independent café like mine I am still really struggling from the effects covid has had on the industry.

I therefore need to adapt and pivot to be able to sustain my business and survive. To help me do this I have applied for some changes in my license.

I really hope when you have the time you will be able to see my café for yourself and meet me in person.

Please feel free if you would like to call me to arrange a meeting



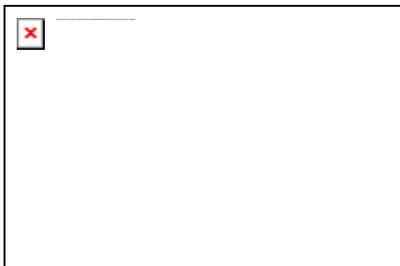
Have a lovely weekend. :)

Kind wishes,

--

Chloe Bailey-Williams (*she/her*)

Director



A. Unit 17, Bloc Riverbank, 455 Wick Lane, E3 2TB

Socials - [Facebook](#) // [Instagram](#)

Press - [Veguary By Roman Road London](#)

The Breakhouse Café is the trading name of The Breakhouse Ltd, a company registered in England and Wales (12269535).

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Appendix 21

Lavine Miller-Johnson

Subject: FW: 148343 variation application (135242) The Breakhouse Cafe Unit 17, Bloc RiverBank", 455 Wick Lane, London

On Mon, 13 Jun 2022 at 16:12, Nicola Cadzow [REDACTED] wrote:

Hi Chloe,

Weekends go so quick.

Thank you for your confirmation.

Lavine, please take this as my withdrawing my representation, based on the agreement by the applicant to reduce sue of the external area to 22:00 hours, and not 23:00 as per the application,

Kind regards

Nicola Cadzow

Environmental Protection Team

Place Directorate

London Borough of Tower Hamlets

Mulberry Place Town Hall

5 Clove Crescent

London E14 2BG



www.towerhamlets.gov.uk

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From: Chloe Bailey-Williams <[REDACTED]>
Sent: Monday, June 13, 2022 3:58 PM
To: Nicola Cadzow <[REDACTED]>
Cc: [REDACTED] Lavine Miller-Johnson <[REDACTED]>
Subject: Re: 148343 variation application (135242) The Breakhouse Cafe Unit 17, Bloc RiverBank", 455 Wick Lane, London

Dear Nicola,

[REDACTED]

Thank you for your email.

I would like to accept your terms of the use of the external area until 22:00 hours.

Please let me know if you need anything else from me.

I really appreciate you taking time out of your busy schedule to visit me and my cafe.

You are always welcome.

Kind wishes,

Chloe xx

--
Chloe Bailey-Williams (*she/her*)
Director

Appendix 22

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 23

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 24

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 159

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 25

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.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
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 26

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 27

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 28

Planning

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

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	13 September 2022	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Liberty Lounge, 1A Bell Lane, London, E1 7LA Ward affected: Spitalfields & Banglatown
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1.0 Summary

Applicant: **Andrew Kerr**

Name and Address of Premises: **Liberty Lounge
1A Bell Lane
London
E1 7LA**

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

- **Extend licensable hours for sale of alcohol/late night refreshments/ live music**
- **Allow recorded music**
- **Remove/Add conditions**

Objectors: **Residents
Environmental Protection**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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 'Liberty Lounge', 1A Bell Lane, London, E1 7LA. This premises falls within the Brick Lane Cumulative Impact Area (CIA)
- 3.2 The existing Premise Licence was issued on 20th March 2007 and a copy is enclosed as **Appendix 1**.
- 3.3 The timings of the existing licence are detailed below for information purposes only:-

Sale of Alcohol (on sales only)

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

The Provision of Regulated Entertainment (in the form of Live Music)

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Late Night Refreshment

- Sunday to Tuesday from 23:00hrs to 23:30hrs
- Wednesday to Thursday from 23:30hrs to 00:00hrs (midnight)
- Friday to Saturday from 23:30hrs to 01:00hrs (the following day)

Non-Standard Times

- Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
- New Year's Eve 12:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour
-

The opening hours of the premises

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Non-Standard Times:

- Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
- New Year's Eve 12:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

- 3.4 The applicant has described the nature of the variation as follows:
- *To extend the sale of alcohol/live music by one hour Thursday - Saturday*
 - *To extend LNR by 1.5 hours Thursday - Saturday*
 - *To allow recorded music 23:00 – 23:30 hrs Sunday - Tuesday/ 00:00 hrs Wednesday / 01:00 Thursday / 02:00 Friday/Saturday*
 - *Remove Conditions in Annex 2 & 3*
 - *Replace conditions in Annex 2 with conditions listed in application Section 16*
- 3.5 A copy of the variation application is enclosed as **Appendix 2** together with an email from the applicant's agent regarding the proposed SIA condition in operating schedule (condition 7 in Section 8.0 below).
- 3.6 The variation/additional hours applied for:

The Supply of Alcohol (on sales)

- Sunday – Wednesday – no extension
- Thursday 12:00 – 01:00 hours (1 hour extension)
- Friday – Saturday 12:00 - 02:00 hours (1 hour extension)

Provision of Live Music (indoors)

- Sunday – Wednesday – no extension
- Thursday 23:00 – 01:00 hours (1 hour extension)
- Friday – Saturday 23:00 - 02:00 hours (1 hour extension)

Provision of Recorded Music (to include non-standard hours)

- Sunday – Tuesday 23:00 – 23:30 hours
- Wednesday 23:00 hours – 00:00 hours (midnight)
- Thursday 23:00 hours – 01:00 hours
- Friday /Saturday 23:00 hours - 02:00 hours

Provision of late-night refreshment – (Indoor and outdoor)

- Sunday – Wednesday – no extension
- Thursday 23:00 hours – 01:30 hours (1.5 hour extension)
- Friday – Saturday 23:00 hours – 02:30 hours (1.5 hour extension)

Non-Standard Times (As existing licence):

- Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
- New Year's Eve 12:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

Opening hours

- Sunday – Tuesday 12:00 hours – 23:30 hours (no extension)
- Wednesday 12:00 hours – 00:00 hours (no extension)
- Thursday 12:00 hours – 01:30 hours (1.5 hour extension)
- Friday – Saturday 12:00 hours – 02:30 hours (1.5 hour extension)

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 1st November 2018.

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

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

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

6.0 Representations

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

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

6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been received.

REPRESENTATION	APPENDIX
Nicola Cadzow	7
Randall Thiel (SPIRE)	8
Aaron Casey	9
Alan Williams	10
Consuelo Nuno	11
Edoardo Zarghetta	12
Katy & Andrew Parnell	13
Michael Howe	14
Susan Kay	15
Tony Thomas	16

- 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
- Crime & Disorder
- 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 which variation has applied to remove:

Annex 2 - Conditions consistent with the operating Schedule

1. Notices shall be displayed requesting the customers to leave the premises quietly.
2. The licence holder shall have an account with the taxi firm next to the premises to ensure the customers are not causing a nuisance on the street.
3. Staff shall monitor the noise levels outside the premises to ensure no nuisance is caused.
4. There shall be a litter patrol to ensure no empty bottles are immediately outside the premises.
5. No children shall be allowed entrance to the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority following the licensing subcommittee hearing of 19th August 2010:

1. A CCTV camera system covering both internal and external to the premises shall be installed
2. The CCTV recordings shall be maintained for 30 days and shall be provided upon request to either a Police Officer or an officer of any other Responsible Authority

3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises
4. No drinks (alcoholic or non-alcoholic) shall be sold on the premises for consumption off the premises
5. There shall be no amplified live music at any time
6. A lobby system shall be installed to the entrance within 6 weeks

Conditions attached following the licensing subcommittee hearing of 16th June 2015:

7. No more than 5 smokers outside the premises at one time.

8.0 Conditions consistent with Operating Schedule

1. A CCTV system shall be installed at the premises, be maintained in good working order and be continually recording at all times the premises are in use. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises;
2. That all CCTV footage be kept for a period of at least 31 days and shall be made immediately available to Officers of the Police and/or Council on request;
3. That a member of staff shall be on duty at all times the premises is open who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of Police and / or Council Officers.
4. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the 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.

5. 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.
6. The premise shall have a written security plan that shows how the venue will deal with issues of crime and disorder occurring at the venue, and how the venue will deal with intoxicated or vulnerable customers. This Policy is to be made available to Police upon request.
7. An SIA licensed door supervisor shall be on duty at the premises from 2100 hrs to the close of business and they must correctly display their SIA licence(s) when on duty so as to be visible.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. There shall be no admittance or re-admittance to the premises after 00.00 hours (midnight) except for patrons permitted to temporarily leave the premises.
11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
12. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. Noxious smells are not to be permitted to cause a nuisance to nearby properties and the premises are to be properly ventilated.
14. No more than 5 customers shall be permitted to smoke outside the premises at one time.

15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram, or other form of identification that complies with any mandatory condition that may apply to this licence.
16. 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(s) of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
17. All staff concerned in the sale or supply of alcohol shall undergo a recognised training scheme for such duties. Records of such training should be kept for inspection, on request by the police or other authorised officer.
18. The premises manager and other persons in relevant management positions within the premises will be provided with welfare and vulnerability engagement training focused on identifying vulnerability and making appropriate interventions.
19. Persons under the age of 18 shall not be permitted in the bar area of the premises when it is open for the sale of alcohol.

9.0 Conditions agreed in consultation with the responsible authorities

None

10.0 Licensing Officer Comments

10.1 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.

10.2 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)

10.3 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.

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

10.5 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.

10.6 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)

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

10.8 In **Appendices 17 - 26** 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.

11.0 **Legal Comments**

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

12.0 **Finance Comments**

12.1 There are no financial implications in this report.

13.0 **Appendices**

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation plus email
Appendix 3	Photographs
Appendix 4	Maps of the surrounding area
Appendix 5	Nearby licensed premises
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representation from Environmental Protection
Appendix 8	Resident Association representation (SPIRE)
Appendix 9-16	Resident representations
Appendix 17	S182 advice re crime & disorder
Appendix 18	Licensing policy advice re crime & disorder
Appendix 19	S182 advice re public nuisance
Appendix 20	Licensing Policy advice on public nuisance
Appendix 21	Anti-social behaviour when leaving premises

Appendix 22	Section 182 Protection of Children from Harm
Appendix 23	Licensing Policy advice on Protection of Children from Harm
Appendix 24	Brick Lane CIZ
Appendix 25	Framework hours
Appendix 26	Planning

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Appendix 1

**Liberty Lounge
1A Bell Lane
London
E1 7LA**

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

John McCrohan 
Trading Standards and Licensing Manager

Date: 20th March 2007

- Licence varied following the licensing sub-committee hearing on 19th August 2010
- Licence varied following the licensing sub-committee hearing on 16th June 2015



Part A - Format of premises licence

Premises licence number

18561

Part 1 - Premises details

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

(Liberty Lounge)
1A Bell Lane

Post town

London

Post code

E1 7LA

Telephone number

██████████

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 (on sales only)

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

The Provision of Regulated Entertainment (in the form of Live Music)

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Late Night Refreshment

- Sunday to Tuesday from 23:00hrs to 23:30hrs
- Wednesday to Thursday from 23:30hrs to 00:00hrs (midnight)
- Friday to Saturday from 23:30hrs to 01:00hrs (the following day)

Non-Standard Times

- Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
- New Year's Eve 12:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

The opening hours of the premises

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Non-Standard Times:

- Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
- New Year's Eve 12:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

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

On sales only

Part 2

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

Mr Andrew Kerr
1A Bell Lane
London
E1 7TB

Tel: [REDACTED]

Email: [REDACTED]

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

Not applicable

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

Dorian Meillan

[REDACTED]
[REDACTED]
[REDACTED]

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: [REDACTED] 0

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

where —

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

Annex 2 - Conditions consistent with the operating Schedule

1. Notices shall be displayed requesting the customers to leave the premises quietly.
2. The licence holder shall have an account with the taxi firm next to the premises to ensure the customers are not causing a nuisance on the street.

3. Staff shall monitor the noise levels outside the premises to ensure no nuisance is caused.
4. There shall be a litter patrol to ensure no empty bottles are immediately outside the premises.
5. No children shall be allowed entrance to the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority following the licensing subcommittee hearing of 19th August 2010:

1. A CCTV camera system covering both internal and external to the premises shall be installed
2. The CCTV recordings shall be maintained for 30 days and shall be provided upon request to either a Police Officer or an officer of any other Responsible Authority
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises
4. No drinks (alcoholic or non-alcoholic) shall be sold on the premises for consumption off the premises
5. There shall be no amplified live music at any time
6. A lobby system shall be installed to the entrance within 6 weeks

Conditions attached following the licensing subcommittee hearing of 16th June 2015:

7. No more than 5 smokers outside the premises at one time.

Annex 4 - Plans

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

1st June 2010 – *Basement floor, plan dated 14.06.2010*



Part B - Premises licence summary

Premises licence number

18561

Premises details

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

1A Bell Lane

Post town

London

Post code

E1 7LA

Telephone number

[REDACTED]

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 (on sales only)

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

The Provision of Regulated Entertainment (in the form of Live Music)

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Late Night Refreshment

- Sunday to Tuesday from 23:00hrs to 23:30hrs
- Wednesday to Thursday from 23:30hrs to 00:00hrs (midnight)
- Friday to Saturday from 23:30hrs to 01:00hrs (the following day)

The opening hours of the premises

- Sunday to Tuesday from 12:00hrs (midday) to 23:30hrs
- Wednesday to Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Non-Standard Times:

- Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
- New Year's Eve 12:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

Name, (registered) address of holder of premises licence

Mr Andrew Kerr
1A Bell Lane
London, E1 7TB

Where the licence authorises supplies of alcohol

On sales only

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

Not applicable

Designated Premises Supervisor

Dorian Meillan

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

No children shall be allowed entrance to the premises

Appendix 2



* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes
- No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value="[REDACTED]"/>
	<input type="text" value="[REDACTED]"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
	<input type="text" value="[REDACTED]"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Liberty Lounge"/>
Street	<input type="text" value="1A Bell Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E1 7LA"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="20,250"/>

Section 3 of 18

Continued from previous page...

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

Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The premises is a bar located at 1A Bell Lane, London, E1 7LA.

The variation is to do the following:

1. To extend the sale of alcohol to between the hours of 1200 and 0100 Thursday and between the hours of 1200 and 0200 Friday and Saturday.
2. To extend the provision of late night refreshment to between the hours of 2300 and 0130 Thursday and between the hours of 2300 and 0230 Friday and Saturday.
3. To extend the provision of regulated entertainment (Live music) to between the hours of 2300 to 0100 Thursday and 2300 to 0200 Friday and Saturday.
4. To allow the provision of regulated entertainment (Recorded music) between the hours of 2300 to 2330 Sunday to Tuesday, 2300 to 0000 Wednesday, 2300 to 0100 Thursday and 2300 to 0200 Friday and Saturday.
5. To remove the conditions listed under Annex 2 & 3.
6. To include in Annex 2 the conditions in boxes a to e of Section 16 of the application.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Continued from previous page...

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

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

Provision of live music.

State any seasonal variations for the performance of live music

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

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
New Year's Eve 12:00hrs to 09:00hrs (the following day)
Morning British Standard Time commences to allow clock going back on hour.

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

Provision of recorded music.

State any seasonal variations for playing recorded music.

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

Continued from previous page...

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

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

Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
New Year's Eve 12:00hrs to 09:00hrs (the following day)
Morning British Standard Time commences to allow clock going back on hour.

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

State any seasonal variations.

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

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

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

Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)

Continued from previous page...

New Year's Eve 12:00hrs to 09:00hrs (the following day)
Morning British Standard Time commences to allow clock going back on hour.

Section 13 of 18

SUPPLY OF ALCOHOL

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises
- Off the premises
- Both

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

State any seasonal variations.

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

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

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

Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
 New Year's Eve 12:00hrs to 09:00hrs (the following day)
 Morning British Standard Time commences to allow clock going back on hour.

Section 14 of 18

ADULT ENTERTAINMENT

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

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

NA

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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

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

Sundays before Bank Holidays 12:00hrs (midday) to 01:00hrs (the following day)
New Year's Eve 12:00hrs to 09:00hrs (the following day)
Morning British Standard Time commences to allow clock going back on hour.

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

The conditions listed under Annex 2 & 3.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

The premises may remain open for all licensable activities from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

b) The prevention of crime and disorder

1. A CCTV system shall be installed at the premises, be maintained in good working order and be continually recording at all times the premises are in use. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises;
2. That all CCTV footage be kept for a period of at least 31 days and shall be made immediately available to Officers of the Police and/or Council on request;
3. That a member of staff shall be on duty at all times the premises is open who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of Police and / or Council Officers.
4. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the 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.
5. 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.
6. The premise shall have a written security plan that shows how the venue will deal with issues of crime and disorder occurring at the venue, and how the venue will deal with intoxicated or vulnerable customers. This Policy is to be made available to Police upon request.

Continued from previous page...

c) Public safety

An SIA licensed door supervisor shall be on duty at the premises from 2100 hrs to the close of business and they must correctly display their SIA licence(s) when on duty so as to be visible.

d) The prevention of public nuisance

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. There shall be no admittance or re-admittance to the premises after 00.00 hours (midnight) except for patrons permitted to temporarily leave the premises.
4. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
5. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
6. Noxious smells are not to be permitted to cause a nuisance to nearby properties and the premises are to be properly ventilated.
7. No more than 5 customers shall be permitted to smoke outside the premises at one time

e) The protection of children from harm

1. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram, or other form of identification that complies with any mandatory condition that may apply to this licence.
2. 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(s) of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
3. All staff concerned in the sale or supply of alcohol shall undergo a recognised training scheme for such duties. Records of such training should be kept for inspection, on request by the police or other authorised officer.
4. The premises manager and other persons in relevant management positions within the premises will be provided with welfare and vulnerability engagement training focused on identifying vulnerability and making appropriate interventions.
5. Persons under the age of 18 shall not be permitted in the bar area of the premises when it is open for the sale of alcohol.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

Variation Fees are determined by the non-domestic rateable value of the premises.

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

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

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

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

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

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

* Full name	<input type="text" value="Winckworth Sherwood LLP"/>
* Capacity	<input type="text" value="Agent"/>
* Date	<input type="text" value="20"/> / <input type="text" value="05"/> / <input type="text" value="2022"/> dd mm yyyy

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Corinne Holland

From: Robert Botkai <[REDACTED]>
Sent: 27 July 2022 12:48
To: Corinne Holland; Simmi Yesmin
Cc: Andrew Sanders; MARK.J.Perry [REDACTED]
Subject: RE: Premise Licence variation - Liberty Lounge, 1a Bell Lane -ref 149633

Hi Corinne

The application for the above is to extend the hours Thursday to Saturday. We have taken the opportunity to update the operating schedule.

The existing licence includes no obligation for SIA door supervisors.

The following condition is included in the operating schedule:

- An SIA licensed door supervisor shall be on duty at the premises from 2100 hrs to the close of business and they must correctly display their SIA licence(s) when on duty so as to be visible.

The intention of the applicant is that this condition applies only to the days on which the extended hours are sought. For clarity the condition should read:

- On Thursday Friday and Saturday an SIA licensed door supervisor shall be on duty at the premises from 2100 hrs to the close of business and they must correctly display their SIA licence(s) when on duty so as to be visible.

The police licensing officer has indicated that this was his understanding of the condition.

I will address the Committee at the hearing but please can this email be included in the Committee Report.

Kind regards

Robert

Robert Botkai
Partner

Winckworth
Sherwood

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 Please consider the environment and do not print this e-mail unless you really need to.

Appendix 3

Photos – 1A Bell Lane

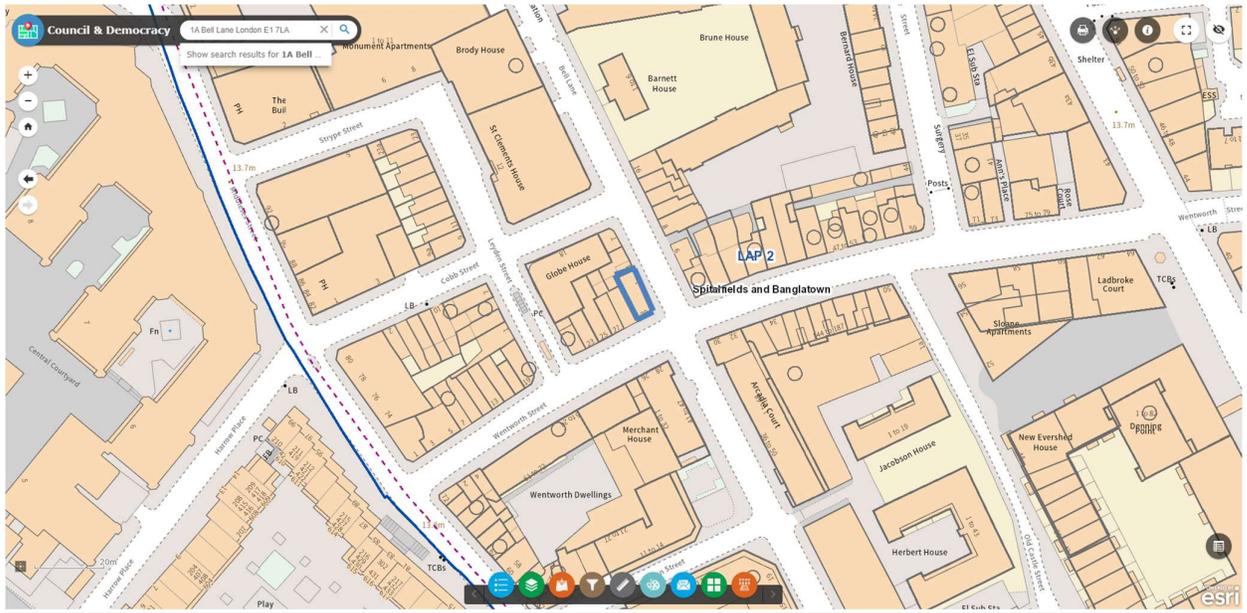






Appendix 4

Maps – 1A Bell Lane



Appendix 5

Address	Licensable activities/times	Opening hours
Rox Burgers 3 Bell Lane	Supply of Alcohol (on sales) <ul style="list-style-type: none"> Monday to Sunday inclusive 08:00 hrs to 23:00 hrs Late Night Refreshment <ul style="list-style-type: none"> (Christmas Eve and New Years Eve only) 23:00 hrs until 03:00 hrs the next day Regulated Entertainment: <u>Live Music</u> Friday: 18:00 hrs to 22:00 hrs Saturday: 17:00 hrs to 22:00 hrs Sunday: 14:00 hrs to 16:00 hrs 17:00 hrs to 20:00 hrs <ul style="list-style-type: none"> (Christmas Eve and New Years Eve Only) until 03:00 hrs the next day <u>Recorded Music</u> <ul style="list-style-type: none"> Monday to Sunday inclusive, 08:00 hrs to 23:00 hrs 	<ul style="list-style-type: none"> Monday to Sunday inclusive, 08:00 hrs to 24:00 hrs (Christmas Eve and New Years Eve only), until 03:00 hrs the next day
(Refresh) 8 Bell Lane	Alcohol (off sales) <ul style="list-style-type: none"> Monday to Saturday, from 07:00 hours to 20:00 hours Sunday, from 07:00 hours to 19:00 hours 	<ul style="list-style-type: none"> Monday to Saturday, from 07:00 hours to 20:00 hours Sunday, from 07:00 hours to 19:00 hours
Nilly's Cafe 16 Bell Lane	<u>Sale of Alcohol (On Sales only)</u> Monday to Saturday from 08:00 hours to 22:00 hours Sunday from 10:00 hours to 22:00 hours	Monday to Saturday from 08:00 hours to 22:00 hours Sunday from 10:00 hours to 22:00 hours
HappyDays) 44 Goulston Street	The sale by retail of alcohol (on sales) and Regulated Entertainment Monday to Sunday 11 00 hrs to 23 00 hrs	Monday to Sunday 11 00 hrs to 23 00 hrs
(The Hungry Tummy) 24a Wentworth Street	The sale by retail of alcohol – (On and off sales) <ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 20:00 hours Friday and Saturday from 10:00 hours to 21:00 hours 	<ul style="list-style-type: none"> Monday to Saturday, from 10:00 hours to 22:00 hour

Appendix 6

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 7

Corinne Holland

From: Nicola Cadzow
Sent: 17 June 2022 08:51
To: Licensing; Corinne Holland
Cc: MARK.J.Perry; Michael.Rice@; Andrew Sanders
Subject: 149633 MAU REPRESENTATION Variation of premises license for Liberty Lounge 1a Bell Lane, London

Dear Licensing,

Having considered the variation of premises license application for Liberty Lounge 1a Bell Lane, London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

The applicant is proposing to extend:

Hours for licensable activities: Sale of Alcohol, Late night refreshment, Regulated Entertainment (live music) include recorded music as follows:

Sale of Alcohol: Thursday from Midnight to 01:00 hours (extension of existing hours by an hour)
Friday and Saturday 01:00 hours until 02:00 hours (extension of existing hours by an hour)

Late Night Refreshment: Thursday from Midnight to 01:30 hours (extension of existing hours of an hour and a half)
Friday and Saturday 01:00 hours until 02:30 hours (extension of existing hours by an hour and a half)

Regulated Entertainment: Thursday from Midnight to 01:00 hours (extension of existing hours by an hour)
(live Music) Friday and Saturday 01:00 hours until 02:00 hours (extension of existing hours by an hour)

To include:
Recorded music: Thursday until 01:00 hours (not on the existing licence)
Friday and Saturday 01:00 hours until 02:00 hours (extension of existing hours by an hour)
Sunday to Tuesday 23:00 hours until Midnight

Noise Sensitive premises: residential premises in close proximity in Bell Lane, London.

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

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

CONCLUSION

Environmental Protection **does not** support the application for Liberty Lounge 1a Bell Lane, London as there is great likelihood of disturbance to residential by extending the hours for licensable activities later into the early hours of the morning and with particular attention to the fact that the premises is in Brick Lane Cumulative Impact Zone.

Kind regards

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


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Appendix 8

16th June 2022

London Borough of Tower Hamlets
Licensing Team
Environmental Health & Trading Standards
Mulberry Place
5 Clove Crescent
London
E14 2BG
licensing@towerhamlets.gov.uk

Sent via E-Mail

Re: Formal Objection to Proposed Variation of Premises License for Liberty Lounge, 1A Bell Lane, London, E1 7LA.

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 groups 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 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 to 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 premises license for Liberty Lounge, 1A Bell Lane, London, E1 7LA ("the Premise"). We wish to note that there is a discrepancy of address on the LBTH Licensing System and application. The LBTH Licencing System records the post code for the property as E1 7LA but the application records the post code for the premise as E1 7TB. We have defaulted, for purposes of this objection, to the address listed on the LBTH Licensing System.

SPIRE specifically objects to the proposed variation of opening hours until 1:30 am on Thursday and 2:30 am on Friday and Saturday. Relatedly, SPIRE objects to the associated extended hours for the sale of alcohol until 1:00 am on Thursday and 2:00 am on Friday and Saturday. With increased opening and alcohol sale hours, SPIRE also objects to the associated variation of premise licence for providing late night refreshment which is proposed to extend to 1:30 am on Thursday and 2:30 am on Friday and Saturday.

The Premise is in one of the Ward's most prolific hotspots for antisocial behaviour and is an area of great concern. The Premise is located within the CIA for Brick Lane where new and varied premise licenses are meant to be limited, if not prohibited, based on the over saturation of businesses involved with the sale of alcohol and entertainment, attributable to the Ward's current issues with antisocial behaviour.

Despite efforts made within section 16 of the proposed variation of premises application to address potential risks with the prevention of crime and disorder, health and safety for residents and visitors, protection of children (including the sale of alcohol to underage drinkers), and prevention of public nuisance, including both noise and anti-social behaviour, SPIRE remains extraordinarily concerned the impact of such late night (early morning) drinking hours.

There are few, if any establishments, in the area with opening hours that extend to 2:30 am and alcohol sales until 2:00 am. It is perceived that the proposed variation will introduce great interest in revellers who will have already been drinking at other local establishments which close earlier and extend issues which already exist in this known hotspot further into the early morning hours. In short, contributing additional risk and burden by way of increased public nuisance and potential crime, disorder, health and safety of local residents and visitors, noise, and antisocial behaviour. These are all of the things which are meant to be safeguarded by the implementation and effective monitoring and maintenance of the CIA for Brick Lane.

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

Randall Thiel
Chairman, SPIRE

Appendix 9

Corinne Holland

From: AARON CASEY [REDACTED]
Sent: 14 June 2022 15:55
To: Corinne Holland
Subject: OBJECTION: Liberty Lounge, 1A Bell Lane, London E1 7LA (Andrew Kerr) - M/149633

Dear Corinne,

I Wish to object to the application for a late night entertainment and alcohol licence for 1A Bell Lane. My apartment is diagonally across from the premisses and less than 100ft away. We already suffer from noise issues from people leaving the bar and antisocial behaviour from people how have had a few to many drinks. It's not uncommon to wake up to vomit or urine on our street, or be disturbed in the night be a people shouting on the street. I think it would be unfair to ask us and other local residents to suffer further.

Please feel free to contact me if you require any further information.

Kind regards,

Aaron Casey
[REDACTED]

Appendix 10

Corinne Holland

From: Alan Williams <[REDACTED]>
Sent: 16 June 2022 20:20
To: Corinne Holland
Subject: Re: The Liberty Lounge, 1A Bell Lane, E1 7LA/Application for extension of off-sales licence

Dear Ms Holland

Thank you for your very helpful observations on my objection of 7th June. My further observations are included in black ink below.

On 8 Jun 2022, at 13:14, Corinne Holland <[REDACTED]> wrote:

Dear Mr Williams

In response to your objection to this application you need to be more specific as to how the granting of this variation will undermined the Licensing Objectives in order for your representation to be valid. See below

The Prevention of Crime and Disorder and the Prevention of Public Nuisance

Sales of yet more alcohol late into the night, early into the morning in an area already saturated with licences will add to the problems caused. (please state what problems are already caused and why this application will have an impact on this and therefore undermine the licensing objectives)

The problems include: noise and disturbance caused when patrons leave the premises late at night. This is a present problem, one that can only be increased by the granting of another late night licence. People are naturally noisy when they have had a good time; and at night sound carries easily. Also, people who had rather over-indulged tend, on their way home, by public transport or otherwise, to behave in unsociable ways, such as shouting, peeing on doorsteps and acting boorishly. Thus the problem is spread widely beyond the immediate environs of the licensed premises.

The Protection of Children from Harm

This is a residential area; need I say more? (please state how this application will undermined this licensing objective)

There will be more noise late at night, disturbing sleep patterns and causing insecurity in young children who are woken by the noise. The application seeks permission to provide music both indoors and outdoors.

Please note the application is for 'ON SALES' of alcohol only and not off sales.

I have listed conditions from Annex 2 & 3 on their licence below for ease. They are applying to remove these and add the ones on the application (see attached application).

Annex 2 - Conditions consistent with the operating Schedule

1. Notices shall be displayed requesting the customers to leave the premises quietly.
2. The licence holder shall have an account with the taxi firm next to the premises to ensure the customers are not causing a nuisance on the street.
3. Staff shall monitor the noise levels outside the premises to ensure no nuisance is caused.
4. There shall be a litter patrol to ensure no empty bottles are immediately outside the premises.
5. No children shall be allowed entrance to the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority following the licensing subcommittee hearing of 19th August 2010:

1. A CCTV camera system covering both internal and external to the premises shall be installed
2. The CCTV recordings shall be maintained for 30 days and shall be provided upon request to either a Police Officer or an officer of any other Responsible Authority
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises
4. No drinks (alcoholic or non-alcoholic) shall be sold on the premises for consumption off the premises
5. There shall be no amplified live music at any time
6. A lobby system shall be installed to the entrance within 6 weeks

Your representation is currently invalid as it does not meet the necessary criteria. If you wish to submit a valid representation then this must be submitted to the Licensing Authority by the **17/06/22**.

No steps taken to mitigate noise at or around the premises will prevent the inevitable noise further away from the

premises as late night patrons head for the tube and railway stations and bus stops.

Please note your address will be redacted from any online licensing report but the applicant is forwarded your full unredacted representation as they are entitled to mediate with you to satisfy your concerns.

Thank you once again for your helpful observations.

Alan Williams

Corinne Holland
Licensing Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
2nd Floor Mulberry Place
5 Clove Crescent
London
E14 2BG



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From: Alan Williams <[REDACTED]>
Sent: 07 June 2022 07:18
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: The Liberty Lounge, 1A Bell Lane, E1 7LA/Application for extension of off-sales licence

Dear Sirs

I write with an objection to the above application.

The application is for a considerable change to a venue which appears currently to be unused and unoccupied. There is no signage apparent.

The application also makes reference to removing "conditions listed under annex 2 & 3". I have been unable to find that reference on the application.

The nature and the extent of the variations give cause for concern on premises in a residential area, located within the CIZ. This is despite the assurances given on the application.

The Applicant's business is within the Brick Lane CIZ;

I suggest that the granting of this licence would not satisfy the criteria of:

The Prevention of Crime and Disorder and the Prevention of Public Nuisance

Sales of yet more alcohol late into the night, early into the morning in an area already saturated with licences will add to the problems caused.

The Protection of Children from Harm

This is a residential area; need I say more?

Given that there are already more than enough off-sales, I wish to object to the Application.

Please redact my personal details from any electronic reproduction of this email. Thank you.

Yours faithfully

Alan Williams



<L11_BellLane1a.149633.pdf>

Appendix 11

Corinne Holland

From: Stephen Forster <[REDACTED]>
Sent: 10 June 2022 15:56
To: Corinne Holland; Licensing
Subject: OBJECTION : Liberty Lounge, 1A Bell Lane, London E1 7LA (Andrew Kerr) - M/149633

Dear Sirs,

I strongly object to the granting of a late entertainment and alcohol licence to the above premises. The street is almost exclusively residential and people leaving in the early hours of the morning is almost certainly going to result in a public nuisance to local residents and also in disorder in the residential neighbourhood with many of the people leaving being under the influence of alcohol.

Please make any responses to this objection via email. Thanks.

Consuelo Casanova Nuno
[REDACTED]

Appendix 12

Corinne Holland

From: Edoardo Zarghetta <[REDACTED]>
Sent: 10 June 2022 13:53
To: Corinne Holland
Cc: Licensing
Subject: OBJECTION : Liberty Lounge, 1A Bell Lane, London E1 7LA (Andrew Kerr) - M/149633

I strongly object to the above proposal as it will inevitably lead to considerable numbers of people coming and going late at night in a street which is almost exclusively residential.

Many will be under the influence of alcohol and as such highly likely to be both extremely noisy and inconsiderate.

This establishment is less than 150 feet away from St Clements House.

There will be a noticeable increase in foot fall in a previously quiet residential street.

Furthermore, the associated considerable noise made by people under the influence of alcohol leaving late at night and passing through the area will be extremely disruptive. Living conditions of the residents of St Clements House will be adversely and irreversibly impacted.

I am so thinking of my younger kids, exposed to alcohol culture from early age.

Best,
Edoardo Zarghetta
[REDACTED]

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Appendix 13

Corinne Holland

From: Katy Parnell <[REDACTED]>
Sent: 10 June 2022 12:07
To: Licensing
Subject: OBJECTION : Liberty Lounge, 1A Bell Lane, London E1 7LA (Andrew Kerr) - M/149633

Follow Up Flag: Follow up
Flag Status: Completed

Liberty Lounge, 1A Bell Lane, London E1 7LA has put in an application for a late entertainment licence meaning it wants to be open until 01:00 am on Thursdays and 02:00 am Fridays and Saturdays.

Our flat directly overlooks the corner where Liberty Lounge is located and our lives will be adversely affected. There will be a noticeable increase in footfall in a previously quiet residential street. Furthermore, the noise made by people under the influence of alcohol leaving late at night and passing through will be a nuisance. We are elderly. Our daughter is studying. We strongly object.

Kat and Andrew Parnell
[REDACTED]

Appendix 14

Corinne Holland

From: Michael Howe <[REDACTED]>
Sent: 10 June 2022 12:04
To: Corinne Holland; Licensing
Subject: OBJECTION : Liberty Lounge, 1A Bell Lane, London E1 7LA (Andrew Kerr) - M/149633

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I strongly object to the above proposal (re. 1A Bell Lane, London E1 7LA, M/149633) in a street which is predominantly residential.

A late alcohol licence at this address will significantly increase the chance of disorder and public nuisance given that some people drink to excess and, when doing so, lose their inhibitions and behave disruptively.

Furthermore, many families live in the buildings adjacent to 1A Bell Lane and some of these families have young children. An alcohol licence will lead to patrons making a noise and probably disrupting childrens' study time and sleep time.

Therefore I ask that you decline this application.

Thank you,
Michael Howe ([REDACTED])

Owner & resident:
[REDACTED]

Appendix 15

Corinne Holland

From: Susan Kay [REDACTED] >
Sent: 16 June 2022 16:57
To: Licensing
Subject: Objection to proposed extension of drinking hours for Liberty Lounge

Follow Up Flag: Follow up
Flag Status: Completed

Liberty Lounge - 1A Bell Lane London E1 7LA

Dear Licensing team,

It has come to my attention that there is an application to extend the drinking hour license at the premises Liberty Lounge, 1A Bell Lane London E1 7LA.

My name is Susan Kay and I have been a resident in Spitalfields for over 20 years living at [REDACTED]
[REDACTED]

I am objecting to the changes of hours that the Liberty Lounge has applied for. These are until 1.30 am on Thursday and 2.30 am on Friday and Saturday.

The Liberty Lounge falls into the CIA zone set up specifically to disallow a proliferation of drinking establishments in what is largely a residential area.

As someone who has lived in this area for such a long time, I have seen much anti-social behaviour particularly late at night over weekends and in the early mornings of inebriated people making their way along Lamb St to the transport hub of Liverpool Street. Not only is there shouting and singing to put up with, but broken bottles, vomit and other detritus need be cleared up on the following days.

There are not many bars or restaurants, if any, in the Spitalfields area that are open till 2.30 am. I fear that as the above premise is a drinking bar only, those in the know will move onto this bar after others in the area have closed, causing an extra burden on potential public nuisance, crime and disorder in this already well saturated drinking zone of London.

I object to this application and would ask you to please reject it for the above reasons.

I would ask you please to confirm receipt of this objection and also ask for my address to be redacted from public view.

Thank you,

Susan Kay
[REDACTED]

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Appendix 16

Corinne Holland

From: Tony THOMAS <[REDACTED]>
Sent: 10 June 2022 12:34
To: Corinne Holland; Licensing
Subject: OBJECTION : Liberty Lounge, 1A Bell Lane, London E1 7LA (Andrew Kerr) - M/149633 -

Objection on the grounds of consideration of residents and potential health issues

I am the owner and resident of [REDACTED], which is in the immediate vicinity of the premises to which this application refers.

I strongly object to the proposed license as it will inevitably lead to considerable numbers of people in and around the premises late at night, in a street that is almost exclusively residential. Experience suggests that, by virtue of it being a licensed premises, some of these are likely to be under the influence of alcohol and will fail to respect the needs of the local residents by being noisy and in other ways inconsiderate.

The fact that the proposal is for a late license, until 1am most days and 2am on Fridays and Saturdays, will result in such disruption occurring at a time when I would normally be sleeping and such regular disruption to my sleep may be likely to be detrimental to my health. I feel that this is unreasonable and would place the desires of a commercial venture above the needs of your long term and bill paying residents.

Your Sincerely
Tony Thomas

[REDACTED]

Appendix 17

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

Updated April 2018

Crime and disorder

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

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

Appendix 18

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 19

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 20

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 21

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 22

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.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
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 23

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 24

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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements,
 - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

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

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

7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

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

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

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

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

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

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

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

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

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

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

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

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

Figure One

Brick Lane area:

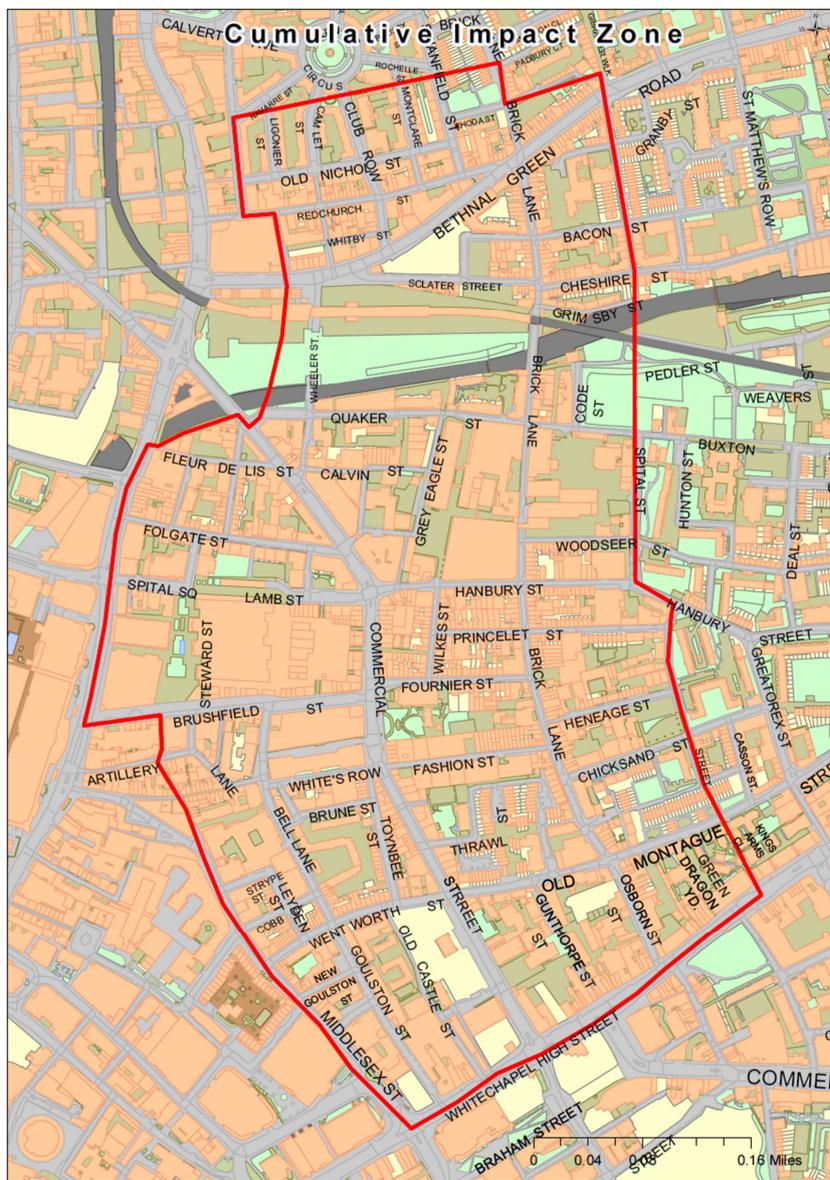
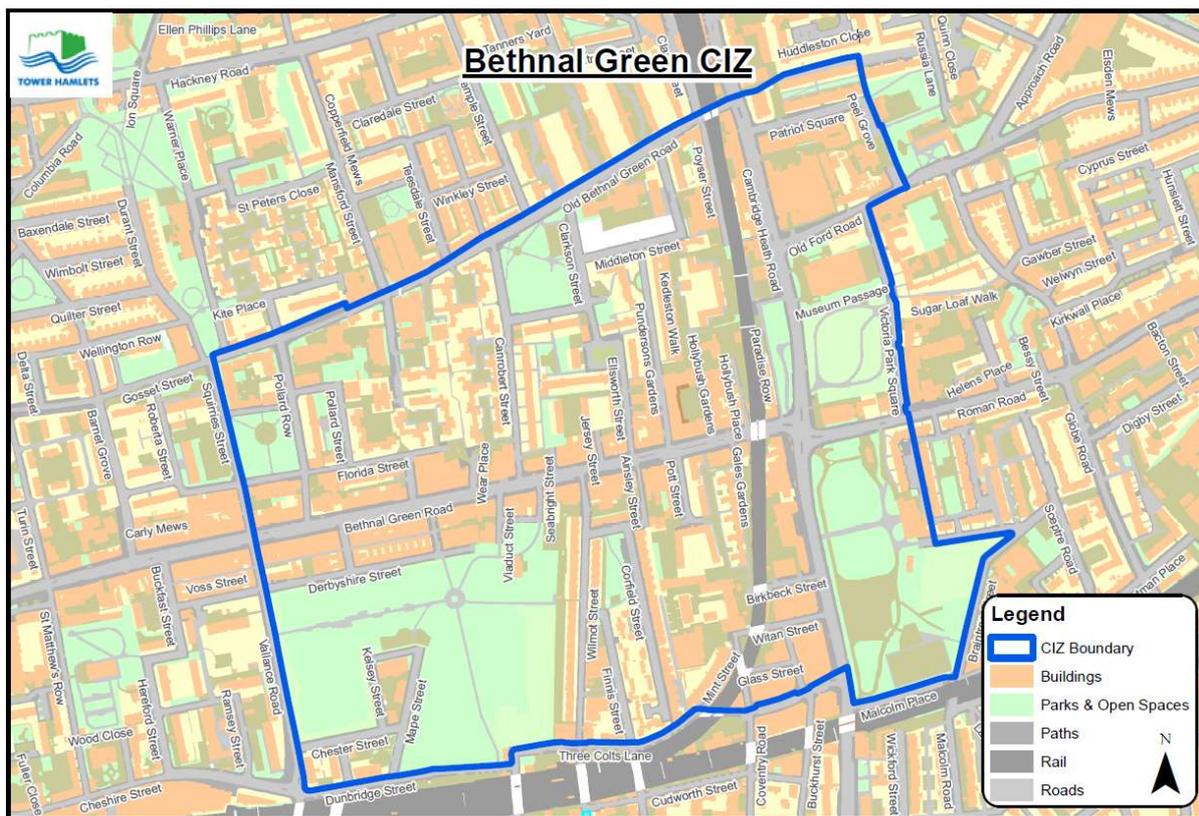
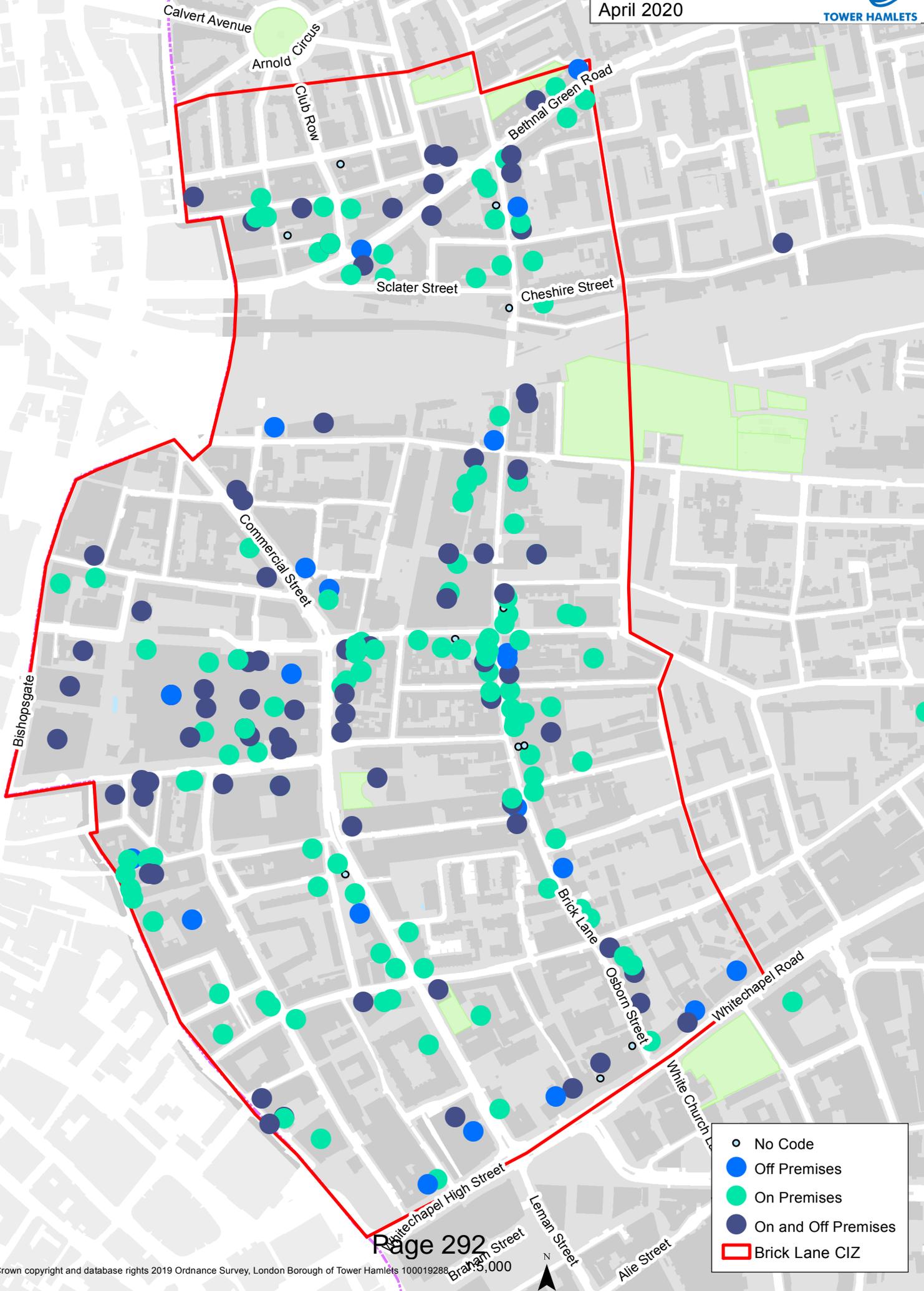


Figure Two:

Bethnal Green Area





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

Appendix 25

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 26

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.