



Licensing Sub Committee

Agenda

**Tuesday, 22 November 2022 at 6.30 p.m.
The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG**

Contact for further enquiries:

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

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

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

Public Information

Viewing or Participating in Committee Meetings

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

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

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

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Town Hall
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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, 22 November 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (Pages 7 - 8)

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

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

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

2. RULES OF PROCEDURE (Pages 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 19 - 42)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 11th & 27th October 2022.

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



Tower Hamlets Council
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**4.1 Application for a New Premise Licence for Pizza Hut,
195-195a East India Dock Road, London, E14 0EA**

43 - 100

Lansbury

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority

**4.2 Application for a New Premise Licence for Havens Yard
Ltd Arch 410 Haven Mews St Pauls Way, London E3 4AG**

101 - 184

Mile End

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety

Representations by:

- Licensing Authority
- Metropolitan Police

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

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

Next Meeting of the Licensing Sub Committee

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



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

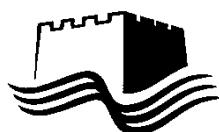
Further Advice contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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



Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub- Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3

SECTION ONE (UNRESTRICTED)

LICENSING SUB COMMITTEE, 11/10/2022

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 11 OCTOBER 2022

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Leelu Ahmed

Councillor Sabina Akhtar

Officers Present:

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

Representing applicants	Item Number	Role
PC Mark Perry	3.1	(Police)
Ms Ozlem Darcan	3.2	(Applicant)
Mr Murat Ozbek	3.2	(Applicant)

Representing objectors	Item Number	Role
Mr Attila Szasz	3.2	(Resident)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application to Review the Premise Licence for (Tower Hamlets Pizza)
479 Cambridge Heath Road, London, E2 9BU**

At the start of the hearing, it was noted that Mr Umid Hussain Khel was not present at the meeting. Mr Haroon Hamidi and his legal representative were virtually present at the meeting. However it was confirmed that they were not authorised by Mr Khel to speak on his behalf, and as he rather than they was the applicant, Mr Hamidi and his legal representative were not party to the application, and therefore were informed that they were not in the position at law to participate in the meeting in any capacity.

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London, E2 9BU. It was noted that the review had been sought by the Licensing Authority in relation to the prevention of public nuisance and the prevention of crime and disorder. The review was supported by the Metropolitan Police and the Immigration Department.

At the request of the Chair, Ms Kathy Driver, Licensing Officer explained that the Licensing Authority were seeking revocation of the licence. She believed that the evidence showed that imposition of additional conditions would not suffice to address concerns over crime and disorder and public nuisance that had taken place at the premises. It was noted that the report included evidence that the premises had been operating beyond licensed hours and advertising licensable activities as being available beyond licensed hours.

It was noted that the premises has had a licence since 16th January 2018 with Mr Haroon Hamidi as the previous premises licence holder. The premises licence was transferred to Mr Umid Khel on 28th May 2022. The Licensing Authority started to receive reports and complaints from local residents from 7th June 2021, stating that the premises was operating 24 hours a day. Ms Driver said that website adverts were found advertising the premises as being open from 11:00 hours to 04:30 hours, seven days a week.

Ms Driver confirmed that Mr Hamidi had been the premises licence holder at the time of the complaint and a warning letter was sent to Mr Hamidi on 7th June 2021. Members were referred to the review application in the agenda on pages 29-33 detailing the changes in operation and the number of businesses operating from the premises all advertising late night refreshments till 04:30 hours. It was noted that the licensed for these premises ended at 02:00 hours.

Mr Khel had been the premises licence holder todate since the licence transfer 28th May 2022. A number of failed test purchases were made, and a series of warning letters were sent to Mr Khel and, prior to the licence transfer, Mr Hamidi in relation to the following dates: -

- 7th June 2021
- 31st March 2022
- 12th April 2022
- 13th May 2022
- 28th May 2022

- 30th June 2022

It was confirmed that following requests for CCTV footage, none were supplied, nor were there any responses from the premises licence holder, although a member of staff did contact the Licensing Team to say that they had no CCTV footage. The premises licence holder was invited to attend the Council offices for an interview under caution in respect of offences arising from the carrying on of licensable activities beyond licensed hours, but the premises licence holder did not attend.

Further test purchases were failed by the business on 11th September 2021, 2nd April 2022 and 28th May 2022. On 8th October 2022 a further test purchase was made, in relation to which officers were told to order online, at an hour beyond 2.00am. It was also noted although the business had previously applied for longer hours to provide late night refreshment that had been refused, so the business remained restricted to the licensed hours previously set.

Ms Driver concluded that the premises licence holder had been in charge when the business failed test purchases on four occasions, he was unsuitable to run licensed premises, there were no additional conditions could be added to sufficiently address the concerns raised, and therefore the Licensing Authority were seeking revocation of the licence. It was noted that despite warnings the premises licence holder continued to operate beyond his licensed hours or provide CCTV footage on request, which was also a breach of the conditions on the licence. She suggested that the change of operator during the history of all of the stated defaults had been an attempt to shift responsibility.

Members then heard from PC Mark Perry, Metropolitan Police who agreed with what was said by Ms Driver, commenting that the premises continues to operate beyond licensed hours despite warnings, has failed to comply with conditions, and therefore has failed to uphold the Licensing Objectives to the extent that there were no conditions that could be imposed which would sufficiently address the non-compliances mentioned. The business had such a poor track record of non-compliance, that it was pointless to restrict or reduce the hours, and therefore there was no choice but to revoke the licence.

In response to questions the following was noted: -

- That the premises was still advertising as being open until 4.30am.
- The background to the review application followed a pattern of licensing breaches of conditions, warning letters, and test purchases failed , during a period in which there had been a number of different companies operating from the premises, making it difficult to maintain a process of enforcement, in that warnings and such like had had be repeated several times. The review application was a last resort.
- That the review application was hand delivered to the premises and no response had been received from the current premises licence holder Mr Khel, the only communication received regarding the review application having been yesterday from Mr Hamidi, and communication from a member of staff calling to say that there was no CCTV footage.

Concluding remarks were made.

The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application for review by Kathy Driver representing the Licensing Authority in relation to the late night refreshment licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU. The Premises are currently authorised for the provision of late night refreshments as follows:

Sunday to Tuesday	23:00 hours to 01:00 hours (the following day)
Friday and Saturday	23:00 hours to 02:00 hours (the following day)

From the evidence presented by Ms. Driver and PC Mark Perry, Metropolitan Police the Sub-Committee were very concerned about the number of repeated offences of trading past the existing licensed hours. This concern was exacerbated by the fact that from the evidence presented with the application, the business was advertising the sale of hot food beyond licensed hours on its website, as well as via online delivery platforms.

The Sub-Committee also considered evidence of noise disturbance to local residents from persons attending the premises beyond the licensed hours for late night refreshment, so as to give rise to public nuisance.

The Sub-Committee were disappointed that the Premises Licence Holder, Mr. Khel was absent from this meeting without explanation, as this meant that they were unable to ask him questions about why the above non-compliances had occurred. The decision made therefore had to be without having any evidence from Mr. Khel. The Sub-Committee decision was made on the basis of the evidence for the application. There was no basis for considering an adjournment given to the Sub-Committee by the Premises Licence Holder, Mr. Khel, and under regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, where a party who has not indicated that they will not be attending a Licensing Sub-Committee hearing, fails to attend or be represented at the hearing, the Sub-Committee may proceed in that party's

absence. Whilst noting the attendance of Mr. and Mrs. Hamidi and the trainee lawyer representing them, the Sub-Committee could not hear from any of those individuals, because none of them could say that they had authorisation from Mr. Khel to speak on his behalf, and the trainee lawyer confirmed that his instructions came from Mr. and Mrs. Hamidi, hence none of these individuals could be said to represent Mr. Khel.

Due to the repeated failure to keep to the licensed hours for the provision of late night refreshment, and failure to uphold the licensing objectives, the Sub Committee had no trust or confidence in the Premises Licence Holder's ability to continue to operate under the licence without the issues stated above recurring. So serious was this, that in the circumstances, the Sub-Committee felt that nothing short of revocation of the licence would ensure that the licensing objectives would no longer be compromised by the Premises Licence Holder's business. premises licence with immediate effect.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a review of the premises licence for Tower Hamlets Pizza, 479 Cambridge Heath Road, London E2 9BU be **GRANTED with the revocation of the premise licence with immediate effect.**

3.2 Application for a New Premise Licence for Limehouse Library Hotel, 638 commercial Road, London, E14 7HS

At the request of the Chair, Mr Ibrahim Hussain, Licensing Officer, introduced the report which detailed the application for a new premises licence for Limehouse Library, 638 Commercial Road, London E14 7HS. It was noted that objections had been received by local residents in relation to the prevention of public nuisance.

At the request of the Chair, Ms Ozlem Darcan representing the Applicant explained that the premises was a boutique hotel and culinary arts and educational centre for tourists and business clientele, whilst retaining its heritage as a library. She gave a brief history of the premises and its heritage. She acknowledged the concerns raised by the residents and explained that the library itself had been left derelict, unoccupied and attracted anti-social behaviour prior to the development of the hotel. Since the Applicant took over the premises, it has been regenerated, refreshed, and there have been no reports of ASB. She referred to appendix 12 of the agenda which had photographs of the premises before and after its transformation.

She explained that management have taken into account the concerns of residents together with the welfare and comfort of guests, and had reached a fair balance between both. Ms Darcan referred to the concerns raised by objectors about the open terrace area. She explained that the area was insulated and covered up with glass to reduce noise etc., and that the ballroom was located in the basement, which had sound insulation. It was noted that some of the hotel rooms were in close proximity to the terrace area,

and therefore it was in the Applicant's own interest to ensure noise is not emanating from the terrace area, as it would impact not only local residents, but also hotel guests.

Ms Darcan confirmed that the terrace area would not be a club or pub or drinking area, but a quiet area for hotel guests and staff to relax in with greenery and zen like environment for guests to have a break, drink tea and coffee, and smoke., It was noted that there would be no live music or entertainment in this area.

It was noted that the terrace area was the only open area in the premises. All objectors had been invited to visit the premises. Only one resident had attended, and was impressed with the set up and operation of the premises. She addressed the issues concerning the deliveries outside the hotel. There was a loading bay for deliveries, and therefore this would not cause any additional issues with traffic and crowding on the public highway.

Mr Murat Ozbek, Applicant, referred to the objection raised regarding noise and ASB during the summer time, in relation to which he assured that this was not a typical hotel, but one with a lot of heritage and good reputation. The hotel had 75 rooms, and the main aim was that guests of the hotel feel comfortable in the hotel, so there was incentive for any noise disturbance and ASB to be prevented.

Members also heard from Mr Attila Szasz, resident objector. He briefly highlighted that he lived in very close proximity to the premises, and lived on the 3rd floor. He said he had no particular concerns or objections to the activities inside the premises, but his primary concern was limiting the noise that is likely to emanate from the premises from the terrace area, especially in the summer days when guests would be drinking outside etc., and he suggested that the area be restricted for use until 10pm.

In response to questions, the following was noted: -

- That the terrace area had a seating capacity of 40
- There was no bar area in the terrace, and drinks would be provided from elsewhere inside the premises.
- The terrace area was only a sitting area in which no vertical drinking would be permitted.
- That it was envisaged that no more than 30 people would be using the terrace area at any one time.
- There were 75 rooms in the hotel.
- That staff were trained regarding the responsible sale of alcohol.
- That 60% of the guests would be business customers, and 40% would be tourists.
- That a duty manager would be on duty 24 hours a day, and staff would monitor the terrace area at all times it was in use.

Concluding remarks were made by both parties.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicants and an objector.

The Sub-Committee noted the concerns raised by the resident objectors in relation to the potential increase in noise and public nuisance, as residential dwellings were in close proximity as well as lack of privacy and quiet enjoyment of their own homes. It was noted that the main concerns related to the open terrace area, but the Sub-Committee were assured that appropriate measures would be taken to ensure any noise breakout would be kept to a minimum, as there was no actual bar area on the terrace, there were hotel rooms adjoining the terrace area, and therefore it would not be in the hotel's interest to have noise emanating from that particular area.

As a matter of evidence, the Sub-Committee could only consider evidence of actual events, not speculation as to what might happen.

The Sub-Committee noted the Applicant's agreement to a condition that there be no vertical drinking in the terrace area. The Sub-Committee took into account the Applicant's comment that a duty manager would be present at all times when the terrace area is in use. The objector requested a reduction in the hours for the use of terrace area, the applicants did not feel this would be justified as the terrace area was the only open area in the hotel and the hours applied for in their opinion offered the best balance for residents and guests of the hotel.

Members noted number of robust conditions offered by the Applicant in the operating schedule. They also considered that a reduction in the use of the terrace area to 23:00 hours from Mondays to Sundays provided a reasonable and proportionate limit on the hours in which any noise would come from the terrace area.

Members were confident that the reduction in the hours applied for the terrace area, together with the robust set of conditions offered and agreed with

Responsible Authorities, would ensure that the licensing objectives would be promoted.

Therefore, Members made a unanimous to grant the application with conditions.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Limehouse Library Hotel, 638 Commercial Road, London E14 7HS be **GRANTED with conditions**.

Sale of Alcohol (on sales)

Monday to Sunday 24 hours – Lobby Lounge for Hotel Guests

Restaurant

Monday – Wednesday 12:00 – 23:30 hours
Thursday – Saturday 12:00 – 00:00 hours (midnight)
Sunday 12:00 – 23:00 hours

Terrace Area

Monday – Sunday 12:00 – 23:00 hours

Ballroom

Monday – Sunday 09:00 – 00:00 hours (midnight)

Provision of Regulated Entertainment

Live Music (indoors) – In the basement ballroom only
Monday – Sunday 09:00 – 00:00 hours (midnight)

Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

Recorded Music (indoors & outdoors)

Monday – Sunday 06:30 – 00:00 hours (midnight)

Lobby Lounge – (unamplified background music)

Monday to Sunday 24 hours a day

Restaurant – (unamplified background music)

Monday – Wednesday 06:30 – 23:30 hours
Thursday – Saturday 06:30 – 00:00 hours (midnight)
Sunday 06:30 – 23:00 hours

Terrace Area - (unamplified background music)

Monday – Wednesday 09:00 – 23:30 hours
Thursday – Saturday 09:00 – 00:00 hours (midnight)
Sunday 09:00 – 23:00 hours

Ballroom (amplified music)

Monday – Sunday 09:00 – 00:00 hours (midnight)

Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

Performance of Dance (indoors in the ballroom)

Monday – Sunday – 12:00 – 00:00 hours (midnight)

Non-Standing timings

Christmas Eve & New Year's Eve 09:00 – 01:00 hours

Late Night Refreshments (Indoors)

Monday – Sunday – 23:00 – 00:00 hours (midnight)

Non-Standing timings

Christmas Eve & New Year's Eve 23:00 – 01:00 hours

Opening times

Monday – Sunday – 24 hours (00:30 hours to non residents)

Conditions

1. The ballroom will be hired for private use only. All functions will be pre-booked, and no members of the general public will be permitted entry.
2. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours. Notices shall be displayed advertising that CCTV is in operation.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) All crimes reported
 - (b) All ejections of patrons
 - (c) Any complaints received
 - (d) Any incidents of disorder
 - (e) Any faults in the CCTV system.
 - (f) Any refusal of the sale of alcohol
 - (g) Any visit by a relevant authority or emergency service.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. No deliveries will be received or removal of rubbish, especially glass, take place between 23.00 and 08.00 daily.

6. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, a valid UK Armed Forces photographic identity card with the bearer's photograph on it or Home Office approved proof of age card with the bearer's photograph and the PASS logo / hologram on it will be accepted as proof of age.
7. Training for all staff on underage sales will be documented and repeated at regular intervals. The training will ensure staff understand the principle of Challenge 25. The scheme shall be made available for inspection at the request of the Licensing Authority, Trading Standards and Metropolitan Police.
8. The premises will display publicity materials relating to the Challenge 25 scheme.
9. Loudspeakers shall not be in the entrance lobby or outside the premise building or at the roof top bar.
10. All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance or to affect neighbouring properties
12. No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
13. No idling of vehicle by drivers, delivery vehicles passengers, pick up or uber drivers outside the hotel or at Norway Place or use the residential parking of Earl Atlee and Park Height Court building thereby giving rise to noise that would cause public nuisance or affect the residents.
14. After 22:00 hours daily, patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to 10 persons at any one time.
15. Patrons are to use the entrance by Norway Place and not gather or congregate by Wharf Place which is the exit access road for the residents.
16. Notices shall be prominently at all exits requesting and advising patrons to respect the needs of residents and businesses and leave the area quietly
17. The garden in front of the hotel forecourt is to be used as smoking designated area.
18. There shall be no vertical drinking in the terrace area.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
Kilikya's Café Bar Restaurant, Unit C4, Ivory House, East Smithfield, London, E1W 1AT	31/01/23
Noodle & Beer, Unit 6, 31 Bell Lane, London, E1 7LA	31/01/23
Marios, Unit 3a, 139 Three Colt Street London E14 8AP	31/01/23
Jack the Chipper, 96 Whitechapel High Street, London, E1 7RA	31/01/23

The meeting ended at 8.20 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON THURSDAY, 27 OCTOBER 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed

Councillor Asma Begum

Officers Present:

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

Representing applicants	Item Number	Role
Michael Buckworth	4.1	(Legal Representative)
Sophie Parkin	4.2	(Applicant)
Father Ray Warren	4.2	(Witness)

Representing objectors	Item Number	Role
Genevieve Woods	4.1	(Resident Objector)
Javier Melian	4.2	(Other Persons - Objector)
David Cleghorn	4.2	(Resident Objector)

Apologies

None

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings 8th, 22nd and 27th September 2022 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a new Premise Licence for Unit 3 Hampton Tower, South Quay Plaza, 75 Marsh Wall, London, E14 9WS**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for Unit 3 Hampton Tower, South Quay Plaza, 75 Marsh Wall, London, E14 9WS. It was noted that objections had been by local residents in relation to the prevention of public nuisance. The application sought authorisation for the sale by retail of alcohol for consumption on the Premises from 11:30 hours to 22:30 hours seven days per week.

The application attracted one representation from a local resident, Genevieve Woods, on the basis of the prevention of public nuisance. Ms. Woods did not seek refusal of the licence; rather, the issue between the parties was as to the imposition of additional conditions. A number of conditions had been agreed between the applicant and the responsible authorities.

The Sub-Committee heard from Mr. Buckworth, solicitor for the applicant. He briefly outlined the nature of the application and confirmed that alcohol sales would be ancillary to meals. He addressed the conditions sought by Ms. Woods. As regards smoking, a condition had been agreed with the Noise Officer, which included the number of persons permitted to enter and re-enter. Conditions had been agreed with the Police, which included no off-sales. There was a restricted time frame for deliveries to the Premises already, which were included in the lease. Finally, there were also conditions in the lease which addressed the issue of waiting delivery drivers. There was no objection if the Sub-Committee was minded to impose a condition dealing restricting deliveries to the Premises, since there was already a more restrictive condition imposed by the lease.

Ms Woods told the Sub-Committee that the building would be the largest residential building in the UK, with 600 residential flats above the Premises. There was the potential for those residents to be disturbed by anti-social behaviour.

As far as smoking was concerned, she already could smell smoke from other premises. She asked that the smoking area be located away from the building. She also asked that agreed condition 3 from the Noise Service, which dealt with people leaving the Premises to smoke, should include staff. She asked that alcohol be sold as ancillary to meals and sought a condition which limited waiting by delivery drivers.

In response to questions the following was noted;

- Mr. Buckworth confirmed that there was no objection to a condition that alcohol be sold as ancillary to a meal and a condition restricting the emptying of bottle banks.
- It was noted that having the smoking area located away from the Building was potentially problematic as the lease placed restrictions on where people could congregate and any such smoking area would need to be agreed with the landlord.
- That the applicant was amenable to seeking to reach an appropriate agreement with the landlord, if possible.
- It was suggested by the Legal Adviser that one possible way to deal with this would be to prohibit smoking immediately outside the Premises.

Decision

The Sub-Committee was satisfied that it was appropriate and proportionate to grant the licence for the hours sought. The application was modest and it was not suggested that conditions would not be appropriate to mitigate any impact on the licensing objectives. Several conditions had been agreed. The main concern of Ms. Woods related to the licensing objective of the prevention of public nuisance and the real issue for the Sub-Committee was whether or not it was appropriate to impose additional conditions to address those concerns.

The Sub-Committee was satisfied that it was appropriate and proportionate to impose conditions that alcohol be sold as ancillary to a meal, restricting delivery times to the Premises, and restricting the times at which bottle banks could be emptied. The Sub-Committee did not consider it appropriate to impose conditions restricting waiting by delivery drivers as deliveries were not related to the licensable activity; there was no late-night refreshment nor was alcohol being sold by way of delivery. As regards smoking, the Sub-Committee accepted that there may be practical difficulties in requiring the applicant to locate the smoking area away from the frontage of the Premises and considered that it would suffice to simply restricts smoking within that area.

The application is therefore granted as sought and with the agreed conditions and those additional conditions imposed by the Sub-Committee:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for Zia Lucia, Unit 3 Hampton Tower, South Quay Plaza, 75 Marsh Wall, London, E14 9WS be **GRANTED with conditions**.

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

Monday to Sunday 11:30 hours – 22:30 hours

Opening hours

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

Conditions

1. No glass to be taken outside by customers after 22:00 hours.
2. To ensure all litter is removed from outside the premises.
3. Unaccompanied children shall not be permitted on the premises.
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) All crimes reported;
 - (b) All ejections of patrons;
 - (c) Any complaints received concerning crime & disorder;
 - (d) Any incidents of disorder;
 - (e) All seizures 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.
5. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) The crime scene is preserved (where possible) so as to enable a full forensic investigation to be carried out by the police;
 - c) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. No open containers of alcohol to be taken outside the premises.
8. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale and the reason for the refusal. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
9. 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.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
15. All sales of alcohol shall be ancillary to a table meal.
16. Deliveries to the premises and refuse collections shall not take place before 07:00 hours and after 20:00 hours.
17. There shall be no emptying of bottle bins and banks between 20:00 hours and 07:00 hours.
18. Patrons shall not be permitted to smoke within ten feet of the frontage of the Premises.

4.2 Application for a variation of a premises licence for (Vout-O-Reenees), the Crypt of 30 Prescot Street London E1 8BB

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Vout-O-Reenees, the Crypt of 30 Prescot Street London E1 8BB. It was noted that objections had received by a local resident and other persons in

relation to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee considered the application by Sophie Parkin to vary the premises licence. The premises are currently licensed for the sale of alcohol from 14:00 hours to midnight Monday to Thursday and from 14:00 hours to 01:00 hours on Friday and Saturday; for late night refreshment from 23:00 hours to 00:30 Monday to Thursday and from 23:00 hours to 01:30 hours on Friday and Saturday; for the showing of films from 12:00 hours to 23:00 hours Monday to Saturday and from 14:00 hours to 21:00 hours on Sunday; and for live music from 12:00 hours to 23:00 hours Monday to Saturday and from 13:00 hours to 21:30 hours on Sunday.

The variation sought was to increase the terminal hour for the sale of alcohol on Thursdays to 01:00 hours and on Friday and Saturday to 02:00 hours. The starting time on Saturday was also to be varied to 13:00 hours. No change was sought to the other licensable activities. The variation also sought to provide recorded music from 17:00 hours Monday to Saturday, with the terminal hour being 00:00 hours Monday to Wednesday, 01:00 hours on Thursday, and 02:00 hours on Friday and Saturday. The opening times were to be varied to mirror the times for the sale of alcohol.

The application attracted two representations. One was from the Flame of Love Praying Group London and the other was from a local resident, David Cleghorn, who was also a member of the Flame of Love. The representations were based on the prevention of public nuisance and the prevention of crime and disorder. Conditions had been agreed between the applicant and the police and the Noise Service.

Ms. Parkin spoke to her application and explained the nature of the Premises, which was a venue for artists. She had been operating from the Premises for about eight years. The primary reason for the variation was because the business, like others, had been severely affected by the pandemic. She explained that she did not permit people to get drunk on the Premises. The additional opening times were also sought because 01:00 hours was not particularly late for some people.

Mr Javier Melin addressed the Sub-Committee. The Legal Adviser had emphasised at the start of the meeting that the decision for the Sub-Committee was whether or not this variation would adversely impact upon the licensing objectives and that the oral submission needed to focus on that. Whether the activities being carried on at the Premises were offensive to others was not a matter that the Sub-Committee could take into account. Mr. Melin stated that when his group tried to pray, they would be disturbed by noise from the Premises, which made their use of the church impossible. The oblate, which was the landlord, refused to control the Premises.

Mr. David Cleghorn referred to issues such as disrespect shown to the Church by patrons of the Premises. He cited an example of a person who took a photograph of himself mooning on the church steps, which was then posted on social media. He asserted that some patrons of the Premises were

specifically attracted to the fact that it was in a church and that they ridiculed the church. He said he had tried to speak to someone in management twice but without success on either occasion.

In response to questions from Members the following was noted;

- Ms. Parkin confirmed that Father Ray Warren of the church was present. He was asked about the noise allegations. He stated that the agreement with Ms. Parkin restricted the hours so that the Premises did not operate when the praying group were using the Church.
- Where there had been a noise caused to the praying group it was because they were there outside of their agreed times.
- That there was no clash between the church's services and the Premises.
- Members also expressed some concern about particular holy days, such as Christmas Eve. The Sub-Committee was told that the Premises were not allowed to operate on those days.
- Ms. Parkin denied that she was impossible to contact or that people could not get in touch with her. She stated that she was available by email and that no-one had attended. In any event, her security officer was her business partner and capable of dealing with any concerns.
- Ms. Parkin was asked about the allegations of glassware being left outside the Premises. She stated that patrons were not allowed to leave with glassware and drew the Sub-Committee's attention to the fact that there was a pub and two hotels nearby in close proximity.

Decision

This application engaged the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. Whilst the written representation alleged breaches of the existing licence, no evidence was provided in support of this and the allegations were not addressed in the oral submissions. There was no evidence from any of the responsible authorities in this regard and the Sub-Committee was not satisfied that the crime prevention objective was being undermined nor that it would be undermined if the application was granted.

With regard to public nuisance, the Sub-Committee considered it debatable that the alleged noise disturbance amounted to a public nuisance rather than a private nuisance. Even if it did amount to a public nuisance, however, the representations failed to explain why that would affect the praying group given that the variation sought was to allow later operation. In any event, the Sub-Committee accepted the information provided by Father Warren which was that there was no disturbance and, if there was, it was because the praying group were attending outside of their agreed times rather than because the applicant was operating outside of their licence.

The Sub-Committee noted the concerns of the representors as to the offence they felt by the activities of some people. However, that was not related to any of the licensing objectives and any concerns in that regard were not a matter for the Sub-Committee. The Sub-Committee was satisfied that it was

appropriate and proportionate to grant the variation as sought and with the conditions agreed with the responsible authorities. In addition, and notwithstanding that Ms. Parkin stated that patrons did not take glassware outside, the Sub-Committee considered that there was a possibility some could do so and that it was therefore appropriate to impose a condition to prohibit that.

The application is therefore granted as sought and with the agreed conditions and those additional condition imposed by the Sub-Committee:

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for Crypt, 30 Prescot Street, London, E1 8BB be **GRANTED with conditions**.

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

Monday to Wednesday	14:00 hours – 00:00 hours
Thursday	14:00 hours to 01:00 hours
Friday	14:00 hours to 02:00 hours
Saturday	13:00 hours to 02:00 hours

Recorded music

Monday to Wednesday	17:00 hours – 00:00 hours
Thursday	17:00 hours to 01:00 hours
Friday	17:00 hours to 02:00 hours
Saturday	17:00 hours to 02:00 hours

Opening hours

Monday to Wednesday	14:00 hours – 00:00 hours
Thursday	14:00 hours to 01:00 hours
Friday	14:00 hours to 02:00 hours
Saturday	13:00 hours to 02:00 hours

Conditions

1. When the designated premises supervisor or a personal licence holder is not on the premises, any or all persons authorised to sell alcohol will be fully trained on the sales of alcohol and authorised by the designated premises supervisor in writing. This shall be available on request by the police or any authorised officer.
2. In reference to the training mentioned in condition 1 above, all staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction, a refresher training session after three months and then every six months thereafter. This training shall be recorded and the records to be available on request to the police or any authorised officer. The training shall include:
 - a) the operation of the Challenge 25 scheme;

- b) the types of acceptable ID;
 - c) the method of recording challenges;
 - d) the likely consequences of making an underage sale;
 - e) reasons for refusal and updating the refusal log;
 - f) proxy sales.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
- (a) All crimes reported;
 - (b) All ejections of patrons;
 - (c) Any complaints received concerning crime & disorder;
 - (d) Any incidents of disorder;
 - (e) All seizures 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.
4. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale and the reason for the refusal. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

8. The premises shall have a written dispersal policy which details how the premises will disperse their customers so as not to cause noise nuisance to local residents. This policy is to be made available to the police or any relevant authority upon request.
9. The premises shall have no promoted electronic dance music events.
10. All windows and external doors shall be kept closed after 22:00 hours or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. The premises licence holder shall ensure that music and/or patrons' sound is not audible at the nearest noise sensitive premises.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. There shall be no more than seven smokers to be allowed to smoke outside the premises at any one time. No more than two guests at any one time will be allowed to smoke outside after 22:00 hours.
15. No alcohol shall be allowed to be consumed in the outdoor area.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours the following days
17. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
18. Patrons shall not be permitted to leave the premises with any glassware.

4.3 Application for a Temporary Event Notice for 9 Umberston Street, London E1 1PY

This item was withdrawn prior to the meeting.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of

the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Club Mexicana Vegan Restaurant, 46-48 Commercial Street, London E1 6LT	31/01/23
Jungle Electric 467 Roman Road E3 5LX	31/01/23
Rooftop, 68-80 Hanbury Street, E1 5JL	31/01/23
Di.Wine, 375a Hackney Road, London, E2 8PP	31/01/23

The meeting ended at 3.50 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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Agenda Item 4.1

Committee:	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	22 November 2022	Unrestricted		

Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a new Premise Licence for Pizza Hut, 195-195a East India Dock Road, London, E14 0EA
Originating Officer: Corinne Holland Licensing Officer	Ward affected: Lansbury

1.0 Summary

Applicant: **JJ & Team Ltd (Arif Jivraj)**

Name and
Address of Premises: **Pizza Hut
195-195a East India Dock Road
London
E14 0EA**

Licence sought: **Licensing Act 2003
Provision of Late-Night Refreshments**

Objectors: **Licensing Authority**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Corinne Holland
020 7364 3986

3.0 Background

- 3.1 This is an application for a new Premise Licence for Pizza Hut, 195-195a East India Dock Road, London, E14 0EA.
- 3.2 The applicant has described the premises as: Pizza Hut delivery shop for collections and delivery.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

Provision of Late-Night Refreshments (indoors & outdoors)

Monday to Sunday – 23:00 hours – 05:00 hours

Opening times

Monday to Sunday – 11:00 hours – 05:00 hours

4.0 Location and Nature of the premises

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

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

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

- **Licensing Authority – Appendix 7**

- 6.9 Correspondence from applicant to the Licensing Authority – **Appendix 8**

- 6.10 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 Heath

- Home office (Immigration Enforcement)

6.11 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

6.12 The objections relate to:

- Public nuisance
- ASB

6.13 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.

6.14 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.

6.15 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. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the entire 31 day period.
2. Suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public.

3. Delivery drivers will only arrive at the shop when the order is ready for collection.
4. All fixed equipment at the premises , such as ventilations systems that produce significant levels of noise are fitted with appropriate means of noise submission and are restricted in their use so as to minimise disturbance to any neighbouring noise sensitive premises.
5. The ventilations and extract systems are designed and maintained so as to prevent noxious smells causing nuisance to nearby properties.
6. No customers can eat in the premises.

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the Environmental Health Team – **Appendix 9**
(Third condition in email removed due to duplication)

1. No noise generated on the premises, or its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the

lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).

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

- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 10 - 14** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Site Plan
- Appendix 3** Maps of the surrounding area
- Appendix 4** Photographs of the premises
- Appendix 5** Other licensed venues in the area
- Appendix 6** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 7** Representation from LA
- Appendix 8** Correspondence from applicant to LA
- Appendix 9** Conditions agreed with EP
- Appendix 10** Licensing Officer comments on public nuisance
- Appendix 11** S182 advice on public nuisance
- Appendix 12** ASB – Access/Egress
- Appendix 13** Licensing Policy relating to hours of trading
- Appendix 14** Planning

Appendix 1



Tower Hamlets
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference

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

Your reference

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House?

Yes

No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business	Director	The country where the headquarters of your business is located.
Home country	United Kingdom	
Registered Address		Address registered with Companies House.
Building number or name	[REDACTED]	
Street	[REDACTED]	
District	[REDACTED]	
City or town	[REDACTED]	
County or administrative area	[REDACTED]	
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	195-195A
Street	East India
District	Canary Wharf
City or town	London
County or administrative area	
Postcode	E14 0EA
Country	United Kingdom

Further Details

Telephone number	[REDACTED]
Non-domestic rateable value of premises (£)	32,000

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

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

JJ & TEAM LTD

Details

Registered number (where applicable)

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

Continued from previous page...

Address

Building number or name [REDACTED]
[REDACTED]

District [REDACTED]

City or town [REDACTED]

County or administrative area [REDACTED]
[REDACTED]

Country United Kingdom

Contact Details

[REDACTED]

Telephone number [REDACTED]

Other telephone number [REDACTED]

* Date of birth [REDACTED] dd [REDACTED] mm [REDACTED] yyyy

* Nationality British

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? 04 / 08 / 2022
dd mm yyyy

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

Provide a general description of the premises

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

The premises license application is for a Pizza Hut Delivery shop. We do not supply alcohol. The shop operates as both a collection and a delivery business. The shop is located on the main road. The area is mixed with commercial and residential area. The store comprises reception, kitchen, small office and toilet, with front and rear access to outside.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start
Start

End
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
Start

End
End

WEDNESDAY

Start
Start

End
End

THURSDAY

Start
Start

End
End

FRIDAY

Start
Start

End
End

SATURDAY

Start
Start

End
End

SUNDAY

Start
Start

End
End

Continued from previous page...

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.

Pizza is delivered by shop drivers and aggregators such as Uber and Deliveroo. The drivers are collecting the pizza to be delivered to customers.

State any seasonal variations

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

N/A

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.

N/A

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

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.

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

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.

Start

End

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...

N/A

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

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

N/A

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

- Loitering is not allowed.
- All staff are trained on Health & Safety procedures.
- Fire Risk Assessment has been conducted at the premises and implemented the necessary control measures.
- C.C.T.V. system has been installed and accessible remotely.

b) The prevention of crime and disorder

- Loitering is not allowed.
- Staff are trained on how to deal with robbery, theft crime, and on reporting to police of any incidents.
- Panic alarms are installed.
- Suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public, together with emergency lightning installed and maintained.
- C.C.T.V. system has been installed and accessible remotely.

c) Public safety

- Fire Risk Assessment has been conducted at the premises and implemented the necessary control measures.
- All exit doors are operable without the use of a key, card, code or similar means.
- Adequate and appropriate First Aid equipment and materials are available on the premises.
- Suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public, together with emergency lightning installed and maintained.
- C.C.T.V. system has been installed and accessible remotely.

d) The prevention of public nuisance

- Loitering is not allowed, and encourage people to move away from the premises.
- Delivery of pizza is encouraged in order to avoid customers waiting for orders.
- Delivery drivers will only arrive to the shop when the order is ready for collection.
- No seating area available to eat in.
- All fixed equipment at the premises such as ventilation systems that produce significant levels of noise are fitted with appropriate means of noise suppression and are restricted in their use so as to minimize disturbance to any neighboring noise sensitive premise.
- The ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to

Continued from previous page...

nearby properties.

e) The protection of children from harm

- The business does not recruit employees under 18 years old.
- C.C.T.V. system has been installed and accessible remotely. All areas of the premises are monitored by C.C.T.V.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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 (£)

190.00

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

Arif Jivraj

* Capacity

Director

* Date

04 / 08 / 2022

dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/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.

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

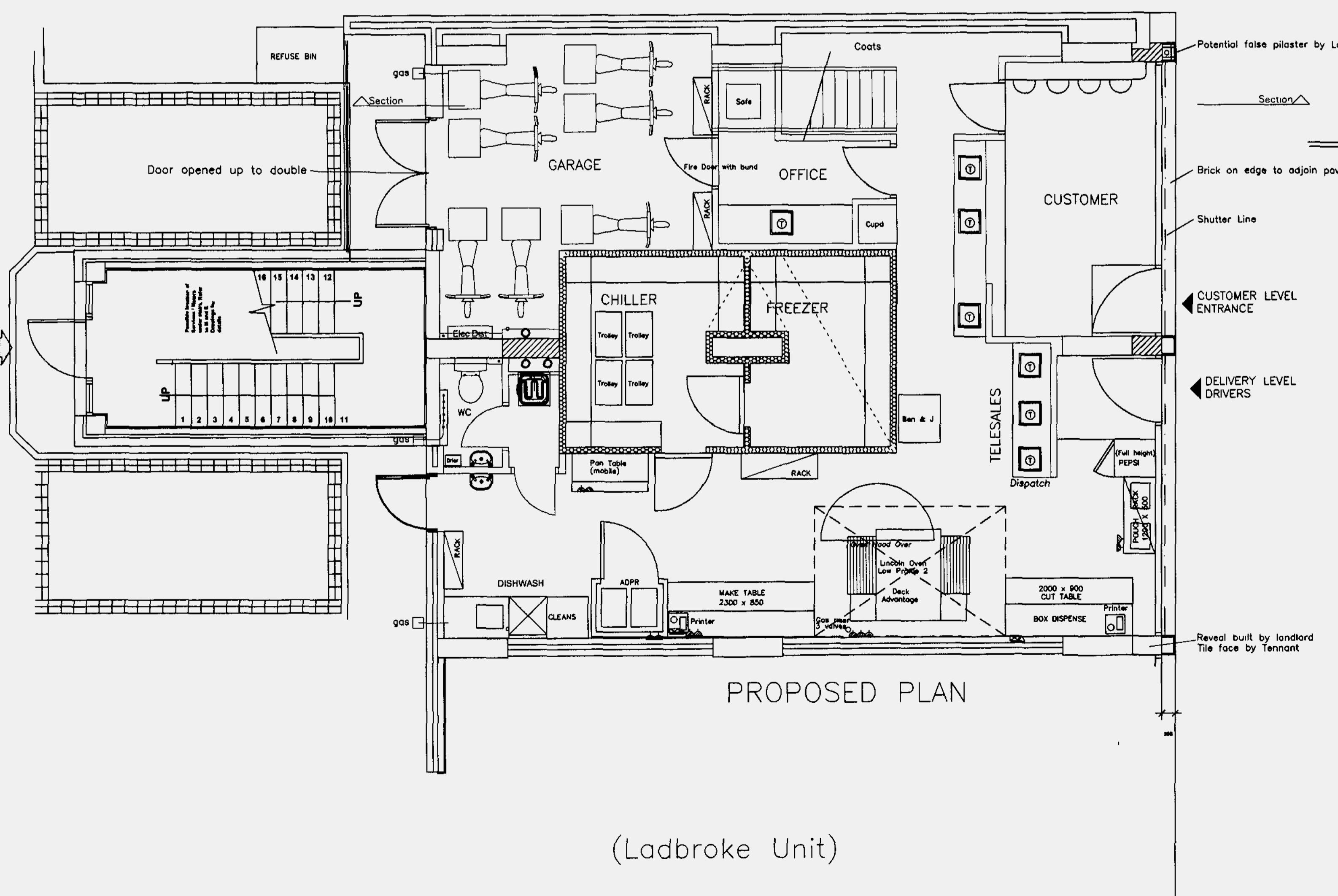
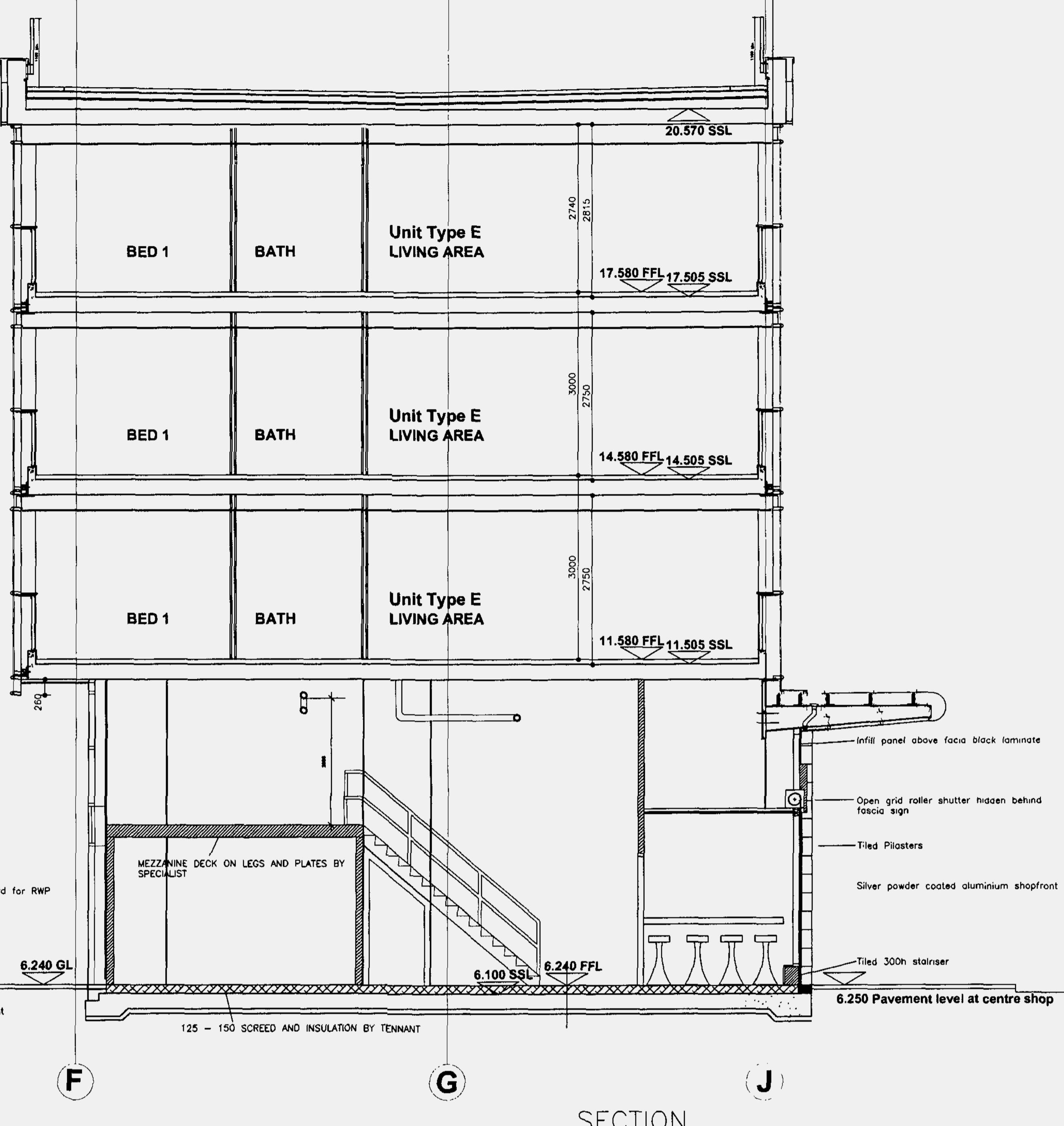
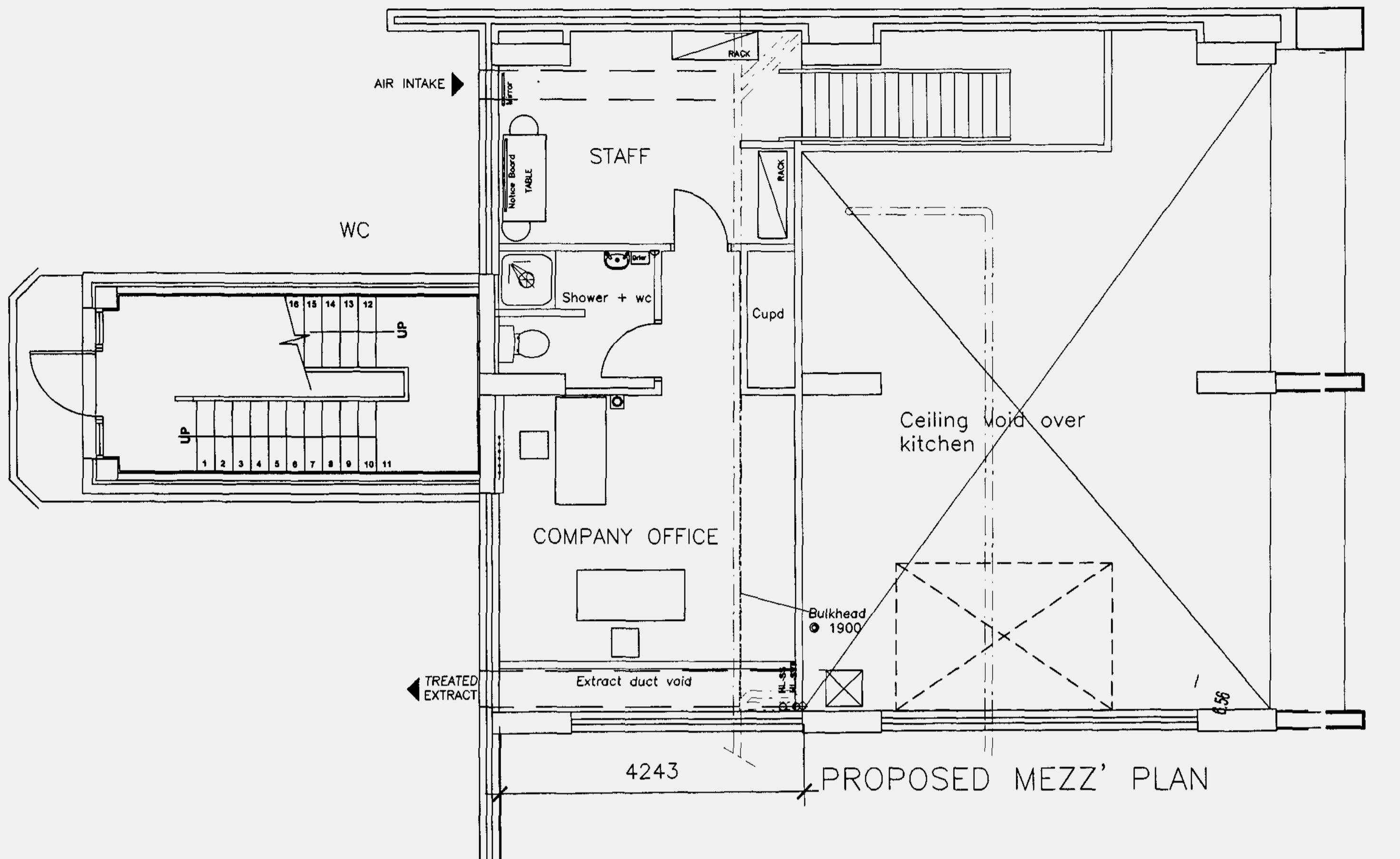
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

OFFICE USE ONLY

Applicant reference number	822 Canary Wharf
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

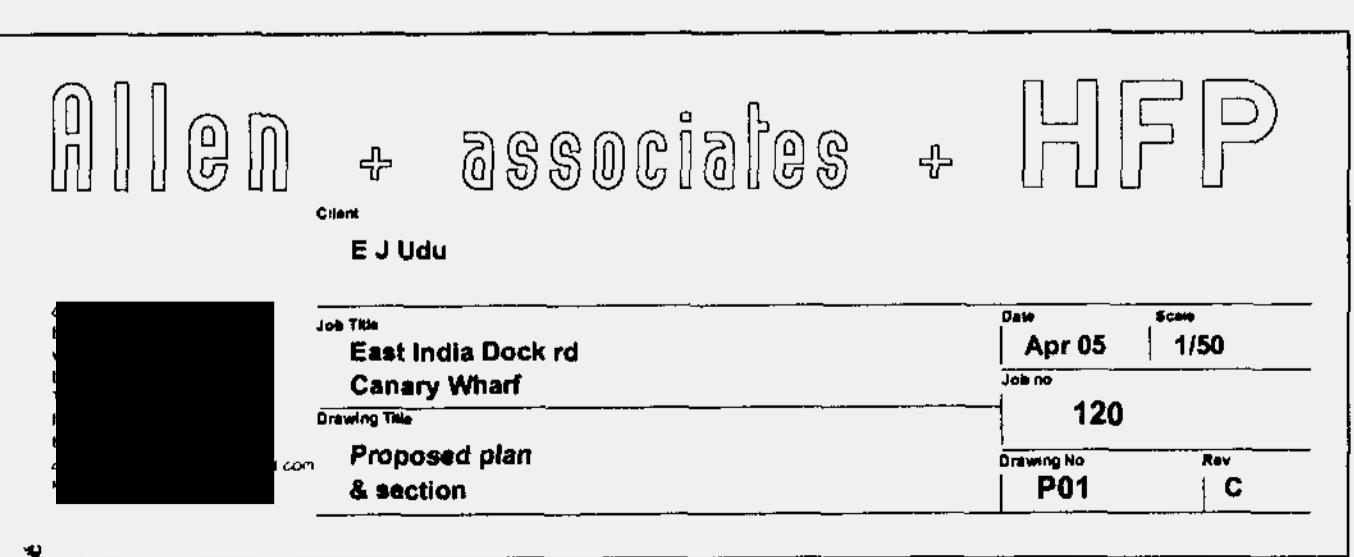
Appendix 2



LONDON BOROUGH OF
TOWER HAMLETS
Registered Plan
PA/05/734
Department Control

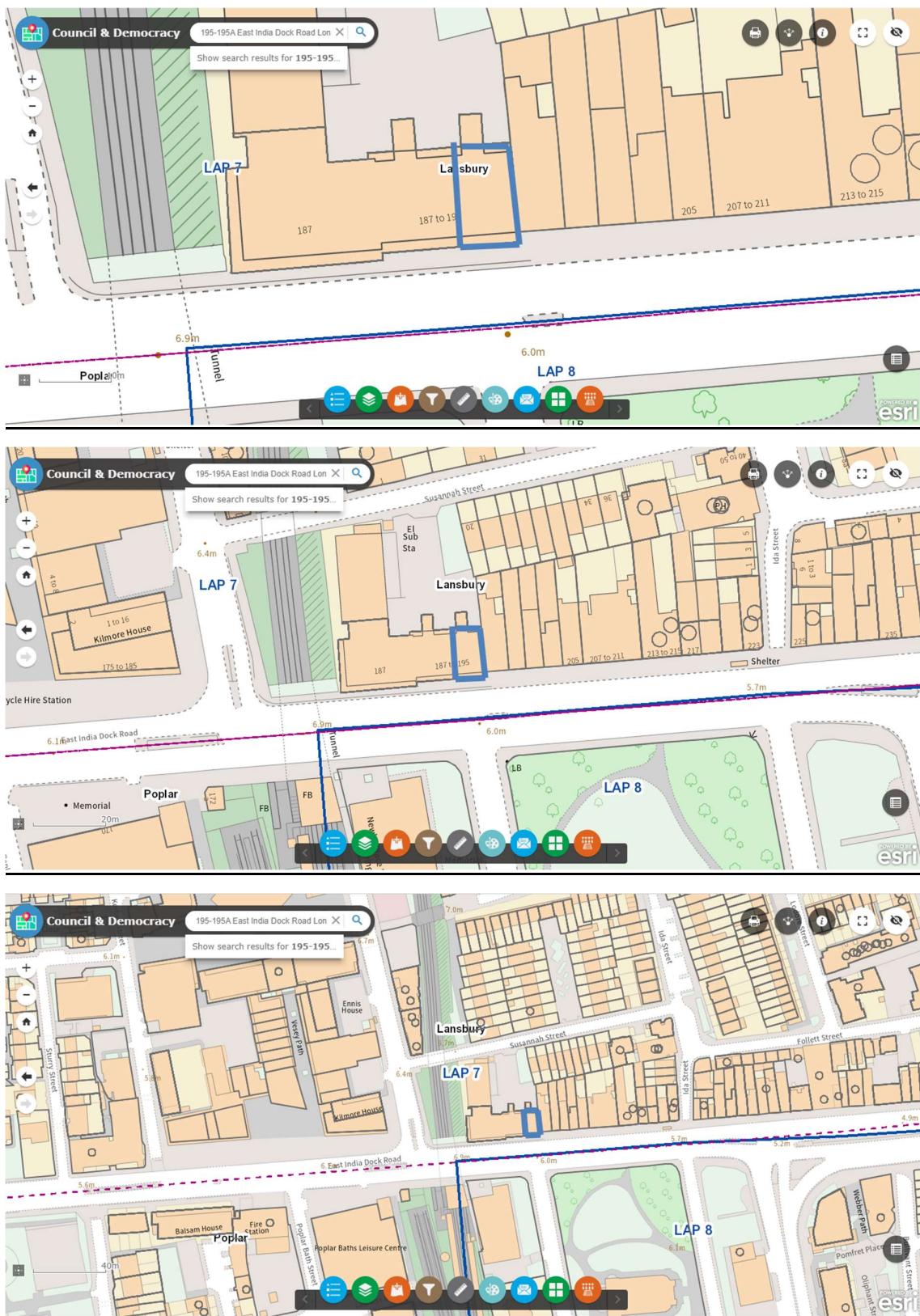
Rev C May 05 ~ Shopfront detail added
inc open grid shutter, cleaner moved.
Rev B ~ Agreement Set
Rev A ~ 1/3/05 Shopfront revised

APPROVED



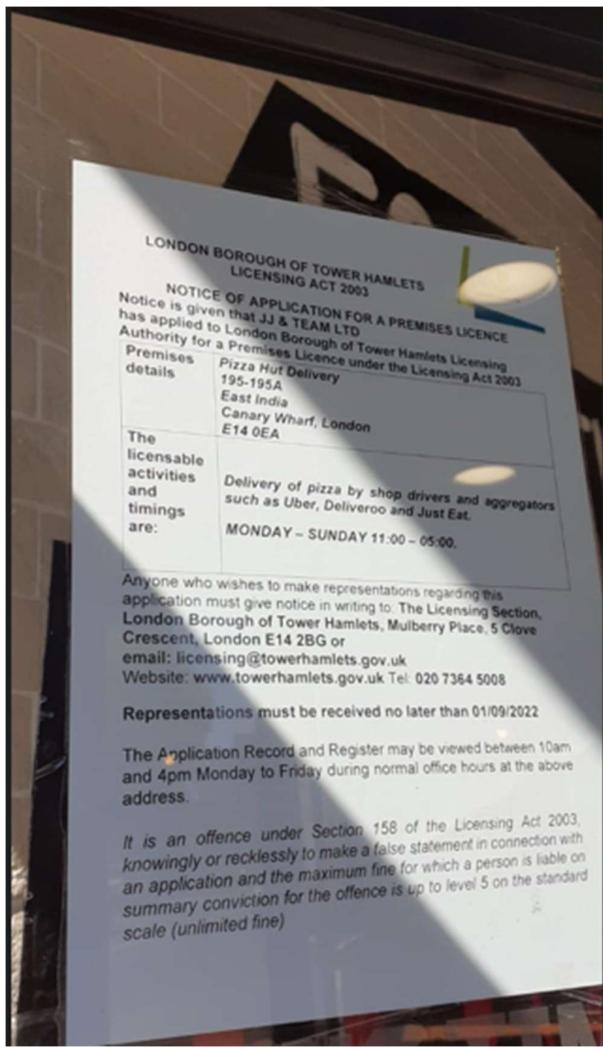
Appendix 3

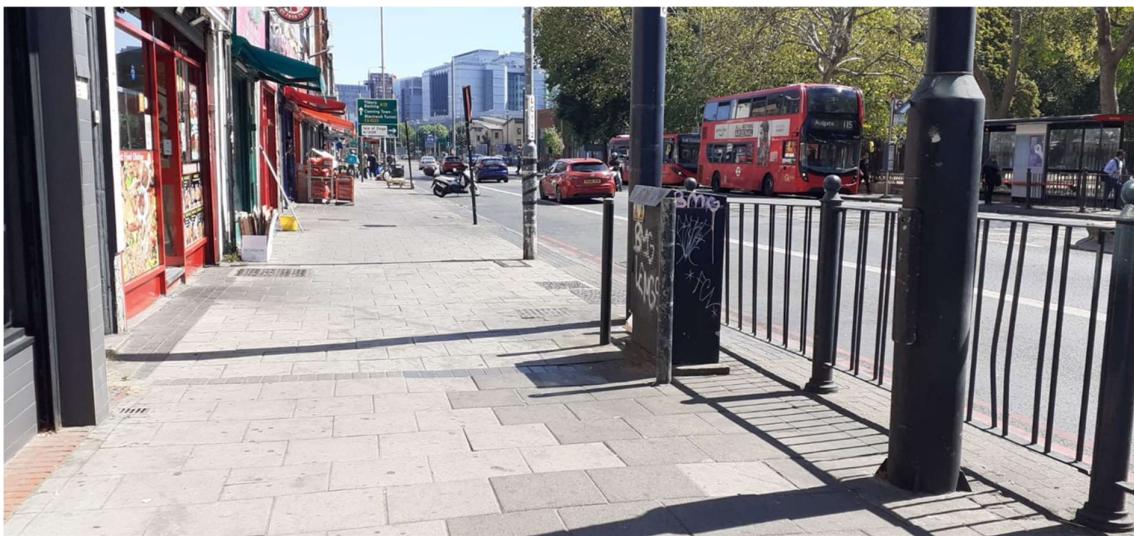
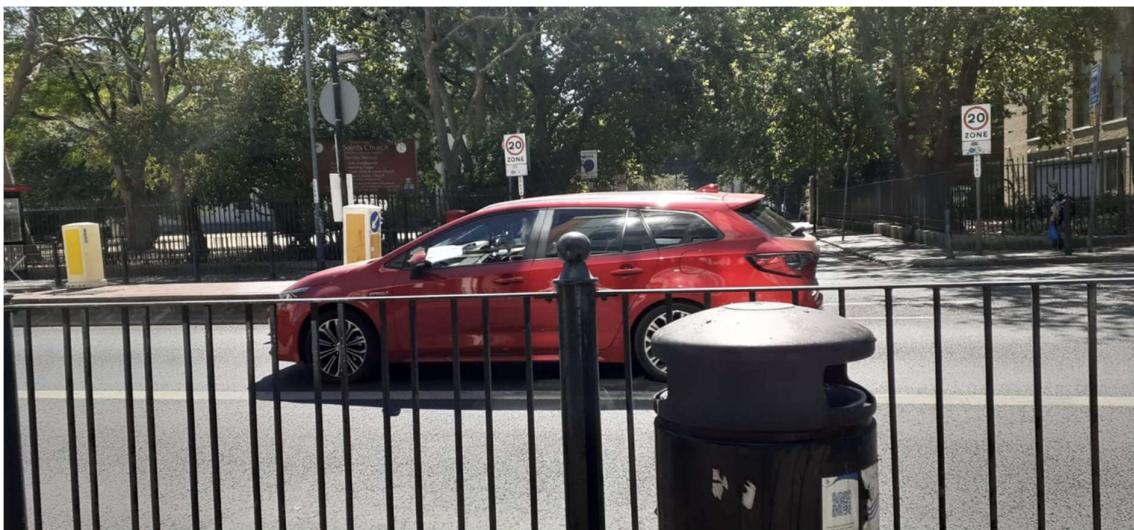
Maps – 195-195a East India Dock Road



Appendix 4

Photos – 195-195a East India Dock Road





Appendix 5

Address	Licensable activities/times	Opening hours
(Real Taste) 185 East India Dock Road	<p><u>The provision of late night refreshment</u></p> <p>Monday to Wednesday from 23:00hrs to 00:30hrs (the following day)</p> <p>Thursday to Saturday from 23:00hrs to 02:00hrs (the following day)</p>	<p>Monday to Wednesday from 08:00hrs to 00:30hrs (the following day)</p> <p>Thursday to Saturday from 08:00hrs to 02:00hrs (the following day)</p> <p>Sunday from 08:00hrs to 23:00hrs</p>
(Nisa) 175-179 East India Dock Road	<p><u>The sale by retail of alcohol (off sales)</u></p> <p>Monday - Sunday from 07:00 hours to 23:00 hours</p>	Monday - Sunday from 07:00 hours to 23:00 hours
(Perfect Fried Chicken) 197 East India Dock Road	<p><u>The provision of late night refreshment</u></p> <p>Monday to Sunday 23:00 hours – 02:00 hours (the following day)</p>	Monday to Saturday from 11:00 hours – 02:00 hours (the following day)
(Alan Supermarket) 199 East India Dock Road	<p><u>Supply of Alcohol Off (sales only)</u></p> <p>Monday to Sunday from 09:00 hours to 21:00 hours</p>	Monday to Sunday from 09:00 hours to 21:00 hours
(Poplar Spice) 201 East India Dock Road	<p><u>Provision of late-night refreshment (indoors)</u></p> <p>Monday to Saturday 23:01 hours to 02:00 hours</p> <p>Sunday 23:01 hours to 01:00 hours</p>	<p>Monday to Saturday 11:00 hours to 02:00 hours</p> <p>Sunday 11:00 hours to 01:00 hours</p>
(Kaymaks Off Licence) 203 East India Dock Road	<p><u>The sale by retail of alcohol (off sales)</u></p> <p>Monday - Sunday from 08:00 hours to 02:00 hours the following day.</p>	Monday - Sunday from 08:00 hours to 02:00 hours the following day.
Poplar Mini Market) 205 East India Dock Road	<p><u>Sale by retail of alcohol (off sales)</u></p> <p>Sunday to Wednesday 08:00 hours to midnight</p> <p>Thursday to Saturday 08:00 hours to 01:00 hours the following days</p>	<p>Sunday to Wednesday 08:00 hours to midnight</p> <p>Thursday to Saturday 08:00 hours to 01:00 hours the following days</p>
(The Ho Lee Chinese Restaurant)	<p>The sale by retail of alcohol</p> <p>Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or</p>	There are no restrictions on the hours during which this

207-209 East India Dock Road	<p>New Year's Eve from 11am to 12pm.</p> <p>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p> <p>(3) On Christmas Day: 12 noon to 11:30pm;</p> <p>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</p> <p>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</p> <p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	premises is open to the public
(Han Restaurant) 213 East India Dock Road	<p><u>Late Night Refreshment</u></p> <p>Sunday to Thursday 23:00 hours to 23:30 hours</p> <p>Friday and Saturday 23:00 hours to midnight</p> <p>Christmas Eve, New Years Eve and Chinese New Years Eve 23:00 hours – 01:00 hours</p> <p><u>Supply of alcohol (on sales)</u></p> <p>Sunday to Thursday 12:00 hours to 23:30 hours</p> <p>Friday and Saturday 12:00 hours to midnight</p> <p>Christmas Eve, New Years Eve and Chinese New Years Eve 23:00 hours – 01:00 hours</p>	<p>Sunday to Thursday 12:00 hours to 23:30 hours</p> <p>Friday and Saturday 12:00 hours to midnight</p> <p>Christmas Eve, New Years Eve and Chinese New Years Eve 23:00 hours – 01:00 hours</p>
(Costcutter) 219 East India Dock Road	<p><u>The sale by retail of alcohol</u> (off sales)</p> <p>Monday – Sunday from 06:00 hours to 02:00 hours the following day.</p>	Monday – Sunday from 06:00 hours to 02:00 hours the following day
(Spice Hut) 221 East India Dock Road	<p><u>The Provision of Late Night Refreshments</u></p> <p>Sunday to Thursday from 23:00 hrs to 01:00 hrs (the following day)</p> <p>Friday and Saturday from 23:00 hrs to 02:00 hrs (the following day)</p>	<p>Sunday to Thursday from 11:00 hrs to 01:00 hrs (the following day)</p> <p>Friday and Saturday from 11:00 hrs to 02:00 hrs (the following 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 vexatious or frivolous on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

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

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

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

Appendix 7

Corinne Holland

From: Licensing
Sent: 01 September 2022 17:27
To: Corinne Holland
Subject: FW: Pizza Hut, 195-195a East India Dock Road, E14 0EA

From: Kathy Driver <[REDACTED]>
Sent: 01 September 2022 17:12
To: arif [REDACTED]; Licensing <[REDACTED]>
Subject: Pizza Hut, 195-195a East India Dock Road, E14 0EA

I am acting as Responsible Authority for the Licensing Authority and wish to object to the application on the grounds of Prevention of Public Nuisance and Prevention of Crime and Disorder.

The applicant is seeking 24 hour operation of late night refreshment for a premises which operates both a collection and delivery business.

The premises sits directly beneath a large complex of residential units and the outside area is fenced off directly outside to the roadside. This Authority feels that any collection by customers or delivery drivers is more likely to be accessed to the rear of the property. The rear of the property is a highly residential area overlooking a residential storey block including residential properties all along Suzannah Street of which is a narrow street. Any deliveries or collection is likely to be utilised from the rear, as the front entrance sits on a busy main road and is controlled under a red route and busy bus route.

Based on the above we feel that a 24 hour operation is likely to cause a disturbance to the residents from customers accessing the premises, attending the premises by car or on foot and delivery drivers constantly back and forth at all hours of the day. The applicant has not addressed the objectives to deal with the noise potential including the likelihood of ASB associated from it, and therefore objects to the application.

Kind Regards,

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

[REDACTED]

Licensing Hotline **020 7364 5008**

Licensing General Email: licensing@towerhamlets.gov.uk

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

Appendix 8

Corinne Holland

From: Anamaria <[REDACTED]>
Sent: 14 September 2022 13:37
To: Corinne Holland
Cc: Arif Jivraj; kishore
Subject: RE: Representation - Pizza Hut, 195-195A East India Dock Road - REF M/151753

Hi Corrine,

Arif Jivraj is away, however he has forwarded your email to me and asked me to reach out and respond to the noted objection accordingly.

We would like to bring a few points to the attention of the objector and Licencing Committee:

- Customers can only access the premises from the front customer entrance, and there is no way for them to access from the rear.
- We have a separate driver access door in the front of the premises that they can and do often use.
- We have not proposed to trade and operate 24 hours.
- A large part of our sales comes from Uber Eats, Deliveroo and Just Eat. All of their drivers access our premises from the front customer entrance.

We do believe that the points noted above will provide comfort to the objector that we will not cause disturbance to the local residents from our late night trading.

Thank you.

Kind regards,
Anamaria

Office Administrator

[REDACTED]

[REDACTED]

From: Corinne Holland <[REDACTED]>
Sent: 02 September 2022 16:29
To: Arif Jivraj [REDACTED]
Subject: Representation - Pizza Hut, 195-195A East India Dock Road - REF M/151753

Dear Sir/Madam

I am obliged to tell you that an objection to the granting of this Premises Licence have been received from the Licensing Authority.

Appendix 9

Corinne Holland

From: Tim Hung
Sent: 23 August 2022 15:37
To: Licensing
Cc: Paul Murphy
Subject: FW: Pizza Hut Delivery, 195-195A East India, Canary Wharf, London , ref 151753

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Team,

Re: below. I reviewed premises license application for Pizza Hut Delivery, 195-195A East India, Canary Wharf, London , ref 151753 with particular attention to the licensing objective for the prevention of public nuisance. Following are agreed noise conditions with the applicant:

- shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Thanks and best regards,

Tim Hung
Environmental Protection Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG

[REDACTED]

www.towerhamlets.gov.uk

Section 61 consent

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here:
https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/environmental_health/pollution/Guidance-for-Section-61-Applications.aspx

Click here to see the Tower Hamlets Noise

map: <https://towerhamlets.maps.arcgis.com/apps/webappviewer/index.html?id=ab567dca90424100b0026259e447d911>

From: Arif Jivraj [REDACTED]
Sent: 22 August 2022 10:42
To: Tim Hung <[REDACTED]>
Subject: RE: Pizza Hut Delivery, 195-195A East India, Canary Wharf, London

Dear Tim,

I confirm that I accept the conditions noted in your email below to be applied for the licensing objective for the prevention of public nuisance.

Many Thanks
Arif

Arif Jivraj
Director
ZAF Holdings Group / JJ & Team Ltd

[REDACTED]

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From: Tim Hung [REDACTED]
Sent: 22 August 2022 10:07
To: Arif Jivraj <[REDACTED]>
Subject: RE: Pizza Hut Delivery, 195-195A East India, Canary Wharf, London

Dear Arif,

Hope you are well.

2. Re: your email below. Thanks for your further info and response to proposed conditions. I note from your email that loudspeaker is not used. I would like to apply below revised noise conditions for the licensing objective for the prevention of public nuisance:

- No noise generated on the premises, or its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

3. Await your confirmation.

Thanks and best regards,

Tim Hung
Environmental Protection Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG

[REDACTED]
www.towerhamlets.gov.uk

Section 61 consent

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here:
https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/environmental_health/pollution/Guidance-for-Section-61-Applications.aspx

Click here to see the Tower Hamlets Noise

map: <https://towerhamlets.maps.arcgis.com/apps/webappviewer/index.html?id=ab567dca90424100b0026259e447d911>

From: Arif Jivraj [REDACTED]
Sent: 19 August 2022 16:16
To: Tim Hung <[REDACTED]>
Subject: RE: Pizza Hut Delivery, 195-195A East India, Canary Wharf, London

Dear Tim,

Thank you for your email.

Please see my responses to your comments below in **blue** & see supporting attachments.

If you have any other queries with regards to our application please do not hesitate to contact me.

Many Thanks & Kind Regards
Arif

Arif Jivraj
Director
ZAF Holdings Group / JJ & Team Ltd



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From: Tim Hung <[REDACTED]>
Sent: 18 August 2022 09:53
To: Arif Jivraj <[REDACTED]>
Subject: Pizza Hut Delivery, 195-195A East India, Canary Wharf, London

Dear Arif,

Good morning.

2. I am reviewing your premises license application for Pizza Hut Delivery at 195-195A East India, Canary Wharf, London, ref 151753 with particular attention to the licensing objective for the prevention of public nuisance and wish for the following noise conditions to apply as below:

- No noise generated on the premises, or its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. ***The Extract, Refrigeration Condensers & Plant Equipment are mostly located within the premises and do not transmit noise out the structure of the building. The one unit that is located outside is fairly low and underneath a projected part of the building and hence away from the residential flats above. We believe confidently that no noise will emanate from the premises to give rise to nuisance.***
- Loudspeakers shall not be located outside licensing area of the premises as outlined in the application. ***We do not use Loudspeakers of any kind outside of the premises***
- No music or amplified sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents. ***We can confirm that music or amplified sound will not give rise to public nuisance. This is a delivery and take away business and hence no requirement for music***
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. ***We have printed notices requesting patrons, drivers and staff to respect the needs of local residents and businesses and keep noise levels to a minimum. These are ready to be posted at all the exits from the premises. We only have 1 customer exit, however we will post the notices by the staff and customer exits***
- at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. ***See above***

Thanks and best regards,

Tim Hung
Environmental Protection Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG

[REDACTED]
www.towerhamlets.gov.uk

Section 61 consent

Appendix 10

Prevention of Public Nuisance

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

Appendix 11

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

Updated April 2018

Public nuisance

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

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

Appendix 12

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 13

Planning

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

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Agenda Item 4.2

Committee: Licensing Sub Committee	Date 22 November 2022	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Havens Yard Ltd Arch 410 Haven Mews St Pauls Way, London E3 4AG Ward affected: Mile End
--	--

1.0 Summary

Applicant: **Havens Yard Ltd**

Name and
Address of Premises: **Havens Yard Ltd
Arch 410 Haven Mews St Pauls Way
London
E3 4AG**

Licence sought: **Licensing Act 2003
Supply of Alcohol**

Objectors: **Licensing Authority
Metropolitan Police**

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

Lavine Miller-Johnson
020 7364 2665

3.0 Background

- 3.1 This is an application for a new Premise Licence for Havens Yard Ltd at Arch 410 Haven Mews St Paul's Way London E3 4AG
- 3.2 The applicant has described the premises as: restaurant/bar selling gourmet burgers, high quality cocktails and craft beers.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

Supply of Alcohol (on and off sales)

Monday to Thursday from 11:00 hours 23:30 hours
Friday to Saturday from 11:00 hours to 00:00 (midnight)
Sunday from 11:00 hours to 22:30

Opening times

Monday to Thursday from 11:00 hours to 00:00 hours (Midnight)
Friday to Saturday from 11:00 hours to 00:30 hours
Sunday from 11:00 hours to 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 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.
 - **Licensing Authority – Appendix 7**
 - **Metropolitan Police – Appendix 8**
- 6.9 Correspondence from applicant to the Licensing Authority - **Appendix 9**
- 6.10 Correspondence from applicant to the Metropolitan Police - **Appendix 10**
- 6.11 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 Heath
- Home office (Immigration Enforcement)

- 6.12 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
- 6.13 The objections relate to:
- Public nuisance
 - Crime and disorder
- 6.14 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.
- 6.15 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.
- 6.16 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. Signs will be displayed stating that the premises supports the Councils 'No touting' policy and advising customers that touting is unlawful and dangerous.
2. CCTV will be installed and maintained at the premises. It shall be retained for a minimum of 31 days and will be provided to the police or other responsible authorities upon request.
3. An incident log shall be kept at the premises, which logs all crimes reported to the venue, all ejections of customers, any incidents of crime or disorder and any refusal or sales of alcohol. It shall be provided to the police or other responsible authorities upon request.

4. All sale of alcohol for consumption off the premises (save for those for consumption in the outside area) shall be in sealed containers only and shall not be consumed on the premises.
5. A challenge 25 policy will be in operation at the premises.
6. A zero tolerance to drug policy will be operated at the premises.
7. All staff will be trained in the challenge 25 and drugs policy.
8. At all times the premises is operating, there will be a member of staff who is trained in first aid.
9. All staff will be trained in spotting signs of harassment and when/how to intervene.
10. Windows and doors shall be kept closed at any time when amplified live or recorded music is played, except for the immediate access and egress of persons.
11. A noise limiter must be fitted to the amplification system and will be set at a level agreed with an authorised environmental health officer.
12. Loudspeakers shall not be located in the entrance/exit of the premises or outside the building.
13. The outside area shall be closed at 22:00 hours.
14. Notices shall be prominently displayed at the exit and the outside area requesting patrons to respect the needs of local residents and use/leave the area quietly.
15. Children under the age of 18 years shall not be allowed onto the premises after 22:00 hours.
16. A challenge 25 policy will be operated at the premises.

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the Environmental Health Team – **Appendix 11**

1. All external doors and/or windows shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. The premises license holder shall ensure that music and/or patrons

sound is not audible at the nearest noise sensitive premises after 22:00 hours.

4. No more than five guests at any one time shall be allowed to smoke outside after 22:00 hours.
5. No alcohol can be consumed in the outdoor area after 22:00 hours.
6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
7. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.

9.0 **Licensing Officer Comments**

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

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

purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

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

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant

responsible authorities.

- 9.8 In **Appendices 12 - 18** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Site Plan
- Appendix 3** Maps of the surrounding area
- Appendix 4** Photographs of the premises
- Appendix 5** Other licensed venues in the area
- Appendix 6** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 7** Representation from LA
- Appendix 8** Representation from Police
- Appendix 9** Correspondence from applicant to LA
- Appendix 10** Correspondence from applicant to Police
- Appendix 11** Conditions agreed with EP
- Appendix 12** Licensing Officer comments on public nuisance
- Appendix 13** S182 advice on public nuisance
- Appendix 14** Licensing Officer comments on crime and disorder
- Appendix 15** S182 advice on crime and disorder
- Appendix 16** ASB – Access/Egress
- Appendix 17** Licensing Policy relating to hours of trading
- Appendix 18** Planning

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Appendix 1



Tower Hamlets
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference

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

Your reference

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House?

Yes No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business	Director	The country where the headquarters of your business is located.
Home country	United Kingdom	
Registered Address		Address registered with Companies House.
Building number or name	16 beaufort court	
Street	admirals way	
District	docklands	
City or town	London	
County or administrative area		
Postcode	E14 9XL	
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	Arch 410
Street	Haven Mews
District	St Paul's Way
City or town	London
County or administrative area	
Postcode	E3 4AG
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	13,500

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

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Haven's Yard Limited

Details

Registered number (where applicable)

13558667

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

Continued from previous page...

Limited company

Address

Building number or name Arch 410

Street Haven Mews

District	St Paul's Way
----------	---------------

City or town London

County or administrative area

Postcode E3 4AG

Contact Details

A large black rectangular redaction box covers the bottom portion of the page content, from approximately y=879 to y=911.

Telephone number [REDACTED]

[REDACTED]

Other telephone number

Three small black rectangles are arranged horizontally, centered on the page. Each rectangle has a white border and is positioned above a thin horizontal line.

Date of birth: dd mm yyyy

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? 25 / 07 / 2022
dd mm yyyy

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

Provide a general description of the premises

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

The premises will be operated as a restaurant/bar selling gourmet burgers, high quality cocktails and craft beers. It will be operated over two floors (ground floor and mezzanine level). The maximum capacity is 80 seated and 100 standing. All customers will be seated save for those queuing at the bar and those attending private hire events . There will also be an outdoor seated area immediately outside the premises, seating 90 people, which will be used mainly during the warmer months of the year.

Continued from previous page...

The premises is located in a railway arch adjacent to a major road (B140). The closest residential properties are located 20 meters away across the train tracks. 20 meters next to us there is another licensed premises (Cabby's Jerk) which sells BBQ jerk chicken and cocktails is located in the adjacent arch. The other arches are currently operated as commercial premises. The area around the arches is well lit. There is a bus stop located 100m away from the premises. Mile End station is a 15 minute walk away and Limehouse DLR is a 10 minute walk.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Continued from previous page...

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

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

Page
End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

Bank holidays until 00:00

Christmas Eve until 00:00

New Years Eve until 01:00

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

Continued from previous page...

Enter the contact's address

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

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known) [REDACTED]

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

n/a

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

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.

Start

End

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.

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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.

Bank holidays until 00:30

Christmas Eve until 00:30

New Years Eve until 01:30

[EDIT AS APPROPRIATE]

Continued from previous page...

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.

- A personal licence holder will be present at all times when alcohol is sold at the premises
- The DPS shall sign up to the local Pubwatch and a safeguarding scheme for women or other vulnerable persons

b) The prevention of crime and disorder

- Signs will be displayed stating that the premises supports the Council's 'No Touting' policy and advising customers that touting is unlawful and dangerous.
- CCTV will be installed and maintained at the premises. It shall be retained for a minimum of 31 days and will be provided to the police or other responsible authorities upon request
- An incident log shall be kept at the premises which logs all crimes reported to the venue, all ejections of customers, any incidents of crime or disorder and any refusals of sale of alcohol. It shall be provided to the police or other responsible authorities upon request.
- All sales of alcohol for consumption off the premises (save for those for consumption in the outside area) shall be in sealed containers only and shall not be consumed on the premises.

c) Public safety

- A Challenge 25 policy will be operated at the premises
- A zero tolerance to drugs policy will be operated at the premises
- All staff will be trained in the Challenge 25 and drugs policies
- At all times that the premises is operating, there will be a member of staff who is trained in First Aid
- All staff will be trained in spotting signs of harassment and when/how to intervene

d) The prevention of public nuisance

- All windows and doors shall be kept closed at any time when amplified live or recorded music is played, except for the immediate access and egress of persons
- A noise limited must be fitted to the amplification system and will be set at a level agreed with an authorized Environmental Health officer
- Loudspeakers shall not be located in the entrance/exit of the premises or outside the building.
- The outside area shall be closed at 22:00 hours
- Notices shall be prominently displayed at the exit and the outside area requesting patrons to respect the needs of local residents and use/leave the area quietly.

e) The protection of children from harm

- A Challenge 25 policy will be operated at the premises
- Children under the age of 18 years shall not be allowed on the premises after 22:00 hours

Continued from previous page...

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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 (£)

190.00

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

Bianca Whiskey

* Capacity

Director

* Date

21 / 07 / 2022

dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/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.

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

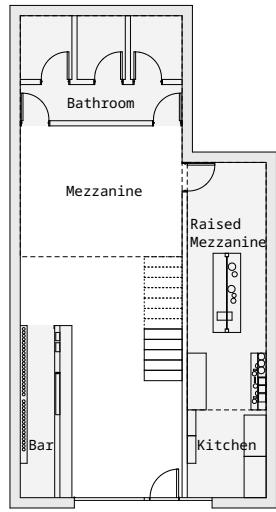
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

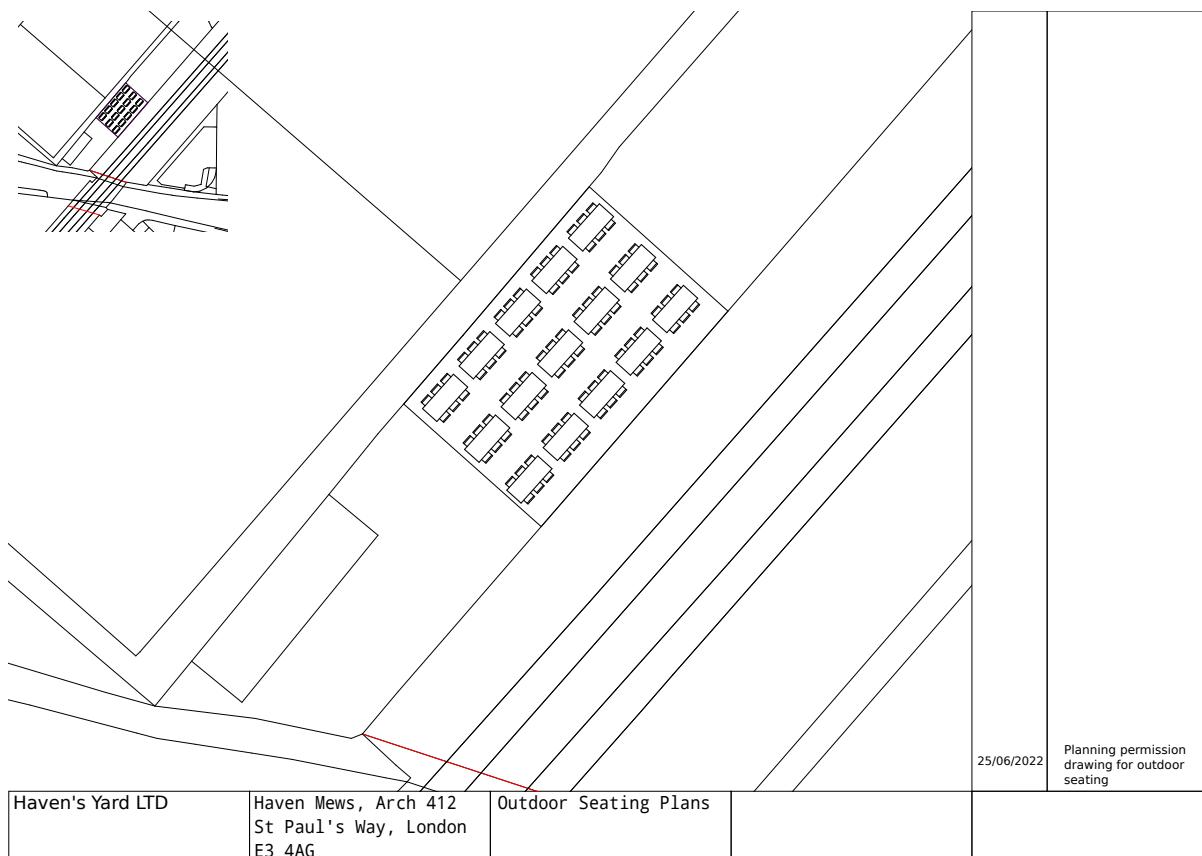
Appendix 2



Havens Yard LTD

Haven Mews plan_0
London Layout
E3 4AG

KNOHD



Haven's Yard LTD

Haven Mews, Arch 412
St Paul's Way, London
E3 4AG

Outdoor Seating Plans

25/06/2022
Planning permission
drawing for outdoor
seating

Appendix 3

Haven Yard- Haven Mews Railway Arch 410 St Pauls Way-Map



Appendix 4

Havens Yard Ltd, Haven Mews Railway Arch 410 St Paul's Way –

Photographs of the premises



Appendix 5

(Havens Yard Ltd) Arch 410 St Paul's Way
Nearest Licensed Premises

Name and address	Licisable activities	Opening times
(Cabby's Rum Bar) Railway Arch 411 St Pauls Way London E3 4AG	The sale by retail of alcohol (off sales only) <ul style="list-style-type: none"> • Monday to Sunday, from 09:00 hours to 23:30 hours 	<ul style="list-style-type: none"> • Monday Sunday, from 09:00 hours to 00:00 hours (midnight)
(Ozzy's Newsagent) 52 St Pauls Way London E3 4AL	The sale by retail of alcohol Monday to Sunday 09:00 – 00:00 (midnight) Off sales only	Monday to Sunday 06:00 – 00:00 (midnight)

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 vexatious or frivolous 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

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

Head Of Service David Tolley

Mulberry Place
5 Clove Crescent
London E14 2BG

Tel 020 7364 5171
Fax 020 7364 0863

Enquiries to Kathy Driver
Email [REDACTED]

30th August 2022

www.towerhamlets.gov.uk

My reference: P/PR/EHTS/LIC/151308

Dear Sir/Madam,

Licensing Act 2003
Re: Arch 410 Haven Mews, St Pauls Way, London E3 4AG

I am acting in my capacity as Responsible Authority on behalf of the Licensing Authority to object to the above application on the grounds of prevention of Public Nuisance, prevention of crime and disorder and the prevention of public safety.

The premises is located off St Pauls Way within a railway arch in Haven Mews which is entranced through a yard gate.

We have a licensed premises situated in Unit 411 next door to this application which was operated as licensed premises with on and off sales. However due to the premises being a constant disturbance for local residents of people attending the venue, using the outside space and operating in breach of licence and unauthorised hours, this Licensing Authority, the police and Environmental Health reviewed the premises alongside the local Councillor representing local residents. The decision was made to remove the on sales element of the licence to only operate as an off sales delivery service.

This Licensing Authority therefore feels that another application next door to the premises is likely to reignite the disturbance caused to local residents especially late in the evening. We feel the hours applied for are too late when there are no other premises operating in this area and the locality will attract cars to the area of which we know caused a nuisance when the premises next door held a licence.

It also concerns the Authority that the applicant has been involved in the premises at 411 of which Bianka Whiskey was the business rate payer of which the following was brought to our attention during the review:

"Business rates were originally requesting the lease for 411 from BIANCA WHISKEY however from what I can see, this does not appear to have been provided. Business rates sent an Inspector to the 411 premise and also had communications from BIANCA WHISKEY to state she herself was in occupation of unit 411. Based on this, the Business rates liability was transferred to WHISKEY."

I attach of the copy of the companies house information for Cabbys Kitchen & Bar Limited, now known as Havens Yard Limited, showing Bianca Whiskey as Director.

This Licensing Authority also objects to the Designated Premises Supervisor and believes this person was also linked to Unit 411. Please see below report of Police compliance visit made on Friday 4th February 2022:

Actual visit time: 2355hrs TOA

Upon officers arrival at scene there was signs over the front gate stating **PRIVATE EVENT**, just standing behind the gate was a male now known to officers as L. REID, REID originally refused to give officers his last name and wasn't wearing his badge on display upon arrival. Lloyd stated to officers that there was a private event taking place which had around 40 persons present and was due to finish at around 0100hrs. Lloyd refused officers access to the venue and when a manager was asked for he left placing a table in front of the door to stop officers from entering. There was clear sounds of a party coming from inside the venue with music emitting from inside.

Next officers where meet by C. Bruce who was also not displaying his badge and originally stated that he was a supervisor. BRUCE went on to have a back and forth with officers around the license and clearly lacked understanding that this was a licensed premises so this meant that if they were operating outside the parameters set by the licence then this was technically a unlicensed music event.

BRUCE again confirmed to officers that this was a private birthday party with around 40 persons inside but this time with an unknown finish time.

It was stated to officers that Philip was the manager on scene but yet again once it was established that BRUCE wasn't the manager, officers request to see the manager at which point Jay Lewis (HEAD CHEF) and **Philip Puczka (Bar Manager)** came out of the venue to speak with officers. At around the same time Officers Hackett and Atkinson from Tower Hamlets Council turned up on scene to check on the venue.

It was told to Lewis and Puczka that this event need to be shut down immediately as they was not authorised to hold private events within the licence so was therefore within breach.

BRUCE kept getting involved in the conversation even stated that he does the talking for the business as like a go between for management and that he felt the business wasn't in breach of its licence as it was a private event where no alcohol was being sold as all food and drink was pre-paid.

When Lewis was asked who the DPS was on scene this evening he stated that he didn't know as Moses ODONG (OWNER & DPS) was away on holiday so not currently in the country.

With the back and forth conversation that went on for around 30 minutes people were still attending the venue which showed that there was actually no allocated time that this party had planned to end. At approximately 0045hrs LEWIS went back into the venue and made and announcement that everyone need to leave which they done shortly after.

Just prior to this Officer Hackett had entered the venue with Lewis and stated that there was around 40 people inside who were drinking at the venue. "

In addition to the above during a site visit on 2nd July 2021 to the premises by Licensing Officer Corinne Holland, to place notices up for the review at 411 my colleague spoke with two gentlemen and she stated the following "On speaking it appears that Moses, the premises licence holder, has sublet Arch 411 to these two gentleman who have set up 'Cabbies Jerk'. They did also say they have rented out the venue to promoters on occasions. They said that the promoters were known to Moses. The two men running Cabbies Jerk in Arch 411 are Filip Puczka. He said he was the bar manager and gave contact details, also Jelani Lewis who stated he was the head chef.

Evidence clearly shows that historically both the applicant and the proposed DPS had an involvement in Arch 411 and Cabbys bar of which had a history of complaints from local residents, they were uncooperative to officers when visited, the gates were locked up with people inside the area so that officers could not get inside the venue and causing a danger to the customers in attendance. They advertised events operating until 3am in the morning of which the licence was only permitted to operate until 23:30pm for alcohol and entertainment and close of midnight.

Below is the example of complaints this Authority received in relation to the next door unit, it shows that the arches are unsuitable for licensable activities and the likelihood of a repeat of noise complaints should a licence be granted:

"Since December 2020 a night club has opened behind my flat called CABBY'S JERK ADDRESS IS: Arches 411 St PAULS WAYS LONDON E3 4AG. They have advertised themselves as selling FOOD up to 10 or 11pm. However after 11pm they turn it into a NIGHT CLUB. They have been playing EXTREMELY loud music! and the people coming in and out of that place are all drunk, disorderly, shouting and creating noise nuisance. They are misusing our private car park, they are also playing loud music inside their cars early hours in the morning and urinating next to my car and other residents....I called the police on Sunday 23.05.21 as it become unbearable of so much noise when my children are trying to sleep to go to school in the morning and I have work. They are not even supposed to be having a night club open due to covid restrictions. I have the police CAD no. originally reported on 4/12/2020 . When the police arrived they quickly locked the gates and turned the music down and didn't let the police in. I don't think they even have a licence to have a night club open especially in a residential area. If they do have a license why as residents haven't we been consulted of such night club venues being open in our neighbourhood. This isn't Leicester Square! this is our residential area. I have lived here for over 10 years and this is such a peaceful and quiet neighbourhood. Please put a stop to this as a matter of urgency as it's only going to get worse now that summer is coming up."

"They are clearly in breach of their licence as the people were coming in after 12Am and leaving around 3am all of them drunk and disorderly. The police was turning people away who were coming in after 12. The videos I have sent have been recorded around 3am and is evidence of people leaving. Also they are having big gatherings and breaking covid restrictions.

"There's very loud music coming from Cabbie's Jerk restaurant. It is on all afternoon and still now. Even with windows closed you can hear it loud!
I passed by and could see lots of people, looks like a rave party, they have big speakers outdoors and all dancing. Not to say that it is not Covid compliant at all.
The music is really loud, was on for the all day. "

"Cabby's Jerk has a party every Sunday from early afternoon until gone 10pm. The music is so loud and extremely invasive. If it was a one off, not a problem, but every single Sunday is too much. It is far too loud and is driving everyone in our block mad. Please do something about it. "

"I would like to ask you to investigate Cabby's Jerk in Mile End (link to their business for excessive noise at anti social hours of the day. I do not know what their licensing permissions are but they have recently started hosting partys particularly late on a Sunday even going on a few weeks ago until 0100 am. They have an outdoor sound system which means we can hear music, a man on a microphone and crowds of cheering people late at night. ... we are kept awake on a Sunday night. This is a residential area and we should not have licensed venues playing loud music. "

"This place plays music so loud that even from 0.3 miles away, other side other canal, we can hear it as if it would be next door. We cannot keep windows open as the bass and music is so loud, also we can hear the music inside when windows closed.

How can this place have a licence to have these parties everyday until 11pm or later?? I cannot sleep until they stop their party :(

Please can you do something about this? "

In conclusion this Licensing Authority objects to the application and evidence above shows that a venue on this site will cause public nuisance to the residents around it. We are concerned this will be a repeat of the incidents that took place and essentially a replacement of the licence which was taken away. Residents had to endure months of disturbance and the applicants being linked to the previous venue shows they are unsuitable to manage and hold such a licence that we have no faith any conditions or hours imposed will be complied with.

This Licensing Authority therefore requests Members to refuse this application.

Yours sincerely,



**Kathy Driver
Principal Licensing Officer**



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HAVENS YARD LIMITED

Company number **13558667**

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Page 145

Registered office address
16 Beaufort Court Admirals Way, Canary Wharf, London, United Kingdom, E14 9XL

Company status
Active

Company type
Private limited Company

Incorporated on
10 August 2021

Accounts

First accounts made up to **31 August 2022**
due by **10 May 2023**

Confirmation statement

Next statement date **31 July 2023**
due by **14 August 2023**

Last statement dated **31 July 2022**

Nature of business (SIC)

- 56101 - Licensed restaurants
- 56290 - Other food services

Previous company names

Name	Period
------	--------

CABBY'S KITCHEN & BAR LIMITED	10 Aug 2021 - 06 May 2022
-------------------------------	---------------------------

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Page
146

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Page 147

Date	Type	Description	View / Download
01 Aug 2022	CS01	Confirmation statement made on 31 July 2022 with updates	(4 pages)
06 May 2022	CERTNM	Company name changed cabby's kitchen & bar LIMITED\certificate issued on 06/05/22	(3 pages)
		<ul style="list-style-type: none">• NM01 - Change of name by resolution• RES15 - Change company name resolution on 2022-05-03	
10 Aug 2021	NEWINC	Incorporation Statement of capital on 2021-08-10	(38 pages)
		<ul style="list-style-type: none">• GBP 100	

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Page 140

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WHISKEY, Bianca Alexis

Correspondence address **16 Beaufort Court, Admirals Way, Canary Wharf, London, United Kingdom, E14 9XL**

Role Active **Director**

Appointed on **10 August 2021**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

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Appendix 8

HT - Tower Hamlets Borough

Tom Lewis
Head of Licensing
Tower Hamlets Council

Licensing Office
Stoke Newington Police Station

Email: [REDACTED]
www.met.police.uk

28/08/2022

Dear Sir,

Central East Police Licensing formally object to the application of the Premises Licence for Arch 410, Haven Mews, St Paul's Way, London, E3 4AG.

The objection is on the grounds of both preventing crime and disorder, prevention of public nuisance and public safety.

As with all applications submitted, Central East Police Licensing look at the requested hours and conditions offered by the applicant and will tailor conditions to manage any risks. The applicant has requested to supply alcohol until 2330hours from Monday – Thursday and midnight on Friday & Saturday. They have not requested late night refreshment.

We are concerned that the applicant has failed to explain who their customers will be or how the venue will operate. The venue is away from the main night time economy area and therefore passing trade is limited. Are the operators expecting this to be a destination venue? Without explaining the target demographic it becomes very difficult to risk assess the operation of the premises.

Regardless of this, we have basic concerns that have not been answered in the application. Firstly, the applicant has themselves identified that nearby public transport links are around 15 minutes' walk away. Given our experience of customers of cocktail bars it is unlikely that the majority of customers will walk 15 minutes to a Tube station. Therefore how will the proposed maximum of 270 customers leave the venue, will they drive or take a taxi, if so how will that be managed without causing nuisance to local

residents, or without accidents taking place? There is no dispersal plan for us to consider.

The applicant has stated that the venue will operate as a 'restaurant/bar selling gourmet burgers, high quality cocktails and craft beers. The applicant has provided capacities of 80 people seated, 100 standing and 90 people outside which means the potential of 270 people, yet there is no security plan. This is very concerning, especially when you consider that the venue is split into 3 areas. How will the applicant monitor the three areas to spot the early signs of alcohol related crime and disorder that invariably occurs when people are drinking alcohol, let alone deal with any disorder, or violence that take place? We do not know because no security plan has been included in this application.

The location is in close proximity to many residential properties. The area has very little, if any other licensed venues, so there is no background noise to absorb the inevitable disturbance from customers when they leave the premises. Again we do not know how the applicant plans to mitigate the inevitable nuisance caused to local residents because the applicant has failed to include a noise management plan.

Public safety is paramount to operating a licensed venue. Reviewing the plans submitted by the applicant it is apparent there is one entry and exit point into the premises. This is directly next to the kitchen area. Should the need for an emergency evacuation arise, 180 customers and staff are going to all have to evacuate through a single point. How is this to be accomplished? We do not know because the applicant has not supplied an evacuation plan.

What we do know is that when a similar premises operated in the vicinity that there were residents' complaints of customers urinating in doorways, of loud noises from cars and customers as they left the venue, of alcohol related crime and disorder. We believe that this venue would cause the same problems, and sadly the applicant has failed to address these basic concerns. We therefore have no other course but to object to this application.

Kind Regards

Michael Rice

Appendix 9

Dear Ms Driver,

Thank you for your letter in regards to Premises License Arch 410 Haven Mews, St Pauls Way, London E3 4AG REF: 151308

In reviewing your concerns for a premises license of arch 410 Haven mews E3 4AG. We would like take this chance to work with licensing authority to come to an agreement and A plan for the premises license of arch 410, Haven Mews E3 4AG.

The licensed premises situated in Unit 411 was sub letted from Moses Odong who was the owner/DPS and license holder of premises license of arch 411 of Taxi Spirit Co Ltd. In support we would promote Cabbys Rum spirit brand at our bar and serve the spirits as our house pour. The agreement was to generate revenue as a business and take on the brand name - Cabbys Jerk to support Cabbys Rum spirit as brand association.

With all the complaints that were issued we tried to get Moses Odong to work with departments to gain a good working relationship. Despite we tried to convince Moses Odong this was not a way of conducting business - being really uncooperative with council and police is not the best idea. Since the change in his licensable activity we have relaunch our business by changing our name. I would like to introduce myself as the premises licence holder and director of the business and Filip Puckza as Designated Premises Supervisor and Manager.

Filip Puckza will be the new Designated Premises Supervisor and manager, who has had a wealth of experience in running a large venue in Chelsea - The goat pub for over 10 years. I assure you that guest would be looked after by the team. With full operation of the business we would assure that staffs are fully trained on all plans set up below.

Our venue will serves as a restaurant/bar selling gourmet food and high quality cocktails and craft beer. **We are not a Nightclub** We have requested to supply alcohol until 23:30hrs from Monday - Thursday and Midnight on Friday & Saturday. Our venue would also be of mixed use for a variety of purposes mainly as a venue for the London lion's Professional basketball team who we have just signed a contract with to be there partner venue.

We would also open up for variety of communities within the borough. Our target demographic is very wide from LGBTQ events, business/corporate events as well as cultural funded events. The importance of being accessible to many different communities in such a well diverse borough is very important to us.

With regards to concerns of customers leaving our venue. We have a plan in place to have:

- o SIA accredited door supervisor staff who will be visible throughout the venue and on the door to conduct security checks on guest.
- o Street marshals to assist with guest arrivals and dispersal.
- o Inside our venue we will have a SLM meter install to measure the correct sound output at all times.
- o In addition we shall also install sound limiters. We will seek assistance from environmental health department of the council to set the appropriate sound limit.
- o A list of local mini cabs companies close to our venue. With the main road - Burnett Road only less than a 5 minute walk, this has access to main bus links to transport.

- o With technology being so accessible. We know that most people now have taxi service eg Uber, Addison Lee, free now and bolt downloaded to their mobile device which would be most guests go to type of transport. Our street marshal will help keep the noise to a minimal and help guest leave in a way that causes minimum disturbance or nuisance to local residents.
- o We will use the bus stop on St. Paul's way as a pick up point for private hire and taxi vehicles.
- o Notices shall be prominently displayed at all exits requesting guest to respect the needs of local residents and businesses and leave the area quietly.

Security Plan

In our plan:

- o We shall install and maintain a comprehensive CCTV system. All areas and entry/exit points will be covered enabling frontal identification of every person entering venue. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times. All recordings shall be stored for a minimum of 28 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of police or authorise officer throughout the entire 28 days period.
- o All staff member from premises who conversant with the operation of the CCTV system shall be on the venue at all times when venue is open. Staff member will always provide a police or authorise council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
- o There shall be a designated premises supervisor on duty on the premises at all times when the premises is authorise to sell alcohol. When a DPS is not on the premises, any or all person authorised to sell alcohol will be authorised by the DPS in writing. This shall be available on request for the police or any authorise officer.
- o There will be maximum of 2 SIA accredited door supervisors used on the premises. Who will be able to spot any early signs of alcohol related crime or disorder that could happen. If a guest appears to be intoxicated they would be offered a seat and water and help to call a taxi.
- o A record will be kept of their SIA registration number and dates and times they are on duty.
- o The premise management shall risk assess and plan for safe running of each event. The risk assessment and plans shall be made available to police upon request.
- o A challenge 25 proof of age scheme shall be operated at the premises. We would only accept recognise photographic identification cards such as driving License, passport or proof of age card with the PASS Hologram.
- o We will also keep a record of all refused sales of alcohol and incidents. The records will include the date and time of the refusal sale of alcohol or incident and the name of the member of staff who refused the sale of alcohol or incident. The records shall be made available for police or an authorised officer at times whilst the premises are open which will include the following:
 - All crimes reported to the venue
 - All ejection of guest
 - Any complaints received concerning crime and disorder.
 - Any incidents of disorder

- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service.

Public safety is very important to us and we take this very seriously, and the safety of each guest that comes to our venue. As our venue was only built with one entrance/exit point we would monitor the entry/exit point carefully. As our kitchen area is close to our entry/exit point we would always keep this area clear.

- o Our kitchen would only offer a table service
- o Food will only be served to guest seated at the table area.
This will keep the entry/exit area cleared in case of any emergency.

Evacuation plan

- o Fire doors and fire exit doors clearly marked
- o All exits are kept clear at all times
- o Provide emergency lighting on escape routes on exit point.
- o Reducing the probability of a fire starting we would ensure that all guest are alerted and can leave the premises safely in the event of fire.
- o We will enforce a no smoking policy in the premises.
- o All staff members are kept updated with evacuation plan.
- o Designate a safe assembly point for employees to gather.

We want to be a venue that is enjoyed by the community and local residents. With respect to our local residents we would want to work closely with environmental Health on keeping noise levels down.

With complaints of guest urinating in doorways we would provide WC to our guests to use so we would find it hard to believe that our guest would be urinating in-doorways of local residents. With the similar premises that was operating it was told that the skate park on the other side of the bridge have no WC facilities to use they are also closer to residents doorway to cause that problem.

Objecting the premises license would stop the operation of this business. Jobs are dependant of this business therefore we urge you to consider your decision. We want to work with police and licensing department to come to an agreement and impose any conditions for the safe runnings of our business.

Look forward in hearing from you.

Kind Regards
Bianca Whiskey
HAVENS YARD LTD

Appendix 10

To Mr PC Rice

Dear Sir,

I wanted to write to you in regards to your letter of objections of premise license of Arch 410 haven mews E3 4AG.

I would like to work with central east police licensing team to come to an agreement and put in place plans and conditions to manage any risk of concern.

Late night refreshments – We didn't opt for a late night refreshment activity as our working hours starts only til 23:30

The operation of the venue is not a nightclub. Our venue will serve as a restaurant/bar selling gourmet food and high quality cocktails and craft beer. Our venue would also be of mixed use for a variety of purposes, mainly as a venue for the London Lions basketball team who we have just signed a contract with to be their partner venue. We would also open up for variety of communities within the borough. Our target demographic is very wide from LGBTQ events, business/corporate events as well as cultural funded events. The importance of being accessible to many different communities in such a diverse borough is very important to us.

With regards to concerns of guest leaving our venue. We have a plan in place to have:

- SIA accredited door supervisor staff who will be visible throughout the venue and on the door to conduct security checks on guest.
- Street marshals to assist with guest arrivals and dispersal.
- Inside our venue we will have a SLM meter install to measure the correct sound output at all times.
- In addition we shall also install sound limiters. We will seek assistance from environmental health department of the council to set the appropriate sound limit.
- A list of local mini cabs companies close to our venue. With the main road - Burnett Road only less than a 5 minute walk, this has access to main bus links to transport.
- With technology being so accessible. We know that most people now have taxi service eg Uber, Addison Lee, free now and bolt downloaded to their mobile device which would be most guests go to type of transport. Our street marshal will help keep the noise to a minimal and help guest leave in a way that causes minimum disturbance or nuisance to local residents.
- We will use the bus stop on St. Paul's Way as a pick up point for private hire and taxi vehicles.
- Notices shall be prominently displayed at all exits requesting guest to respect the needs of local residents and businesses and leave the area quietly.

Security Plan

We understand your concern of how our venue is split into 3 areas. In our plan:

- We shall install and maintain a comprehensive CCTV system. All areas and entry/exit points will be covered enabling frontal identification of every person entering venue. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times. All recordings shall be stored for a minimum of 28 days with date and time stamping.

- Viewing of recordings shall be made available immediately upon the request of police or authorise officer throughout the entire 28 days period.
- All staff member from premises who conversant with the operation of the CCTV system shall be on the venue at all times when venue is open. Staff member will always provide a police or authorise council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.
 - There shall be a designated premises supervisor on duty on the premises at all times when the premises is authorise to sell alcohol. When a DPS is not on the premises, any or all person authorised to sell alcohol will be authorised by the DPS in writing. This shall be available on request for the police or any authorise officer.
 - There will be maximum of 2 SIA accredited door supervisors used on the premises. Who will be able to spot any early signs of alcohol related crime or disorder that could happen. If a guest appears to be intoxicated they would be offered a seat and water and help to call a taxi.
 - A record will be kept of their SIA registration number and dates and times they are on duty.
 - The premise management shall risk assess and plan for safe running of each event. The risk assessment and plans shall be made available to police upon request.
 - A challenge 25 proof of age scheme shall be operated at the premises. We would only accept recognise photographic identification cards such as driving License, passport or proof of age card with the PASS Hologram.
 - We will also keep a record of all refused sales of alcohol and incidents. The records will include the date and time of the refusal sale of alcohol or incident and the name of the member of staff who refused the sale of alcohol or incident. The records shall be made available for police or an authorised officer at times whilst the premises are open which will include the following:
 - All crimes reported to the venue
 - All ejection of guest
 - Any complaints received concerning crime and disorder.
 - Any incidents of disorder
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service.

Public safety is very important to us and we take this very seriously, and the safety of each guest that comes to our venue. As our venue was only built with one entrance/exit point we would monitor the entry/exit point carefully. As our kitchen area is close to our entry/exit point we would always keep this area clear.

- Our kitchen would only offer a table service
- Only serve food to guest seated at the table area.
This will keep the entry/exit area cleared in case of any emergency.

Evacuation plan

- Fire doors and fire exit doors clearly marked
- All exits are kept clear at all times
- Provide emergency lighting on escape routes on exit point.
- Reducing the probability of a fire starting we would ensure that all guests are alerted and can leave the premises safely in the event of fire.
- We will enforce a no smoking policy in the premises.
- All staff members are kept updated with evacuation plan.
- Designate a safe assembly point for employees to gather.

We want to be a venue that is enjoyed by the community and local residents. With respect to our local residents we would want to work closely with environmental Health on keeping noise levels down.

With complaints of guest urinating in doorways we would provide WC to our guests to use so we would find it hard to believe that our guest would be urinating in-doorways of local residents. With the similar premises that was operating it was told that the skate park on the other side of the bridge have no WC facilities to use they are also closer to residents doorway to cause that problem.

Objecting the premises license would stop the operation of this business. Jobs are dependant of this business therefore we urge you to consider your decision. We want to work with police and council to come to an agreement and impose any conditions for the safe runnings of our business.

Kind Regards
 Bianca Whiskey
Haven Yard Ltd

Appendix 11

Lavine Miller-Johnson

From: Yale Sherlock
Sent: 23 August 2022 13:29
To: Licensing
Cc: 'Bianca Whiskey'
Subject: RE: 151308 Haven Mews, Railway Arch 410, St Pauls Way, E3 4AG

Dear Licensing Team,

Noise conditions agreed as below:

1. All external doors and/or windows shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. The premises license holder shall ensure that music and/or patrons sound is not audible at the nearest noise sensitive premises after 22:00 hours.
4. No more than five guests at any one time shall be allowed to smoke outside after 22:00 hours.
5. No alcohol can be consumed in the outdoor area after 22:00 hours.
6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
7. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.

Reason: prevention of potential impact of public nuisance in the locale.

Thanks and kind regards,

Yale Sherlock
Environmental Protection Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG

[REDACTED]
www.towerhamlets.gov.uk

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Please note: all s61 consents, dispensations and variations must be submitted [online](#).



Click here to see the Tower Hamlets Noise map:

From: Bianca Whiskey [REDACTED]
Sent: 23 August 2022 11:59
To: Yale Sherlock [REDACTED]
Subject: Re: 151308 Haven Mews, Railway Arch 410, St Pauls Way, E3 4AG

Dear Yale Sherlock,

Thank you for your email. Apologies for the delay response.

I agree to all conditions and have no comments at the moment.

Regards

Bianca Whiskey

On 5 Aug 2022, at 10:55, Yale Sherlock <[REDACTED]> wrote:

Dear Bianca Whiskey,

Thank you for the application which has been reviewed and following are my suggested conditions in relation to Noise:

1. All external doors and/or windows shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. The premises license holder shall ensure that music and/or patrons sound is not audible at the nearest noise sensitive premises after 22:00 hours.
4. No more than five guests at any one time shall be allowed to smoke outside after 22:00 hours.
5. No alcohol can be consumed in the outdoor area after 22:00 hours.
6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
7. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.

Reason: prevention of potential impact of public nuisance in the locale.

Please kindly let me know if you have any comments on the above suggested conditions.

Yours sincerely,

Yale Sherlock

Environmental Protection Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG

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

Appendix 12

Prevention of Public Nuisance

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

Appendix 13

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 14

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 15

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

Updated April 2018

Crime and disorder

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

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

Appendix 16

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 17

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 18

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.