

# Licensing Sub Committee

## Agenda

**Tuesday, 27 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]

**Contact for further enquiries:**

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020 7364 4120

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

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



## Public Information

### Viewing or Participating in Committee Meetings

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

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

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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, 27 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. ITEMS FOR CONSIDERATION

|   | PAGE NUMBER | WARD(S) AFFECTED   |
|---|-------------|--------------------|
| 3.1 Application for Review under Section 53 A of the Licensing Act 2003 for Oval Space, 29-32 The Oval, London E2 9DA | 19 - 58     | Bethnal Green West |

Licensing Objectives:

- Crime & Disorder

Review triggered by:

- Metropolitan Police



**3.1 Application for a New Premise Licence for Taste of Jaipur, 74 Brick Lane, London, E1 6RL**

**59 - 162**

**Spitalfields  
&  
Banglatown**

Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Health
- Health & Safety
- Local Resident(s)

**4 EXTENSION OF DECISION DEADLINE:  
LICENSING ACT 2003**

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

**Next Meeting of the Licensing Sub Committee**

Tuesday, 11 October 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—<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(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)—<br>(a) the landlord is the relevant authority; and<br>(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—<br>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and<br>(b) either—<br><br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br><br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub- Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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

## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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# Agenda Item 3.1

|                                |                                 |                     |            |                 |
|--------------------------------|---------------------------------|---------------------|------------|-----------------|
| Committee :                    | Date                            | Classification      | Report No. | Agenda Item No. |
| <b>Licensing Sub-Committee</b> | 27 <sup>th</sup> September 2022 | <b>Unclassified</b> |            |                 |

|   |   |
|---|---|
| Report of <b>David Tolley</b><br><b>Head of Environmental Health &amp; Trading Standards</b><br><br>Originating Officer:<br><b>Kathy Driver</b><br><b>Principal Licensing Officer</b> | Title <b>Licensing Act 2003</b><br><b>Application for Review under Section 53 A of the Licensing Act 2003 for Oval Space, 29-32 The Oval, London E2 9DA</b><br><br>Ward affected<br><b>Bethnal Green West</b> |
|---|---|

## 1.0 Summary

Licence Holder: **Oval Venues Ltd**  
 Name **Oval Space**  
 Address of Premises: **29-32 The Oval**  
**London E2 9DA**

**Full Review under Section 53A of the Licensing Act 2003 originally triggered by a senior officer of the Metropolitan Police**

## 2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly

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

| Brief description of "background paper" | Tick if copy supplied for register | If not supplied, name and telephone number of holder |
|---|------------------------------------|--|
| File Only                               |                                    | Kathy Driver<br>020 7364 5171                        |

### 3.0 Background

- 3.1 This is a review following a hearing originally triggered by an application made by a senior officer of the Metropolitan Police under Section 53A of the Licensing Act 2003.
- 3.2 The form applying for a summary licence review, along with the Certificate under Section 53A, and additional information supplied for the interim review are contained in **Appendix 1**.
- 3.3 The current licence is in **Appendix 2**.
- 3.4 A map of the premises is shown in **Appendix 3**.
- 3.5 At the interim hearing on the 8th September 2022 the Licensing Sub-Committee decided to close the premises until the full review can be heard. The decision of the interim review is detailed in **Appendix 4**.

### 4.0 Determinations

- 4.1 The Licensing sub-Committee is being asked to review the premises licence, which it must do within 28 days from receipt of the senior officer's documentation (received on the 7th September 2022).
- 4.2 The Licensing sub-Committee must consider what steps it considers necessary for the promotion of the licensing objectives; and
  - consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.
- 4.3 The steps the licensing authority can take are:
  - the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 4.4 Members may, of course conclude that no action is necessary.

## **5.0 Advice issued by the Home Office**

- 5.1 The Home Office has issued advice to licensing authorities about Section 53 A of the Licensing Act 2003. The relevant Sections which relate to a full review are in Appendix 5.

## **6.0 Consultation**

- 6.1 This review went through the normal procedure, that is notification to the responsible authorities and advertisement by a poster, but with a truncated response time.

No further representations were received at the time of writing this report, Members will be provided with any representations received within the consultation period as a Supplementary Agenda, if required.

## **7.0 Legal Comments**

- 7.1 A legal officer will advise Members at the hearing.

## **7.2 Financial Comments**

- 7.3 There are no financial implications in this report.

## **8.0 Appendices**

**Appendix 1** The form applying for a summary licence review, Certificate under Section 53A of the Act.

**Appendix 2** The current licence

**Appendix 3** Maps of the premises

**Appendix 4** The interim review decision.

**Appendix 5** Home Office guidance

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# Appendix 1



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Form for Applying for a Summary Licence Review**

**Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
(premises associated with serious crime, serious disorder or both)

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**Use additional sheets if necessary.**

**Insert name and address of relevant licensing authority and its reference number:**

|                   |  |                   |         |
|-------------------|--|-------------------|---------|
| <b>Name:</b>      | Tower Hamlets Licensing                  |                   |         |
| <b>Address:</b>   | Mulberry Place, 5 Clove Crescent, London |                   |         |
| <b>Post town:</b> | London                                   | <b>Post code:</b> | E14 2BG |
| <b>Ref. No.:</b>  |  |                   |         |

I **PC Michael Rice**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details**

|   |        |                                 |        |
|---|--------|---------------------------------|--------|
| <b>Postal address of premises or club premises, or if none, ordnance survey map reference or description:</b> |        |                                 |        |
| Oval Space, 29-32 The Oval, London  |        |                                 |        |
| <b>Post town:</b>   | London | <b>Post code:</b><br>(if known) | E2 9DT |

**2. Premises licence details**

|  |  |
|--|--|
| <b>Name of premises licence holder or club holding club premises certificate (if known):</b> |  |
| Oval Venues Limited, 71 Fanshaw Street, London, N1 6LA                                       |  |
| <b>Number of premises licence or club premises certificate (if known):</b>                   |  |
|  |  |

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

Police called to Temple Street, E2 on 30/08/22 at 0420hrs following a member of the public finding a male with injuries to both of his legs. Police and London Ambulance Service have attended, the victim was treated and transported to the Royal London Hospital and put under armed guard.

It has transpired that prior to the victim being found he had been at a Notting Hill After Party at Oval Space, 29-32 The Oval, Cambridge Heath Road, London, E2. An initial CCTV review has been undertaken and the victim has been seen to drive and park his vehicle at approximately 0200hrs outside Tesco which is located on Hackney Road, E2.

The victim alongside two males exits the vehicle and walks towards Oval Space. At 0422hrs CCTV captures the victim running from the direction of Oval Space, E2 and runs along Hackney Road. The victim has then ran into Temple Street on his own. On CCTV a male has been seen to chase the victim into this road.

During an interview of the victim in hospital he has described that bullets were fired within the venue, hence why he has run from the club.

During the CCTV review by attending officers on 30/08/22 officers spoke to two members of security who stated they did not see any altercation occur outside the club at this time.

A member of the security did however state that at around 0415hrs there was a bang on the dance floor which resulted in the security turning on the lights and searching the upstairs dancefloor and those present. They believed that this sound was from a balloon bursting. They stated that a large amount of people left the club.

A Police Officer from CE Licensing (who was on rest day) received an email from a Police Officer at Trident on the 6th September 2022. The Police Officer has explained that they were investigating an incident and had concerns about Oval Space, E2. The Police Officer stated that the suspect for the shooting and his friends had attended the event.

She explained that whilst they queued they did not have masks on however they have then put masks on when in the venue. CCTV has shown a male bypassing the queue and officers from Trident were told by bouncers that the male who bypassed the queue regularly attends with promoters. The security did not disclose his name. This male who bypasses the queue is passed a bag by the suspect (shooter). After getting past security the bag is passed back to the suspect group. The officers strongly believe that this bag contains the firearm.

Officers then believe a shot is discharged in the club which leads to the crowd to dispersing, the victim fleeing and shortly after being chased down the road and being shot twice.

A/DS Cook also explains that the suspects attends in tracksuits, some with hoods on. The officers from Trident were told that hooded tops weren't allowed however they were still allowed inside the premises.

I (PC Michael Rice) have spoken to another Police Officer today (07/09/2022) he has also given me a similar account of the incident. He has confirmed that a firearm was discharged within Oval Space. This has been seen on CCTV.

The security have claimed that this was a balloon. After this the victim has escaped out of a fire escape and has been chased by the suspect into Hackney Road and then Temple Street. He has been shot in the legs. He has stated that five days of the investigation have been wasted as the General Manager was not contactable and has given the account that her phone was lost/stolen.

To date, CE Police Licensing have not received any notification of this incident occurring from the venue, Oval Space. No representative of the venue has contacted any officer within the Licensing department.

Signature of applicant

|                   |  |              |            |
|-------------------|--|--------------|------------|
| <b>Signature:</b> |  21796. | <b>Date:</b> | 07/09/2022 |
| <b>Capacity:</b>  | Central East Police Licensing  |              |            |

Contact details for matters concerning this application

|                   |   |                     |   |
|-------------------|---|---------------------|---|
| <b>Surname:</b>   | Rice                                    | <b>First Names:</b> | Michael   |
| <b>Address:</b>   | 33 Stoke Newington High Street, London, |                     |   |
| <b>Post town:</b> | London                                  | <b>Post code:</b>   | N16 8DS   |
| <b>Tel. No.:</b>  |   | <b>Email:</b>       |  |

Notes for guidance

## PROTECTIVE MARKING

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.  
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years  
MP 146/12



**TOTAL POLICING**

### Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:  
**serious crime**

**Premises** (Include business name and address and any other relevant identifying details):

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

Oval Space, 29-32 The Oval.

**Post town:**

London

**Post code:**  
(if known)

E2 9DT

**Premises licence number (if known):**

139996

**Name of premises supervisor (if known):**

Salma Massioui BELGADA

I am a Superintendent\* in the Metropolitan Police Service.

\*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

Appears that venue have allowed suspect into the venue what search, who has then fired a gun in the venue. The venue have also not adequately responded to the aftermath, or the police investigation.

**Signature**

**Signature:**



**Date:**

7/9/22.

# Appendix 2

**(Oval Space)**

29 –32 The Oval  
London  
E2 9DT

**Licensable Activities authorised by the licence**

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

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

**Signed by**

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

**Date: 4<sup>th</sup> September 2012**

Minor Variation 22/7/16  
Review 9/11/21  
Amended Appeal 4/5/22



**Part A - Format of premises licence**

**Premises licence number**

144669

**Part 1 - Premises details**

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

**(Oval Space)**

29 – 32 The Oval

**Post town**

London

**Post code**

E2 9DT

**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**

#### **The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))**

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

#### **The provision of regulated entertainment**

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

#### Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

#### **The provision of late night refreshment – Indoors and outdoors**

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: “All outdoor events to cease at 21:00hrs”.

#### Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

### **The opening hours of the premises**

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

#### Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

**Part 2**

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

Oval Venues Ltd  
71 Fanshaw Street  
London  
N1 6LA



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

08501737

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

Salma Massioui Belgada



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

**Personal Licence No.** 12749

**Issuing Authority:** London Borough of Greenwich

## Annex 1 - Mandatory conditions

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

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

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

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

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

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

## **Annex 2 - Conditions consistent with the operating Schedule**

1. No nudity or semi nudity permitted;
2. For a period of 3 years from 1st February 2014, Oval Space agree not to apply to vary the number of late night events beyond 40 occasions per annum. Oval Space also agrees that after this date, to enter into consultation to involve the Lithuanian Church and a relevant responsible authority before any variation to this condition would be submitted;
3. Oval Space and the Lithuanian Church representatives to also have a meeting each quarter to discuss issues arising from licensed activities.
4. No music or other amplified sound shall be played within the premises and/or external areas so as to cause a nuisance from any affected residential facade;

Conditions for the allocation of 6 events (maximum) in the external areas per calendar year (of which there is a maximum of 4 on a Sunday):

5. The music noise level (MNL)\* should not exceed the background noise level\*\* by more than 10 dB(A) over a 15 minute period;
6. Low frequency level should not exceed the background noise level\*\* by more than 10dB @ 63Hz at any affected noise sensitive residential facade;
7. The events to cease by 9pm;
8. The static noise monitoring position to be at Imperial Wharf, which is to be maintained, calibrated and monitored by Oval Space;
9. The background noise level to be agreed by EH/EP prior to 28 days prior to the first event;
10. All noise data for each of the (up to) 6 events to be sent to Tower Hamlets Environmental Protection within 14 days from the end of each event;
11. The Oval Space to notify EH/EP, Licensing and local residents 7 days prior to each event of the maximum 6 events allocation.
12. The Oval Space shall have security in place that has been agreed with the Police Licensing. The policy shall be agreed annually.

*\* The LAeq of the music noise measured at a particular (agreed) location with EH/EP.*

*\*\* The value used should be the arithmetic average of the hourly LA90 measured over the last four hours of the proposed event if scheduled to last for less than four hours*

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

#### Conditions attached following the Licensing Subcommittee hearing of the 4<sup>th</sup> September 2012:

13. "Quiet marshals" shall be employed during late events due to the close proximity of the church to recognise the function of the clergy;
14. That Holy Saturday [Easter Eve], Christmas Eve, Maundy Thursday, Good Friday, Easter and Christmas Days shall be excluded for any licensable activities.

#### Conditions attached following review 9/11/21:

15. 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.

16. 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
18. 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.
19. On any occasion that regulated entertainment is provided, not less than 1 SIA accredited door supervisor will be engaged per 100 customers.
20. Where SIA accredited door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.
21. All persons entering or re-entering the premises shall be searched by an SIA accredited member of staff and monitored by the premises CCTV system.
22. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.
23. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
24. 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.
25. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and or duty manager, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the police for appropriate disposal by calling 101 and arranging collection at least once a month.
26. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
27. A Challenge 25 proof of age scheme shall be operated at the premises, whereby 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.
28. 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.
29. A written dispersal policy agreed by Central East Police Licensing annually shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
30. The premises shall adopt Central Easts Drug Policy.
31. The premises management shall risk assess and plan for the safe running of each event. The risk assessments and plans shall be made available to Police upon request.
32. When running music events, the venue shall operate an ID scanner for customers entering the premises.
33. All security, bar staff and management will ensure that yearly role specific industry recognised training is undertaken. Records or training to be kept

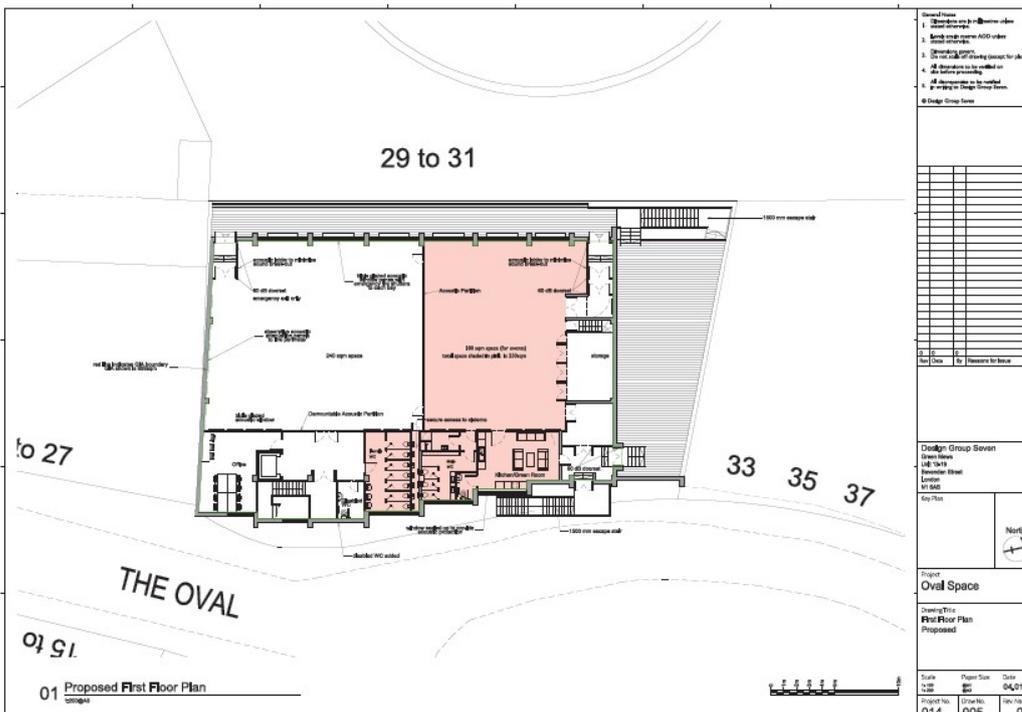
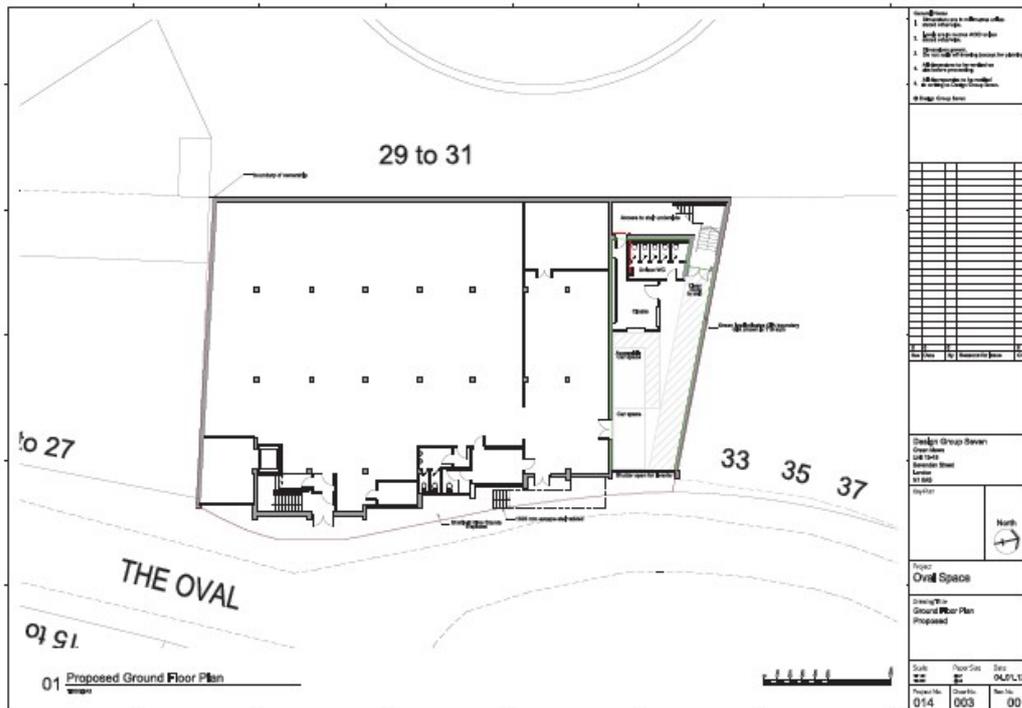
and made available to Police upon request.

- 34. The premises licence holder shall give the London Borough of Tower Hamlets a months' notice of when an event taking advantage of the non-standard timings is taking place.

**Annex 4 - Plans**

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

25<sup>th</sup> June 2012 – Ground floor (Draw No. 003, dated 04.01.12)  
 First floor (Draw No. 005, dated 04.01.12)



**Part B - Premises licence summary**

**Premises licence number**

**144669**

**Premises details**

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

**(Oval Space)**

29 – 32 The Oval

**Post town**

London

**Post code**

E2 9DT

**Telephone number**

[REDACTED]

Where the licence is time limited

Not applicable

Authorised Licensable activities

- 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

**The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))**

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

**The provision of regulated entertainment**

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors).  
Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing.  
Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

**The provision of late night refreshment – Indoors and outdoors**

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: "All outdoor events to cease at 21:00hrs".

Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

The opening hours of the premises

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

Non-standard timings

On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).

Name, (registered) address of holder of premises licence

Oval Venues Ltd  
71 Fanshaw Street  
London  
N1 6LA

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

Registered number of holder, for example company number, charity number

08501737

Name of designated premises supervisor

Salma Massioui Belgada

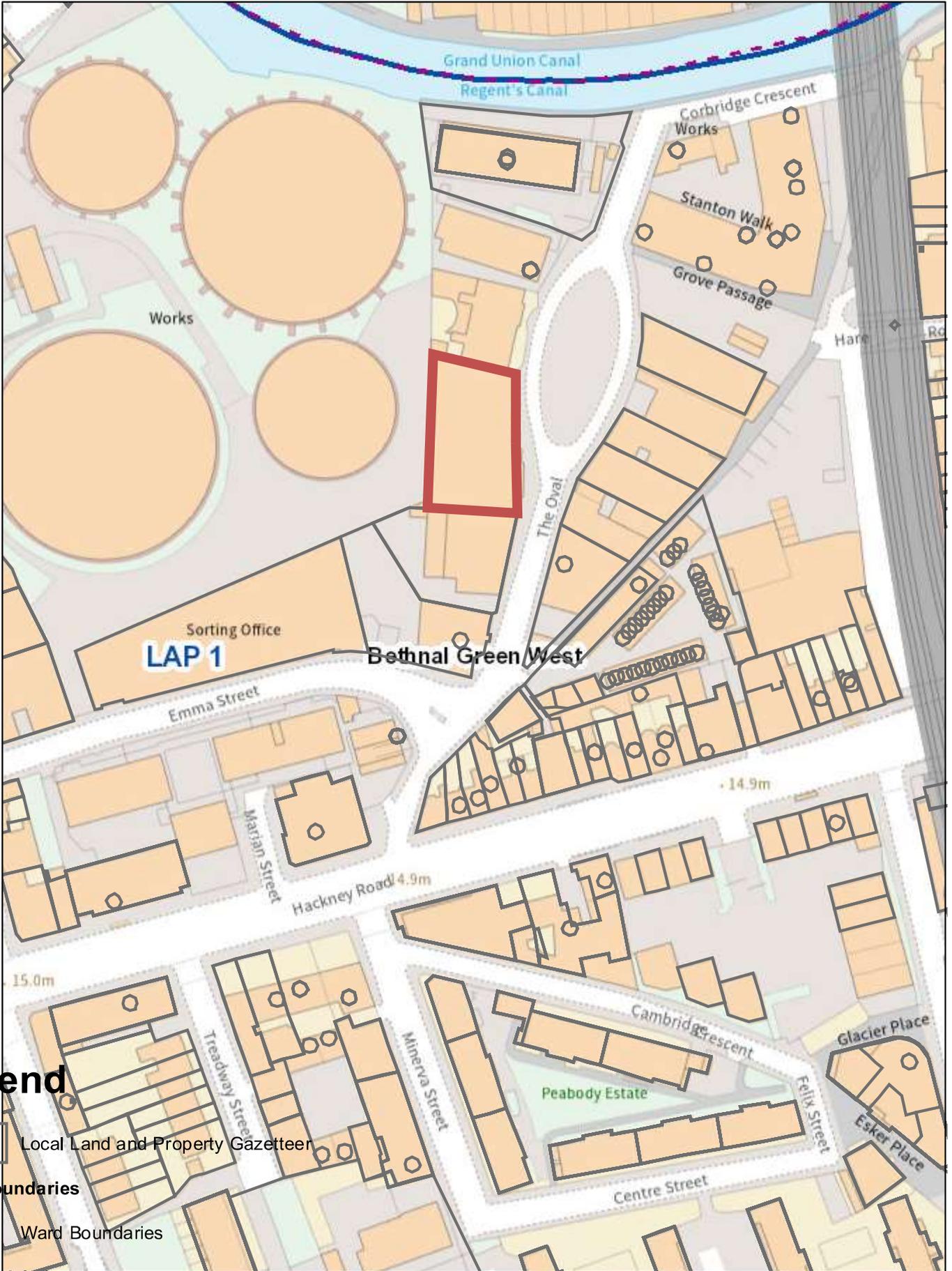
State if children, premises access restricted

Not restricted

# Appendix 3



# 29-32 The Oval



## Legend

Local Land and Property Gazetteer

### Ward Boundaries

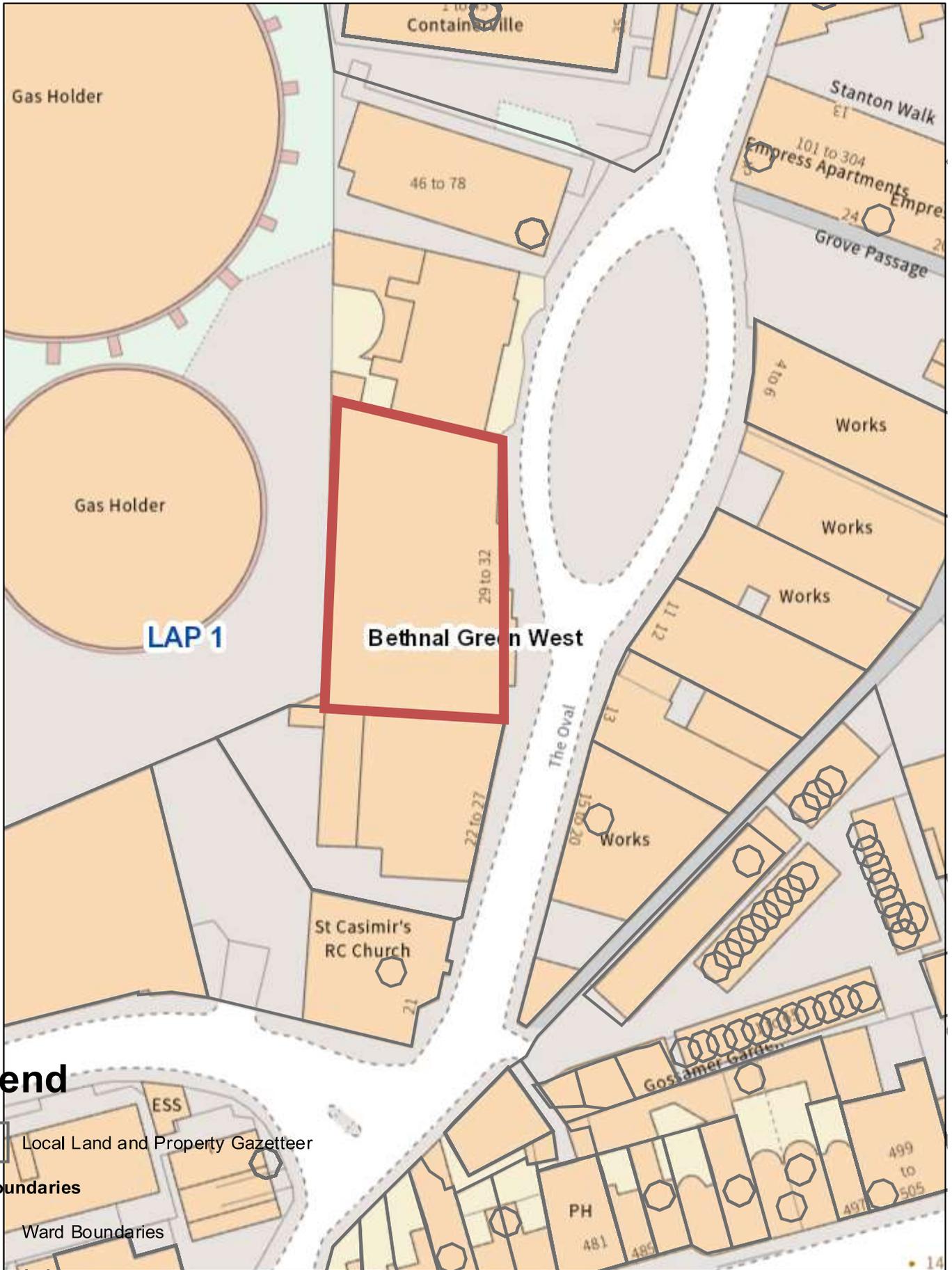
Ward Boundaries

### LAP Boundaries

LAP Boundaries



# 29-32 The Oval

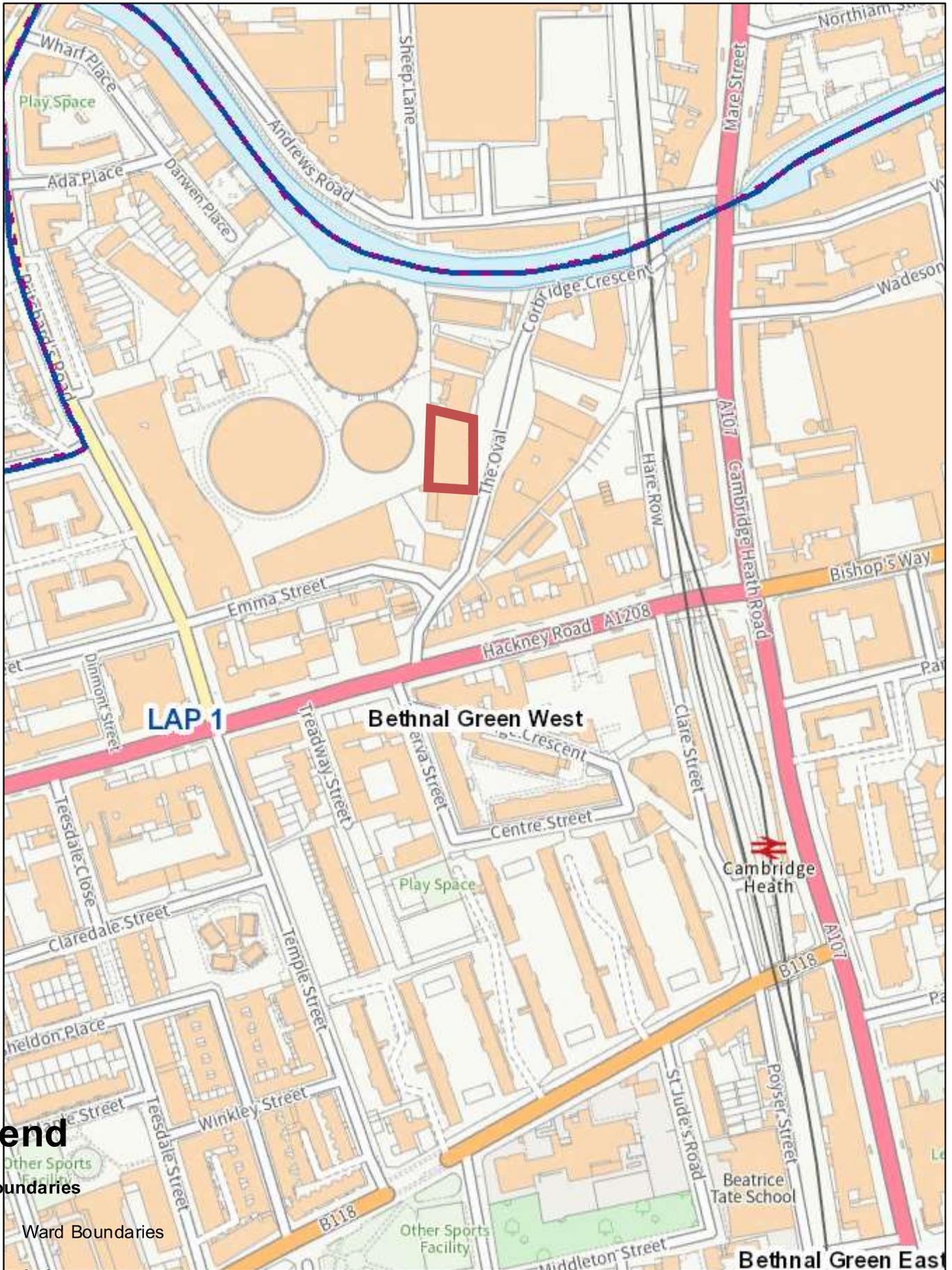


## Legend

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



# 29-32 The Oval



## Legend

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

# Appendix 4

**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON THURSDAY, 8 SEPTEMBER 2022****COMMITTEE ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Suluk Ahmed (Chair)

Councillor Faroque Ahmed (Member)

Councillor Kamrul Hussain (Member – Virtually present)

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application for Review under Section 53 A of the Licensing Act 2003 for  
Oval Space, 29-32 The Oval, London E2 9DA**

The Committee has heard everything said by the Police and the License Holder, there is no question that this was a very serious incident and the Sub Committee's overriding concern has to be the safety of the public.

The Sub Committee accepts that the investigation is still at an early stage, the Sub Committee also accepts that the police are sure that the firearm was discharged inside the premises. The evidence showed a number of breaches of conditions particularly in regards to searches. At best this demonstrates negligence on the part of the management and security and particularly given that the premises still appeared to be open beyond the 4am terminal hour.

The police report also indicates difficulty in contacting the management. The Sub Committee accepts that Mr Dean James himself may have only become aware of the incident recently, again it begs the question why his own staff appeared not to have been keeping him apprised about such a serious incident.

The Sub Committee heard what Mr James said about the financial impact, however given the seriousness of the incident the Sub Committee does not consider it appropriate to reduce the hours as suggested to restrict it only to corporate events. The potential risks could happen at any time and the Sub

Committee accept the risks albeit unquantified of reprisals or retaliations. The Sub Committee is therefore to suspend the licence with immediate effect.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a review under Section 53A of the Licensing Act 2003 for Oval Space, 29-32 The Oval, London E2 9DA be **GRANTED with the suspension of the licence with immediate effect.**

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

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

| <b>Premises</b>   | <b>Extended to:</b> |
|---|---------------------|
| Vout-O-Reenees, Basement, 30 Prescott Street, London E1 8BB                             | <b>31/12/2022</b>   |
| CW Wood Wharf D1-D2 GP Limited), Unit D1.1, 14 Water Street, Wood Wharf, London E14 5GX | <b>31/12/2022</b>   |
| KFC, Unit 41 Cannon Workshops, 3 Cannon Drive, London, E14 4AS                          | <b>31/12/2022</b>   |
| Wicked Fish Queens Yard Whitepost Lane  | <b>31/12/2022</b>   |
| Pizza Hut, 195-195a East India Dock Road, London, E14                                   | <b>31/12/2022</b>   |
| Taj Mahal Fried Chicken & Grill, 512 Commercial Road, London E1 0HY                     | <b>31/12/2022</b>   |
| Arch 410, Haven Mews, St Pauls Way, London, E3 4AG                                      | <b>31/12/2022</b>   |
| Albert Public House, 74 St Stephens Road, London, E3 5JL                                | <b>31/12/2022</b>   |

The meeting ended at 3.20 p.m.

# Appendix 5

# 12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

## Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
  - The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
  - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
  - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

## **The licensing authority and interim steps pending the review**

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded<sup>11</sup>.
- 12.11 The licensing authority may want to consult the police about the steps that it thinks are

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<sup>11</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw

or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

## **Making representations against the interim steps**

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
  - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
  - the chief officer's representations (if any); and
  - any representations made by the premises licence holder.
- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's

decision at this stage.

## **The review of the premises licence under section 53C**

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of a licensable activity from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
  - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
  - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
  - whether he considers a hearing to be unnecessary.
  - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
  - any person who made relevant representations; and
  - the chief officer of police who made the original application.

## **Review of the interim steps under section 53D**

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

## **Right of appeal against review of interim steps decision**

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard in full by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.

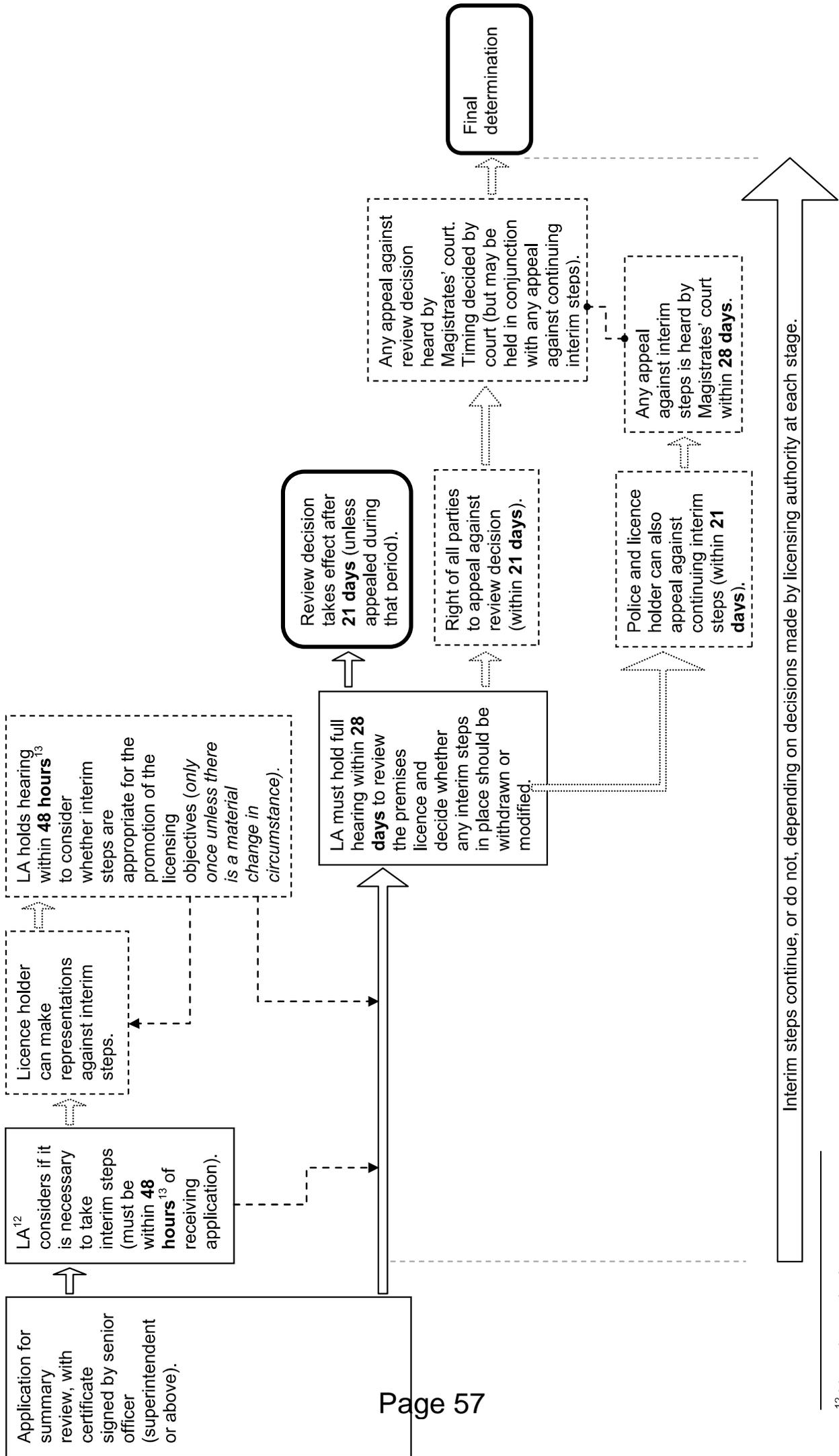
## **Right of appeal against final review decision**

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

## **Flow diagram of the summary review process**

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



<sup>12</sup> Licensing authority

<sup>13</sup> Only working days count

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# Agenda Item 3.2

|  |                           |                                       |            |                 |
|--|---------------------------|---------------------------------------|------------|-----------------|
| Committee:<br><b>Licensing Sub Committee</b> | Date<br>27 September 2022 | Classification<br><b>Unrestricted</b> | Report No. | Agenda Item No. |
|--|---------------------------|---------------------------------------|------------|-----------------|

|  |  |
|--|--|
| Report of:<br><b>David Tolley<br/>Head of Environmental Health &amp; Trading<br/>Standards</b><br><br>Originating Officer:<br><b>Corinne Holland<br/>Licensing Officer</b> | Title:<br><b>Licensing Act 2003 Application for a new Premise<br/>Licence for Taste of Jaipur, 74 Brick Lane, London,<br/>E1 6RL</b><br><br>Ward affected:<br><b>Spitalfields and Banglatown</b> |
|--|--|

## 1.0 Summary

|                                  |   |
|----------------------------------|---|
| Applicant:                       | <b>Shams Uddin</b>  |
| Name and<br>Address of Premises: | <b>Taste of Jaipur<br/>74 Brick Lane<br/>London<br/>E1 6RL</b>  |
| Licence sought:                  | <b>Licensing Act 2003<br/>Sale by retail of Alcohol (on sales)<br/>Provision of Late-Night Refreshments</b> |
| Objectors:                       | <b>Licensing Authority / Environmental Health<br/>Health &amp; Safety / Police<br/>Residents</b>            |

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for  
register

If not supplied, name and telephone  
number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Taste of Jaipur, 74 Brick Lane, London, E1 6RL. This premises falls within the Brick Lane Cumulative Impact Area.
- 3.2 The applicant has described the premises as: a restaurant.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

#### **Sale of Alcohol (on & off sales)**

Monday – Wednesday 12:00 – 00:00 hours (midnight)  
Thursday - Saturday 11:00 – 02:00 hours  
Sunday 12:00 – 23:00 hours

#### **Provision of Late Night Refreshments** (indoors & outdoors)

Monday – Wednesday 23:00 – 00:00 hours (midnight)  
Thursday - Saturday 23:00 – 02:00 hours

#### **Non-Standard Timings**

Permit the sale of alcohol/provision of LNR – On NYE from the end of permitted hours to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December)

#### **Opening times**

Monday – Wednesday 12:00 – 00:00 hours (midnight)  
Thursday - Saturday 11:00 – 02:00 hours  
Sunday 12:00 – 23:00 hours

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

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

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

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

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

## 6.0 Representations

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

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

- Licensing Authority – **Appendix 7**
- Environmental Health – **Appendix 8**
- Police – **Appendix 9**
- Health & Safety – **Appendix 10**
- R. Thiel (SPIRE) – **Appendix 11**
- A. Williams – **Appendix 12**

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

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

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

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

6.11 The objections relate to:

- Public nuisance
- Crime and Disorder
- ASB
- Public Safety

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

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

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

## **7.0 Conditions consistent with Operating Schedule**

1. A CCTV system must serve the premises, be maintained fully operational and in good working order at all times when the premises are open for sale of alcohol. Notices declaring the CCTV is in operation must be displayed both inside and outside the premises near the main entrance. The CCTV equipment shall make and maintain clear images that include all points of sale of alcohol and of the purchasers of alcohol. The CCTV recordings shall show an accurate date and time of the recordings were made and all images shall be retained for a period of not less than 31 days. CCTV recordings shall be made available for viewing by any police officers, or authorised person upon demand. The original, or a copy, shall be provided upon demand to any police officers or authorised person.
2. A staff member who is conversant with the CCTV system must be on duty whenever the premises is open to the public in order to facilitate viewing of CCTV footage for the Police when required to do so.
3. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. All documents will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request. Such checks will include: -
  - Proof of identity (such as a copy of their passport);
  - Nationality;
  - Current immigration status;
  - Details of their full name and address;
  - Date of birth;
4. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.

5. The premises shall prominently display signage at all entrances informing customers that:
  - CCTV is in operation throughout these premises
  - Patrons respect the needs of the local residents/businesses and leave the area quietly.
  - A Challenge 25 scheme is in operation at the premises
  
6. An incident log shall be kept at the premises, and made available on request to an authorised Local Authority or Police Officer, which will record the following:
  - a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received
  - d) Any incidents of disorder
  - e) All seizure of drugs or offensive weapons
  - f) Any faults in the CCTV system
  - g) Any refusal of the sale of alcohol
  - h) Any visit by a relevant authority or emergency service
  
7. The Premise Licence Holder shall ensure that all relevant staff shall receive induction and refresher training relating to the sale of alcohol and the times and conditions of the premises licence. The training shall be recorded, ongoing and made available to a relevant Responsible Authority upon reasonable request.
  
8. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
  
9. No person shall be employed to solicit custom or be permitted to solicit for custom for business for the premises in any public place within a 500m radius of the premises as shown in red on the attached plan.
  
10. Clear signage to be placed in the restaurant windows stating that the premises supports the council 'no touts' policy.

#### **8.0 Conditions Agreed/Requested by Responsible Authority**

None applicable

## 9.0 Licensing Officer Comments

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

9.2 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.

### 9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 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.
- 9.7 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)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

9.9 In **Appendices 13 – 22** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

11.1 There are no financial implications in this report.

#### 12.0 **Appendices**

|                    |   |
|--------------------|---|
| <b>Appendix 1</b>  | A copy of the application   |
| <b>Appendix 2</b>  | Site Plan   |
| <b>Appendix 3</b>  | Maps of the surrounding area  |
| <b>Appendix 4</b>  | Photographs of the premises   |
| <b>Appendix 5</b>  | Other licensed venues in the area   |
| <b>Appendix 6</b>  | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| <b>Appendix 7</b>  | Representations from LA   |
| <b>Appendix 8</b>  | Representation from EH  |
| <b>Appendix 9</b>  | Representations from police   |
| <b>Appendix 10</b> | Representation from H & S   |
| <b>Appendix 11</b> | Representation from SPIRE   |
| <b>Appendix 12</b> | Representation from Resident  |
| <b>Appendix 13</b> | Licensing Officer comments on public nuisance                                     |
| <b>Appendix 14</b> | S182 advice on public nuisance  |
| <b>Appendix 15</b> | Licensing Officer comments on crime & disorder                                    |
| <b>Appendix 16</b> | S182 advice on crime & disorder   |

|                    |   |
|--------------------|---|
| <b>Appendix 17</b> | Licensing Officer comments public safety      |
| <b>Appendix 18</b> | S182 advice on public safety                  |
| <b>Appendix 19</b> | ASB leaving the premises                      |
| <b>Appendix 20</b> | Cumulative Impact Area                        |
| <b>Appendix 21</b> | Licensing Policy relating to hours of trading |
| <b>Appendix 22</b> | Planning                                      |

# Appendix 1



\* required information

**Section 1 of 21**

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

|                  |                      |  |
|------------------|----------------------|--|
| System reference | Not Currently In Use | This is the unique reference for this application generated by the system.   |
| Your reference   | UDD3-1 1575          | 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?

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

Yes       No

**Applicant Details**

|                        |            |
|------------------------|------------|
| * First name           | Shams      |
| * Family name          | Uddin      |
| * E-mail               | [REDACTED] |
| Main telephone number  | [REDACTED] |
| Other telephone number |            |

Include country code.

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

Is the applicant:

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

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

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

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

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

|                               |                |
|-------------------------------|----------------|
| Building number or name       | Crescent House |
| Street                        | 51 High Street |
| District                      |                |
| City or town                  | Billericay     |
| County or administrative area | Essex          |
| Postcode                      | CM12 9AX       |
| Country                       | United Kingdom |

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

|                               |                 |
|-------------------------------|-----------------|
| Building number or name       | Taste of Jaipur |
| Street                        | 74 Brick Lane   |
| District                      |                 |
| City or town                  | London          |
| County or administrative area |                 |
| Postcode                      | E1 6RL          |
| Country                       | United Kingdom  |

**Further Details**

|   |        |
|---|--------|
| Telephone number                            |        |
| Non-domestic rateable value of premises (£) | 40,250 |

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

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

- Yes                       No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Current Residential Address

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

Yes  No

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

|                               |   |
|-------------------------------|---|
| 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"/> |

### Applicant Contact Details

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

Yes  No

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

|                          |   |
|--------------------------|---|
| E-mail                   | <input type="text"/>  |
| Telephone number         | <input type="text"/>  |
| Other telephone number   | <input type="text"/>  |
| * Date of birth          | <input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/> |
| * Nationality            | <input type="text" value="British"/>  |
| Right to work share code | <input type="text"/>  |

Documents that demonstrate entitlement to work in the UK  
Right to work share code if not submitting scanned documents

### Section 5 of 21

#### OPERATING SCHEDULE

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

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

Provide a general description of the premises

**Continued from previous page...**

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

Restaurant

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

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

See guidance on regulated entertainment

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

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors       Outdoors       Both

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

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

State any seasonal variations

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

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

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

On New Years Eve from the end of permitted hours to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on the 31st December).

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

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

State any seasonal variations

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

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

Continued from previous page...

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

On New Years Eve from the end of permitted hours to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on the 31st December).

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

**Name**

First name

Family name

Date of birth     
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

**Continued from previous page...**

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

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

There will be no activities of this nature.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

*Continued from previous page...*

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

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

On New Years Eve from the end of permitted hours to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on the 31st December).

## **Section 18 of 21**

### **LICENSING OBJECTIVES**

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

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

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

The premises licence holder is a responsible operator who is aware of the 4 Licensing objectives, the Council's licensing policy and their responsibilities under the Licensing Act 2003. The business is run lawfully and in accordance with good business practice and offers the following conditions to be attached to the premises licence.

1. A CCTV system must serve the premises, be maintained to be fully operational and in good working order at all times when the premises are open for sale of alcohol. Notices declaring the CCTV is in operation must be displayed both inside and outside the premises near the main entrance. The CCTV equipment shall make and maintain clear images that include all points of sale of alcohol and of the purchasers of alcohol. The CCTV recordings shall show an accurate date and time of the recordings were made and all images shall be retained for a period of not less than 31 days. CCTV recordings shall be made available for viewing by any police officers, or authorised person upon reasonable request. The original, or a copy, shall be provided upon reasonable request to any police officers or authorised person.
2. A staff member who is conversant with the CCTV system must be on duty whenever the premises is open to the public in order to facilitate viewing of CCTV footage for the Police when required to do so.
3. Before any person is employed at the premises sufficient checks will be made to ensure they are legally entitled to employment in the UK. All documents will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request. Such checks will include:-
  - Proof of identity (such as a copy of their passport);
  - Nationality;
  - Current immigration status;
  - Details of their full name and address;
  - Date of birth;
4. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
5. The premises shall prominently display signage at all entrances informing customers that:
  - CCTV is in operation throughout these premises
  - Requesting patrons respect the needs of the local residents/businesses and leave the area quietly.
  - A Challenge 25 scheme is in operation at the premises

*Continued from previous page...*

6. An incident log shall be kept at the premises, and made available on reasonable request to an authorised Local Authority or Police Officer, which will record the following:

- a) All crimes reported to the venue
- b) All ejections of patrons
- c) Any complaints received
- d) Any incidents of disorder
- e) All seizure of drugs or offensive weapons
- f) Any faults in the CCTV system
- g) Any refusal of the sale of alcohol
- h) Any visit by a relevant authority or emergency service

7. The Premise Licence Holder shall ensure that all relevant staff shall receive induction and refresher training relating to the sale of alcohol and the times and conditions of the premises licence. The training shall be recorded, ongoing and made available to a relevant Responsible Authority upon reasonable request.

8. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.

9. No person shall be employed to solicit custom or be permitted to solicit for custom for business for the premises in any public place within a 500m radius of the premises as shown in red on the attached plan.

10. Clear signage to be placed in the restaurant windows stating that the premises supports the council 'no touts' policy.

b) The prevention of crime and disorder

See a) above

c) Public safety

See a) above

d) The prevention of public nuisance

See a) above

e) The protection of children from harm

See a) above

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

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

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

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

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

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

**Documents which demonstrate entitlement to work in the UK**

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

*Continued from previous page...*

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

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

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

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

*Continued from previous page...*

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

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

#### **Home Office online right to work checking service**

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

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

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

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

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

**Continued from previous page...**

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

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

**Continued from previous page...**

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

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

315.00

## ATTACHMENTS

## AUTHORITY POSTAL ADDRESS

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

## DECLARATION

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

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO

\* BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

\* Full name

DAVID DADDS . [REDACTED]

\* Capacity

APPLICANTS SOLICITOR ,

Date (dd/mm/yyyy)

14/6/22 .

Add another signatory

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

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

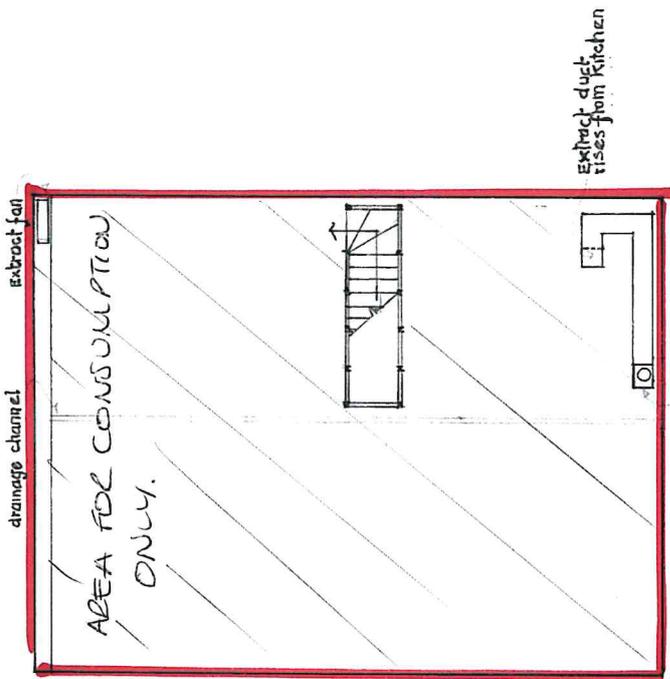
Don't forget to make sure you have all your supporting documentation to hand.

*Continued from previous page...*

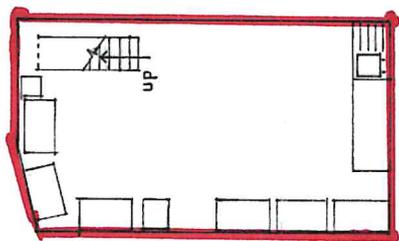
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

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

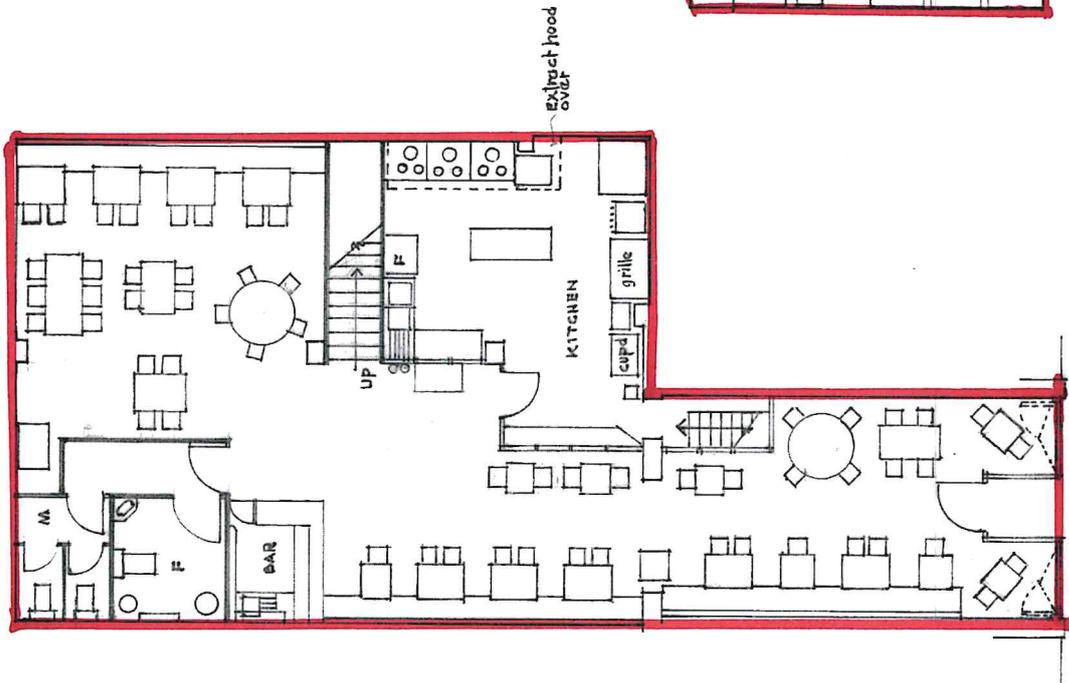
# Appendix 2



REAR ROOF PLAN TO ROOF.



BASEMENT



Pavement

GROUND FLOOR PLAN

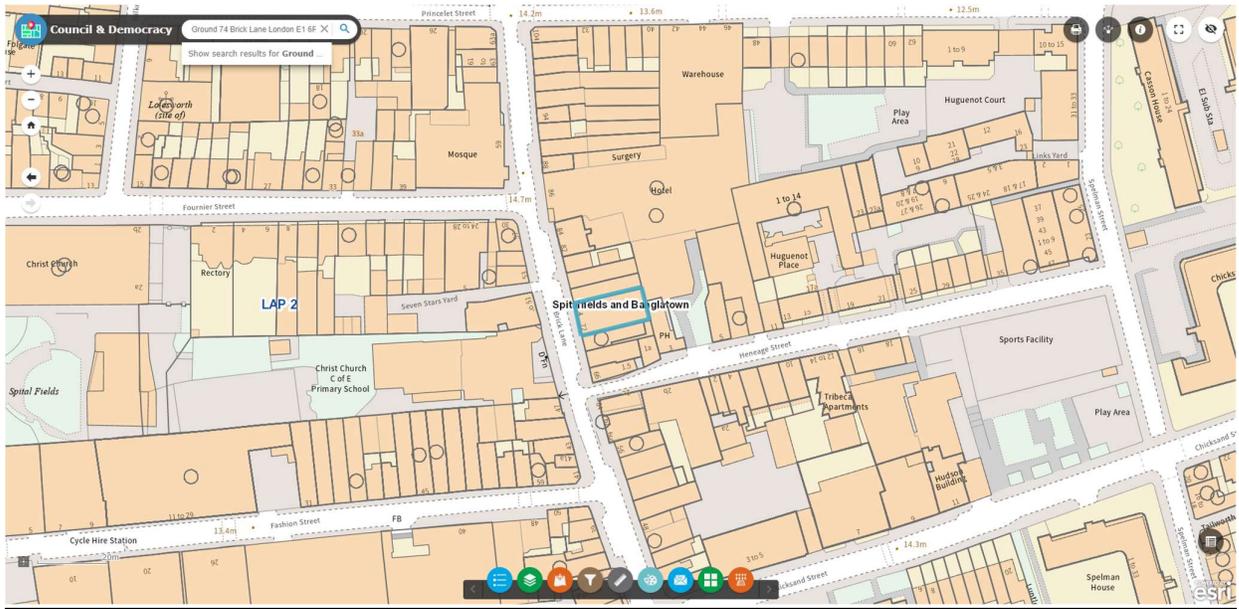
BRICK LANE

|   |                     |
|---|---------------------|
| 74 BRICK LANE                                 |                     |
| PLANS OF GROUND FLOOR, BASEMENT AND REAR ROOF |                     |
| DATE: JUNE 2022                               | DRAWING No: 78BL/L1 |
| DRAWN: JTN                                    | SCALE: 1:100 AT A3  |

THE RED LINE DELINEATES THE AREA WITHIN WHICH LICENSABLE ACTIVITIES WILL TAKE PLACE.

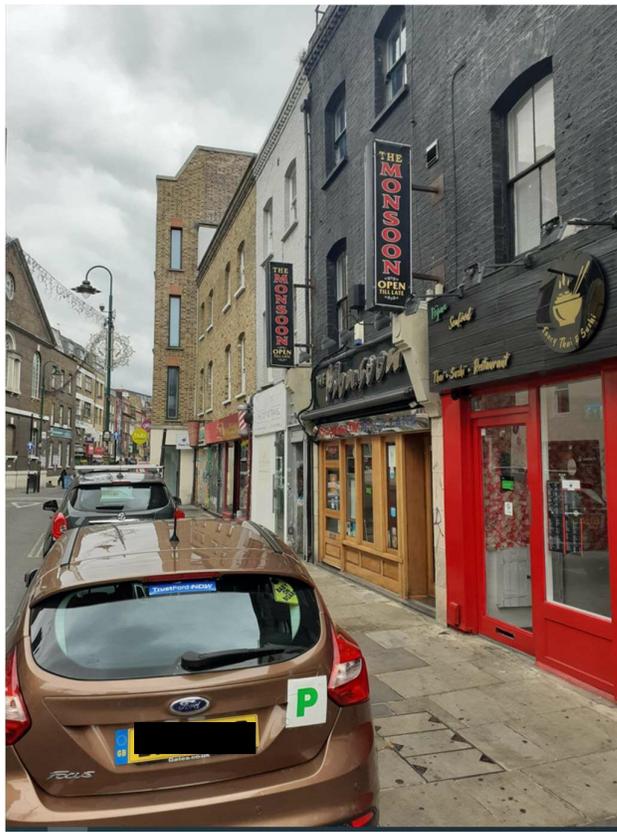
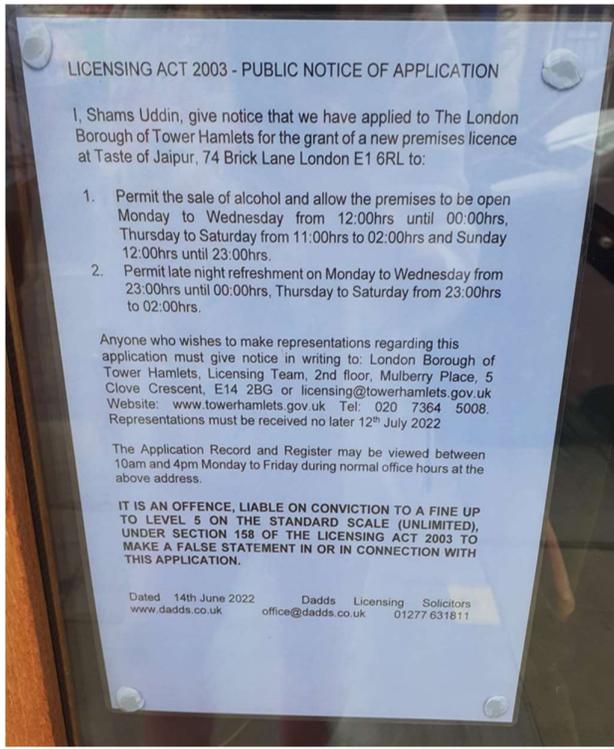
# Appendix 3

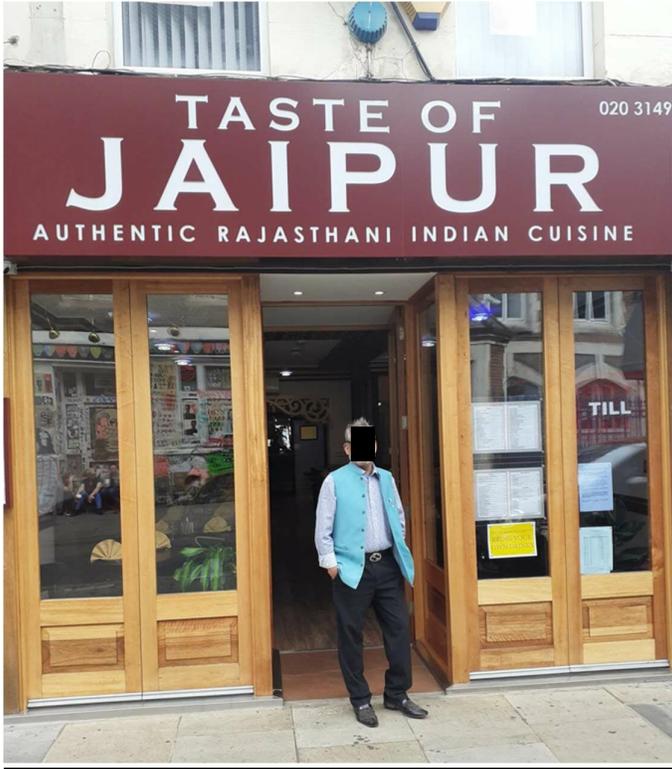
# Maps – 74 Brick Lane



# Appendix 4

**Photos – 74 Brick Lane**













# Appendix 5

| <b>Address</b>  | <b>Licensable activities/times</b>  | <b>Opening hours</b>   |
|---|---|--|
| <p><b>(Seven Stars)</b><br/>Basement and<br/>Ground Floor<br/>49 Brick Lane</p> | <p><b><u>The sale by retail of alcohol (on sales)</u></b><br/>Monday - Saturday 10 00 hrs to 02 00 hrs the following morning<br/>Sunday 10 00 hrs to midnight</p> <p><b><u>Late Night Refreshment</u></b><br/>Monday - Saturday until 02 00 hrs the following morning<br/>Sunday until midnight</p> <p><b><u>The provision of regulated entertainment</u></b><br/><b>Live Music and the Provision of Facilities for Making Music (Karaoke only)</b><br/>Monday - Saturday 19 00 hrs to 02 00 hrs the following morning<br/>Sunday 19 00 hrs to midnight</p> <p><b>Recorded Music</b><br/>Monday - Saturday from 11:00 hrs to 02:00 hrs the following morning<br/>Sunday 11 00 hrs to midnight</p> | <ul style="list-style-type: none"> <li>• Monday - Saturday 10: 00 hrs to 02:30 hrs the following morning</li> <li>• Sunday 10:00 hrs to 00:30 hrs the following morning</li> </ul>                               |
| <p><b>(Kill the Cat)</b><br/>43 Brick Lane</p>                                  | <p><b><u>Supply of alcohol – on and off</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday from 12:00hrs (midday) to 22:00hrs</li> <li>• Thursday to Saturday from 11:00hrs to 23:00hrs</li> <li>• Sunday from 11:00hrs to 21:00hrs</li> </ul>  | <ul style="list-style-type: none"> <li>• Monday to Wednesday from 12:00hrs (midday) to 22:00hrs</li> <li>• Thursday to Saturday from 11.00hrs to 23.00hrs</li> <li>• Sunday from 11:00hrs to 21:00hrs</li> </ul> |
| <p><b>(Cost Price)</b><br/>41 Brick Lane</p>                                    | <p><b><u>The sale by retail of alcohol (off sales only)</u></b></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)</li> <li>• Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)</li> </ul>  | <ul style="list-style-type: none"> <li>• Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight)</li> <li>• Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)</li> </ul>                       |

|  |  |   |
|--|--|---|
| <p><b>Chez Elles</b><br/>45 Brick Lane</p>                     | <p>The sale by retail of alcohol (on sales)</p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 12:00 hours to 23:00 hours</li> </ul>  | <ul style="list-style-type: none"> <li>Monday to Sunday, from 11:00 hours to 23:30 hours</li> </ul>   |
| <p><b>Brick Lane Coffee Shop</b><br/>47 Brick Lane</p>         | <p><b>Sale of Alcohol (on &amp; off sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 09:00 hours to 23:00 hours</li> </ul> <p><b>Late Night refreshment:</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 23:00 hours to 23:30 hours</li> </ul> | <p>Monday to Sunday from 07:00 hours to 23:30 hours</p>   |
| <p><b>(Morley's)</b><br/>60 - 62 Brick Lane</p>                | <p><b><u>The provision of late light refreshment</u></b></p> <ul style="list-style-type: none"> <li>Monday to Thursday, from 23:00 hours to 23:30 hours</li> <li>Friday and Saturday, from 23:00 hours to 00:00 hours (midnight)</li> </ul>  | <ul style="list-style-type: none"> <li>Monday to Thursday, from 11:00 hours to 00:00 hours (midnight)</li> <li>Friday and Saturday, from 11:00 hours to 00:30 hours (the following day)</li> <li>Sunday, from 11:00 hours to 23:00 hours</li> </ul> |
| <p><b>(Vegan Yes)</b><br/>64 Brick Lane</p>                    | <p><b><u>The supply of alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 12:00 hours to 21:30 hours</li> </ul>   | <ul style="list-style-type: none"> <li>Monday to Sunday, from 11:30 hours to 21:30 hours</li> </ul>   |
| <p><b>(Sketch)</b><br/>68 Brick Lane</p>                       | <p><b><u>The sale by retail of alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 11:00 hrs to 22:30 hrs</li> <li>Sunday, from 12:00 hrs to 22:00 hrs</li> </ul>  | <ul style="list-style-type: none"> <li>Monday to Saturday from 11:00 hrs to 23:00 hrs</li> <li>Sunday from 12:00 hrs to 22:30 hrs</li> </ul>  |
| <p><b>(Lucky Dog Chinese Restaurant)</b><br/>70 Brick Lane</p> | <p><b><u>Sale of Alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday from 12:00 hours to 21:45 hours</li> </ul>  | <ul style="list-style-type: none"> <li>Monday to Sunday from 12:00 hours to 22:00 hours</li> </ul>  |

|   |  |  |
|---|--|--|
| <p><b>(Monsoon)</b><br/>78 Brick Lane</p>             | <p><b>The sale by retail of alcohol (on sales)</b></p> <ul style="list-style-type: none"> <li>• Sunday from midday until 23.00 hours</li> <li>• Monday -Wednesday from midday until midnight</li> <li>• Thursday - Saturday from 11:00 hours until 02:00 hours the following day.</li> </ul> <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> <p><b>For provision of Late Night Refreshment:</b><br/>Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight only</p> | <ul style="list-style-type: none"> <li>• Sunday from midday until 23.00 hours</li> <li>• Monday - Wednesday from midday until midnight</li> <li>• Thursday - Saturday from 11:00 hours until 02:00 hours the following day.</li> </ul> |
| <p><b>(Pepe's Piri Piri)</b><br/>82-84 Brick Lane</p> | <p><b><u>The provision of late night refreshment</u></b></p> <p>Sunday to Thursday 23:00 – 23:30 hours.<br/>Friday &amp; Saturday 23:00 – 01:00 hours the following day.</p>   | <ul style="list-style-type: none"> <li>• Sunday to Thursday 23:00 – 23:30 hours.</li> <li>• Friday &amp; Saturday 23:00 – 01:00 hours the following day.</li> </ul>  |
| <p><b>(Shawarma)</b><br/>84 Brick Lane</p>            | <p><b><u>The provision of late night refreshment:</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Wednesday 23:00 hours to 00:00 hours (midnight)</li> </ul>  | <ul style="list-style-type: none"> <li>• Monday to Wednesday 10:00 hours to 00:30 hours</li> </ul>   |

|  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"> <li>Thursday to Saturday 23:00 hours to 02:00 hours</li> <li>Sunday 23:00 hours to 23:30 hours</li> </ul> <p>Non Standard Timings:<br/>From the end of permitted hours on New Years Eve until 02:00 hours New Years Day<br/>Sundays preceding a Bank Holiday<br/>Monday until 02:00 hours.</p>   | <p>Thursday to Saturday 10:00 hours to 02:30 hours<br/>Sunday 10:00 hours to 00:00 hours (midnight)</p> <p>Non Standard Timings:<br/>From the end of permitted hours on New Years Eve until 02:00 hours New Years Day<br/>Sundays preceding a Bank Holiday<br/>Monday until 02:00 hours.</p>   |
| <p><b>(Masala Restaurant)</b><br/>88 Brick Lane</p>        | <p><b><u>The sale of alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday 12:00 hours to 23:30 hours</li> <li>Sunday 12:00 hours to 23:00 hours</li> </ul> <p><b><u>Late Night Refreshment</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday until 23:30 hours</li> </ul>   | <ul style="list-style-type: none"> <li>Monday to Saturday 12:00 hours to midnight</li> <li>Sunday 12:00 hours to 23:30 hours</li> </ul>  |
| <p><b>(Pride of Spitalfields)</b><br/>3 Heneage Street</p> | <p><b><u>The sale by retail of alcohol (on sales):</u></b></p> <ul style="list-style-type: none"> <li>Monday - Thursday from 10:30 hours to 01:00 hours the following day</li> <li>Friday and Saturday from 10:30 hours to 02:00 hours the following day</li> <li>Sunday from 10:30 hours to midnight</li> </ul> <p><b><u>Regulated Entertainment consisting of Provision of Recorded Music</u></b></p> <ul style="list-style-type: none"> <li>Monday - Thursday from 10:30 hours to 01:00 hours the following day</li> <li>Friday and Saturday from 10:30 hours to 02:00 hours the following day</li> <li>Sunday from 10:30 hours to midnight</li> </ul> | <ul style="list-style-type: none"> <li>Monday - Thursday from 10:30 hours to 01:00 hours the following day</li> <li>Friday and Saturday from 10:30 hours to 02:00 hours the following day</li> <li>Sunday from 10:30 hours to midnight</li> <li>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in</li> </ul> |

|  |  |  |
|--|--|--|
|  | <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> | <p>effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> |
|--|--|--|

# Appendix 6

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

### Relevant, vexatious and frivolous representations

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

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

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

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

# Appendix 7



Place Directorate  
Public Realm  
**Environmental Health & Trading Standards**

Head Of Service     David Tolley

London Borough Tower Hamlets  
Licensing Authority  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel     [REDACTED]  
Fax     020 7364 0863  
Enquiries to     Kath Driver  
Email     [REDACTED]

12<sup>th</sup> July 2022

My reference: P/PR/LIC/150267

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

Dear Sir/Madam,

**Licensing Act 2003**  
**Re: Taste Of Jaipur, 74 Brick Lane London E1 6RL**

I am writing in my capacity of Licensing Authority in relation to the provisional statement application for the above address.

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in and around the Brick Lane/Spitalfields Area and was updated on 1<sup>st</sup> November 2018. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane/Spitalfields Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ).

The effect of this CIZ is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

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 CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

This application falls within the Cumulative Impact Zone and seeks alcohol for on sale on Monday to Wednesday from 12:00 hours to midnight; Thursday to Saturday from 11:00 hours to 02:00 hours and Sunday from 11:00 hours to 23:00 hours including non standard timings over New Year, from end of permitted on New Years Eve to start of permitted on New Years Day.

Having visited the property the concern of the Licensing Authority is the roof terrace included in the application. The applicants representative has advised a structural engineers report will be made for its use prior to its use, however we do have concerns on the use of this area, particularly with customers consuming alcohol. The roof terrace, at present, is an open space with potential trip hazards and the area is exposed to roof tops of adjacent properties. Residential properties above the shops overlook this area also and being a small enclosed area I believe noise from a people on this space will echo around and has the potential for noise nuisance. There are also extract systems that are in use and located on the roof space. Please see photos attached. I would therefore request a condition that the roof space shall not be used.

During the visit the applicant has stated he owns Monsoon at 78 Brick Lane, according to our records the premises has received allegations of touting as

recent as March 2022 I would therefore request if this application is granted, that a condition be imposed as per our Licensing Policy preventing touting, see chapter 7 part 7.7.;

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.

Whilst the neighbouring licence is for the same hours and the same applicant, the neighbouring licence was granted in 2005 when the Cumulative Impact Area was not in place. The hours are beyond the Council's framework hours and believe an additional licence in the CIZ for the hours as mentioned above are excessive and likely to cause additional anti social behaviour from patrons arriving whilst intoxicated from other venues closing earlier and from patrons leaving the venue particularly at 2am in the morning. I therefore ask Members to consider refusing the application.

Should members consider granting the application I would request them to consider imposing the conditions on the operating schedule with the additional conditions mentioned above, including a personal licence holder to be present on the premises at all times when the sale of alcohol is taking place.

Yours sincerely,



**Kathy Driver**  
**Principal Licensing Officer**

# Appendix 8

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 05 July 2022 16:48  
**To:** Licensing  
**Cc:** MARK.J.Perry [REDACTED]  
**Subject:** 150267 MAU REPRESENTATION Taste of Jaipur 74 Brick Lane London

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

Dear Licensing,

Having considered the new premises license application for Taste of Jaipur 74 Brick Lane London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, with particular consideration that the premises is in Brick Lane Cumulative Impact Zone.

**It must be noted that the Council's framework hours (i.e. when premises are open) are:**

Monday to Thursday: 0600 hours to 2330 hours; and  
Friday & Saturday: 0600 hours to midnight  
Sunday: 0600 hours to 2230 hours.

**The applicant is proposing opening hours for licensable activities: Late Night Refreshment, Supply of Alcohol:-**

Monday to Wednesday: until 00:00 hours - an extension of a half hour on Council framework hours  
Thursday: until 02:00 hours – an extension of two and a half hours on Council framework hours  
Friday and Saturday: until 03:00 hours - an extension of 3 hours on Council framework hours

Also, there is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. There is no consideration of the impact on public nuisance from people access and egressing the premises and people loitering outside whilst the premises is in operation, particularly when considering that the premises is in Brick Lane Cumulative Impact Zone.

**Noise Sensitive premises:** residential premises in close proximity.

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 premises license application for Taste of Jaipur, 74 Brick Lane London for the following reasons:-

- (1) The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance

- (2) The premises is in Brick Lane Cumulative Impact Zone.
- (3) The greater likelihood of disturbance to residents at the late hour sought.

Kind regards

**Nicola Cadzow**

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

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

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**Please note: all s61 consents, dispensations and variations must be sent to [environmental.protection@towerhamlets.gov.uk](mailto:environmental.protection@towerhamlets.gov.uk) for logging and allocation.**



Click here to see the Tower Hamlets Noise map:

# Appendix 9

## Corinne Holland

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 08 July 2022 12:22  
**To:** Nicola Cadzow Licensing; Michael.Rice [REDACTED]; Kathy Driver; Tom Lewis  
**Cc:** [REDACTED]  
**Subject:** D Taste of Jaipur 74 Brick Lane London

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

Dear all,

Central East Police Licensing formally object to the application of the premises license for Taste of Jaipur 74 Brick Lane London on the grounds of preventing crime and disorder and public nuisance.

This application is in the councils CIZ but the application makes no mention of this nor does it state how it will prevent crime and disorder or public nuisance.

We believe based on our experience that a premises open until 2am will lead to an increase in crime and disorder and public nuisance as we believe that customers going to the premises after midnight will of consumed alcohol and as a result be more likely to be involved in alcohol related crime and disorder. Customers leaving at am are also more likely to cause noise nuisance to local residents having consumed alcohol. The applicant has not recognised these potential issues in their application nor have they put in measures to mitigate this risk.

We have no objection in principle to the applicant opening a restaurant but would like the applicant to have framework hours for licensable activity listed below:

Monday to Thursday: 0600 hours to 2330 hours;  
Friday & Saturday: 0600 hours to midnight  
Sunday: 0600 hours to 2230 hours.

The premises should close to the public 30 minutes after licensable activity finishes.

We also ask that the premises has the following conditions:

- 1) The premises shall have a dispersal plan to ensure that customers leave the premises without causing nuisance to local residents.
- 2) The premises shall operate as a restaurant where the sale of alcohol is by waiter or waitress to a customers seated at a table.

Only with the adoption of Tower Hamlets Councils framework hours and adopting the above conditions can we support this application.

As requested by the applicant Central East Police Licensing object to this application.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)

A: Licensing Office, 1<sup>st</sup> Floor Stoke Newington Police Station



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# Appendix 10

Shams Uddin  
[REDACTED]

**Place Directorate  
Public Realm**

Head of Environmental Health and  
Trading Standards: **David Tolley**

Licensing and Safety Team  
2<sup>nd</sup> Floor, Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel: [REDACTED]  
Fax: 020 7364 6901  
Enquiries to:

Email:  
[REDACTED]

12<sup>th</sup> July 2022

Ref: M/150029

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

Dear Sir/Madam

**Re: Application for a Premises Licence - Taste of Jaipur, 74 Brick Lane, London E1  
6RL  
Licensing Act 2003**

The Health and Safety team of the London Borough of Tower Hamlets is making a representation against the above application.

The application seeks to use the rooftop at the rear of the above premises, which is depicted in the floor plan as an 'area for consumption only'.

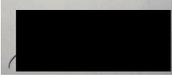
Based on the photographs taken by officers who visited the site, I have made the following observations:

- There is an unguarded, live edge (risk of falling from height).
- There are changes in the floor level due to gullies and a square-shaped protrusion. There is also a trailing cable. These amount to a hazard of slips and trips.
- There is no load capacity and accompanying risk assessment provided for the use of this rooftop as an area for patrons to occupy. I am therefore concerned about the structural safety of this flat roof for the intended use.
- There is also no barrier to prevent patrons from trespassing onto neighbouring rooftops that do not belong to this premises. This could lead to nuisance and crime.

These hazards/observations undermine the licensing objectives of Public Safety and Crime and Disorder. Therefore, I object to the granting of this licence.



Yours sincerely,



**Kamal Miah**  
**Environmental Health Officer**  
**Environmental Health and Trading Standard - Health and Safety Team**

**CC: Licensing Authority of London Borough of Tower Hamlets**

# Appendix 11

11<sup>th</sup> July 2022

London Borough of Tower Hamlets  
Licensing Team  
Environmental Health & Trading Standards  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Sent via E-Mail

**Re: Formal Objection to Proposed Premise Application and Licence for Taste of Jaipur, 74 Brick Lane, London, E1 6RL**

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 application for licence of Taste of Jaipur, 74 Brick Lane, London, E1 6RL ("the Premise").

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.

SPIRE specifically objects to a new premise offering the sale of alcohol and enjoyment of late-night refreshment including alcohol. The proposed application includes the sale of alcohol until 11:00 pm on Sunday, midnight on Monday through Wednesday, and most shockingly until 2:00 am Thursday through Saturday.

There are few, if any establishments, in the area with opening hours that extend to 2:00 am and alcohol sales until 2:00 am. It is perceived that the proposed licence 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 12

## Corinne Holland

---

**From:** Alan Williams [REDACTED]  
**Sent:** 12 July 2022 11:05  
**To:** Licensing  
**Subject:** Licensing Application/Taste of Jaipur, 74 Brick, Lane, London, E1 6RL ("ToJ")

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

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

Dear Licensing Team

### **Licensing Application/Taste of Jaipur, 74 Brick, Lane, London, E1 6RL ("ToJ")**

I write to object to the application by ToJ for an alcohol licence in the terms which have been applied for.

ToJ is in an antisocial behaviour hotspot. It is also situated within the CIA for Brick Lane. New and varied premise licenses are meant to be prohibited, or at least limited, because of the over saturation of licensed businesses. This is because of issues with antisocial behaviour based on the consumption of alcohol. What particularly concerns me is the proposal to offer alcohol late at night, until 2:00 am on Thursdays, Fridays and Saturdays.

There is already enough anti-social behaviour in the area - and around - as revellers make their roudy, noisy, intimidating way to public transport to take them home. I think this will increase the amount and extent of that behaviour as drinkers move on from bars closing earlier in the evening; and this will put pressure on those bars to apply for extended licensing hours themselves.

And this will lead to an increase in public nuisance, crime, disorder, noise, and antisocial behaviour; and will. raise issues of the health and safety of local residents and *bona fide* visitors.

I repeat my objection to the licence application as currently written.

Please redact my personal information from any electronic reproduction of this letter.

Yours faithfully

Alan Williams

[REDACTED]

# Appendix 13

## Prevention of Public Nuisance

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

# Appendix 14

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

Updated April 2018

## Public nuisance

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

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

# Appendix 15

## Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

## **Smuggled goods**

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

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

## **Olympic Park – Football Ground**

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

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

# Appendix 16

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

Updated April 2018

## Crime and disorder

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

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

# Appendix 17

## Public Safety

- 8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
- Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
  - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.

The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above.

- 8.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 8.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

# Appendix 18

## **Public safety**

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

# Appendix 19

## **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.

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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 20

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

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

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

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

#### Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

## Cumulative Impact Assessments (Brick Lane and Bethnal Green)

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

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
  
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
  - Prevention of Crime and Disorder;
  - Prevention of Public Nuisance.

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

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

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

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

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

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

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

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

Figure One

#### Brick Lane area:

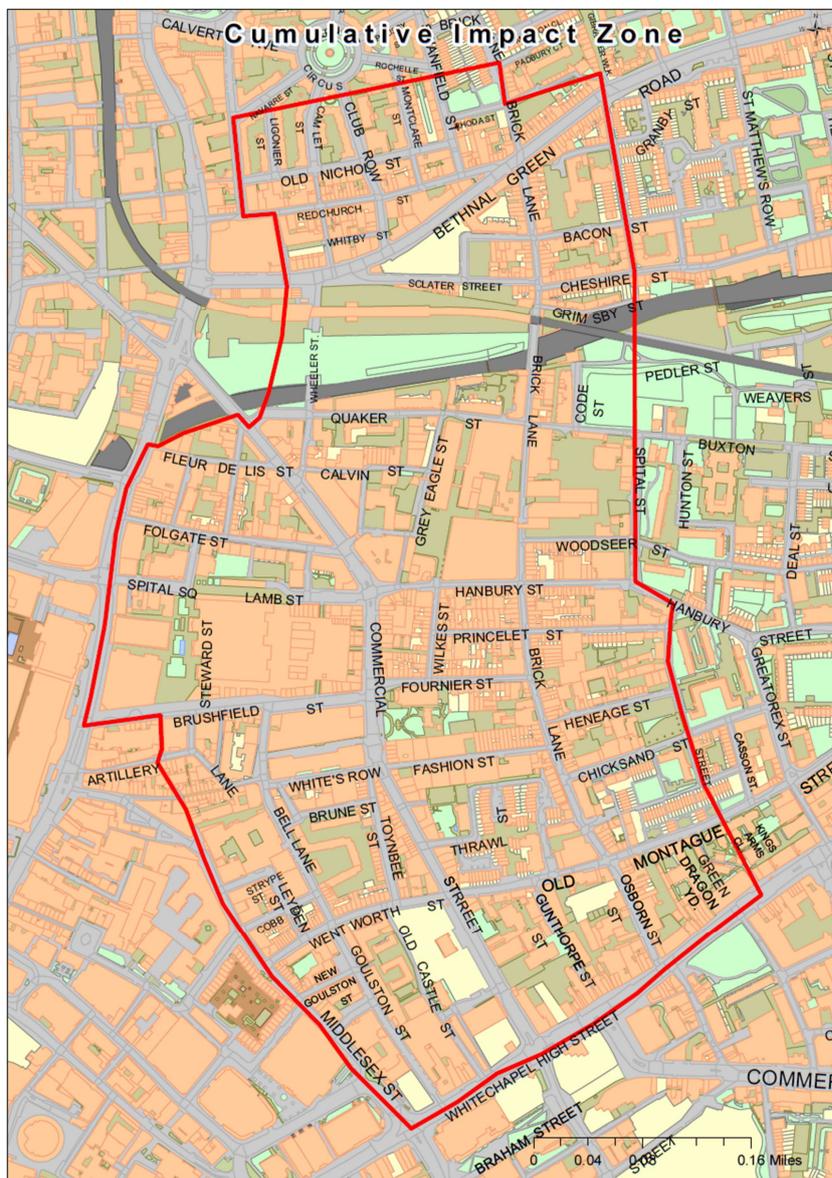
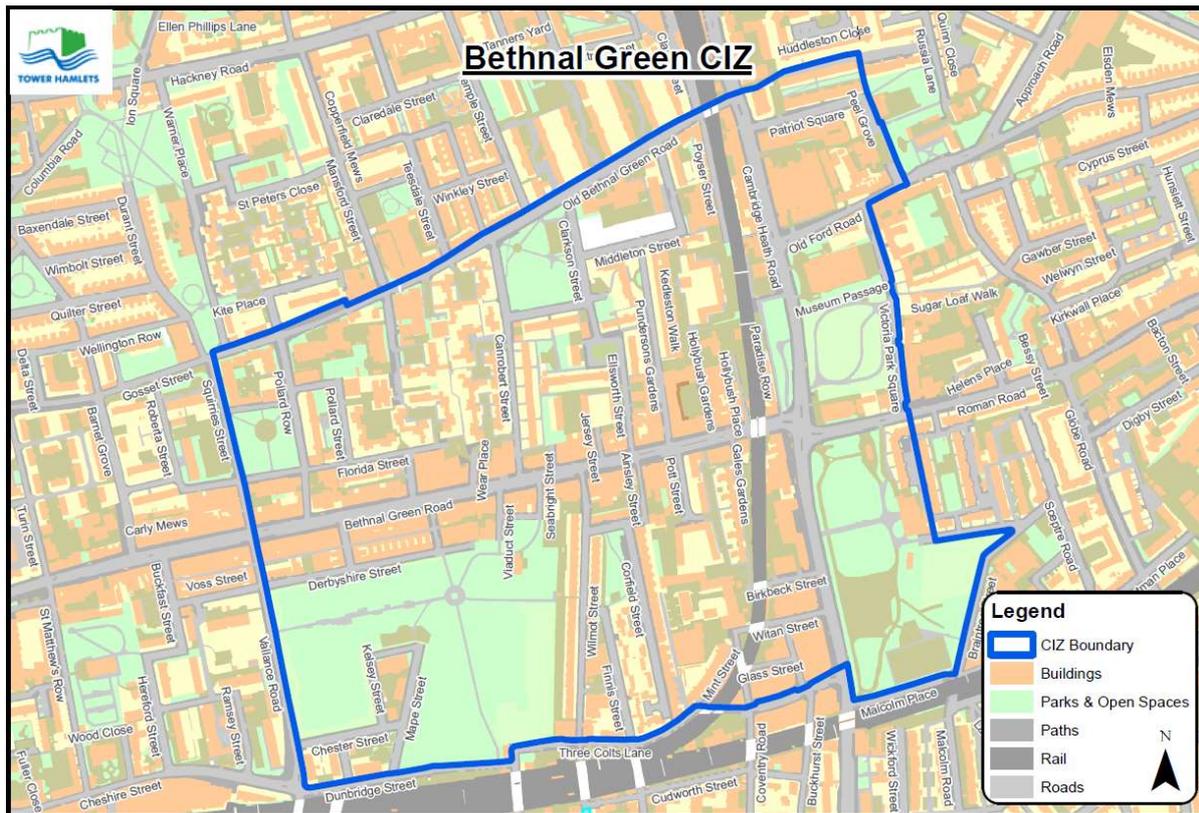
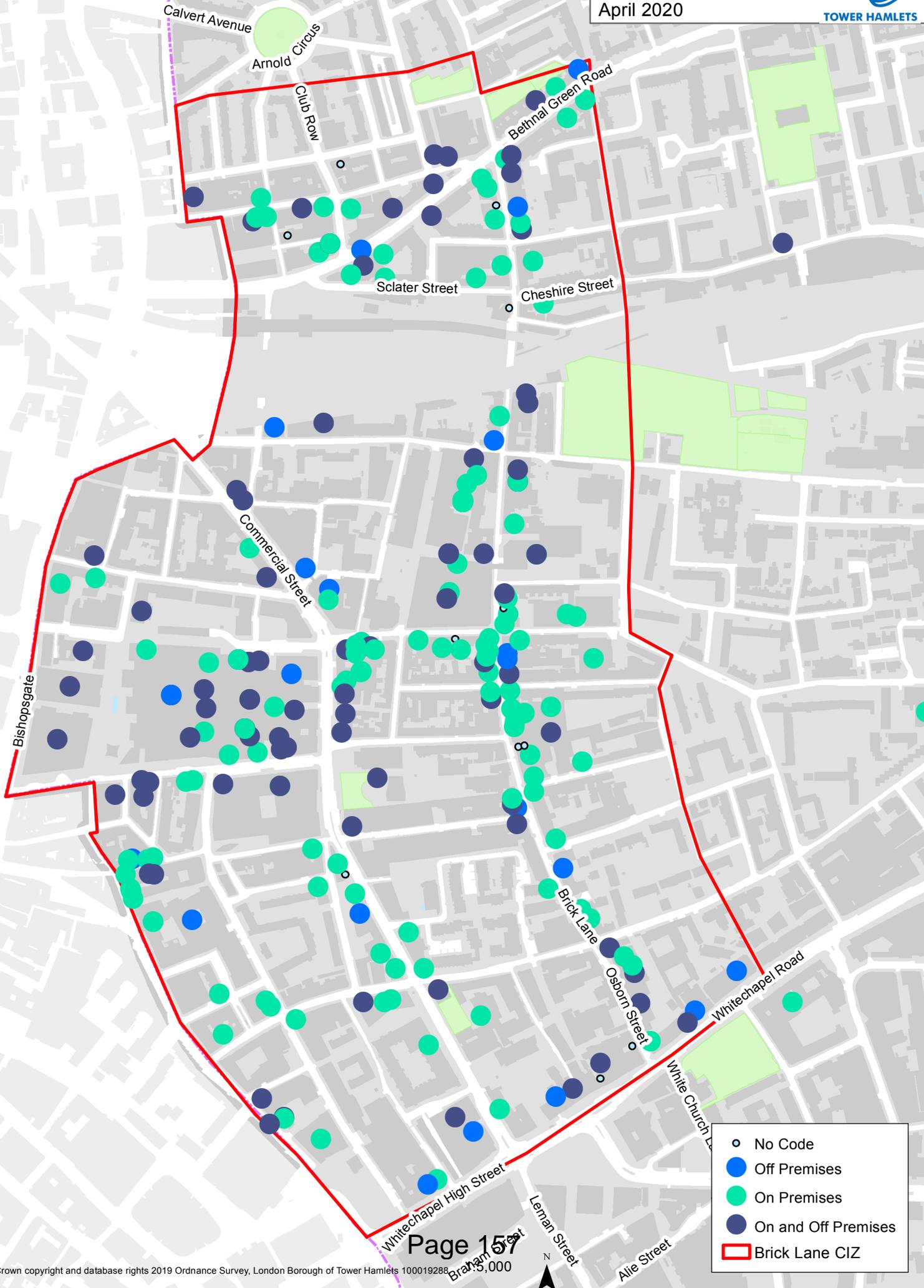


Figure Two:

# Bethnal Green Area





# Appendix 21

## **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 22

## **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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