



Licensing Sub Committee

Agenda

**Tuesday, 13 December 2022 at 6.30 p.m.
The Council Chamber, Town Hall, Mulberry
Place, 5 Clove Crescent, London, E14 2BG**

Farzana Chowdhury, Democratic Services Officer,
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<http://www.towerhamlets.gov.uk/committee>



Public Information

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

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

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A Guide to Licensing Sub Committee

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

Public Engagement

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

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 13 December 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

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

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

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

2. RULES OF PROCEDURE (PAGES 9 - 18)

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

3. ITEMS FOR CONSIDERATION

3.1 Application for a new premises Licence for Jack the Chipper, 96 Whitechapel High Street, London E1 7RA (Pages 19 - 104)

Licensing Objectives:

- Public Nuisance
- Crime and Disorder

Representations by:

- Licensing Authority
- Environmental Protection (Noise)
- SPIRE (Chair)

Ward: Spitalfields and Banglatown



3.2 Application for a variation of a premises licence for Marios, Unit 3a, 139 Three Colt Street London E14 8AP (Pages 105 - 172)

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Residents

Ward: Limehouse

3.3 Application for a Temporary Events Notice for Spirits of East, 508 Commercial Road LONDON E1 0HY (Pages 173 - 208)

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Metropolitan Police
- Environmental Protection (Noise)

Ward: Shadwell

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Tuesday, 17 January 2023 at 6.30 p.m. to be held in The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee : Licensing Sub-Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Jack the Chipper) 96 Whitechapel High Street, London E1 7RA Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Recep Turhan**

Name and **Jack the Chipper**

Address of Premises: **96 Whitechapel High Street
London
E1 7RA**

Licence sought: **Licensing Act 2003 – premises licence**

- **The sale by retail of alcohol (on sales only)**
- **The provision of late night refreshment**

Representations: **Licensing Authority (RA)
Resident’s Association**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and representations 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
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 	<input type="checkbox"/>	Mohshin Ali 020 7364 5498

3.0 Background

3.1 This is an application for a premises licence for (Jack the Chipper) 96 Whitechapel High Street, London E1 7RA.

3.2 The applicant has described the premises as:
“Restaurant providing on-sale alcohol only with substantial meal to seated customers”.

3.3 The previous business (Fine Catering Ltd) has an existing licence for the ground floor only with following timings:

The provision of late night refreshment - indoors

- *Sunday to Thursday from 23:00 hours to 23:15 hours*
- *Friday to Saturday, from 23:00 hours to 00:30 hours the following day*

Non-standard timings

- *Christmas Eve and New Year’s Eve, from 23:00 hours to 02:00 hours the following day*

The opening hours of the premises

- *Sunday to Thursday from 08:00 hours to 23:45 hours*
- *Friday to Saturday, from 08:00 hours to 01:00 hours the following day*

Non-standard timings

- *Christmas Eve and New Year’s Eve, from 08:00 hours to 02:00 hours the following day*

3.4 A copy of the new premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for the the basement, ground and first floor as follows:

The sale of by retail of alcohol (on sales only)

- *Monday to Saturday, from 11:00 hrs to 23:30 hrs*
- *Sunday, from 11:00 hrs to 22:30 hrs*

Non-standard timings for the sale of by retail of alcohol

- *New years eve, from 11:00 hrs to 00:30 the following day*

The provision of late night refreshment - Indoors

- *Monday to Saturday, from 23:00 hrs to 23:30 hrs*
- *(Sunday, no late night refreshment)*

The opening hours of the premises

- *Monday to Saturday, from 07:00 hrs to 00:00 hrs (midnight)*
- *Sunday, from 07:00 hrs to 23:00 hrs*

Non-standard timings

- *New years eve, from 11:00 hrs to 01:00 the following day*

LICENSING OFFICER'S COMMENT: It should be noted that for New Year's Eve, the applicant has applied to only extend the sale of alcohol but not for the provision of late night refreshment (hot food and hot drinks).

4.0 Location and Nature of the premises

4.1 The site plan of the venue is included as **Appendix 2**.

4.2 Maps and photos showing the vicinity are included as **Appendix 3**.

4.3 Details of the nearest licensed venues are included as **Appendix 4**.

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 the 1st November 2018.

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

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

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

6.0 Representations

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

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

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

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

- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 15**.
- 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 (acting as a Responsible Authority) (See **Appendix 5**).
 - Resident's Association (See **Appendix 6**).
- 6.9 Since the representations were made, there has been some communication between the applicant and the objectors. At the time of writing this report, they did not reach an agreement.
- 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
 - Environmental Protection (Noise)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (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 representations 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 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.

- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 7.0 Conditions consistent with Operating Schedule (offered by the applicant)**
- 7.1 *Alcohol shall only be sold and served to seated customers with a meal.*
- 7.2 *There will be a maximum of 4 people at any one time in the designated area at the front of the premises for smoking purposes. This will be monitored by staff.*
- 7.3 *The Licence holder shall ensure that a CCTV system is installed at the premises of a standard acceptable to the metropolitan police.*
- a) *The system shall be maintained in good working order and fully operational covering all internal licensable areas of the premises to which the public have access.*
 - b) *All entry and exit points shall be covered enabling frontal identification (full head and shoulders images) of every person entering the premises in any light condition to an evidential standard.*
 - c) *Management and permanent members of staff will be trained in the operation of the system with at least one member of this CCTV competent staff on duty each day.*
 - d) *The CCTV system will have the capability to either download footage onto disc or memory stick.*
 - e) *The footage on the CCTV system will be retained for a minimum period of 31 days before rewriting itself with correct date and time showing.*
 - f) *The footage shall be made available to police or local authority officers upon request.*
 - g) *If the CCTV system is broken the Licence holder get the fault rectified as soon as practicable.*

- h) The Licence holder shall ensure that a log is kept with details of the dates of all work/repairs carried out on the CCTV system including the name and phone number of the engineer.*
 - i) The installation or upgrading of any CCTV system shall comply with current best practice.*
- 7.4 There shall be "CCTV in Operation" signs prominently displayed at the premises.*
- 7.5 An incident book shall be kept and maintained at the premises and shall be made available for inspection by police and council officers upon request.*
- 7.6 A training log is to be kept for all staff members, in which staff sign that they have received the relevant training especially regarding the licensing objectives and Licensing Act 2003.*
- a) In particular, the staff training shall include a section in relation to underage sales to ensure all staff is fully briefed.*
 - b) Staff shall be briefed on current recognised proof of age schemes and other forms of identification deemed to be acceptable as proof of age.*
 - c) Staff training shall emphasise drug awareness and vigilance in monitoring customer activity in and around the premises to minimize possible crime and disorder.*
 - d) Staff training includes steps to be taken to ensure the safety of customers in and around the perimeter of the premises, where applicable.*
 - e) Any new employee will be trained before starting the sale of alcohol.*
 - f) All staff training will be repeated every six months to ensure their knowledge is refreshed and kept up-to-date. All training will be recorded.*
- 7.7 A log shall be kept detailing all refused sales of alcohol.*
- a) The log will include the date and time of the refused sale and the name of the member of staff who refused the sale, and all staff will be trained in the use of the refusal book.*
 - b) The refusals book will be examined on a regular basis (at least weekly) by the licensee and date and time of each examination to be endorsed in the book.*

- c) *Analysis of staff refusals and data such as the time/day of refusals to be carried out by the licensee on a regular basis in order to predict trends and identify staff training and compliance issues.*
 - d) *The refusal / incident / training logs are to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.*
- 7.8 *In an incident log we will record the following:*
- a) *all crimes reported to the venue*
 - b) *any complaints received*
 - c) *any incidents of disorderly conduct*
 - d) *any faults in the CCTV system or searching equipment*
 - e) *any visit by a relevant authority or emergency service.*
- 7.9 *Notice will be put up at the entrance/ exit to remind customers to leave quietly.*
- 7.10 *Incident logbook will include any complaints, including nuisance related complaints.*
- 7.11 *There will be no deliveries between the hours of 23:00 and 07:00 to the premises.*
- 7.12 *Any waste removed from the premises at close time will be done in consideration of the neighbours, in regard to noise and disturbance.*
- 7.13 *Loudspeakers shall not be located in the entrance lobby or outside the premises.*
- 7.14 *A written dispersal policy shall be in place and implemented at the premises to disperse customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.*
- 7.15 *Customers will be permitted to temporarily leave and then re-enter the premises e.g. to smoke, but shall not be permitted to take alcohol with them.*
- 7.16 *No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.*
- 7.17 *The licence holder/DPS shall operate a strict Challenge 25 policy at the premises. Posters shall be displayed inside the venue informing customers. Examples of acceptable ID include:*
- a) *photo card driving licences*
 - b) *passports or proof of age cards bearing the PASS hologram*
 - c) *military ID cards*
 - d) *other forms of ID which meet the criteria laid out above are also acceptable*

7.18 *Staff who work in this venue shall be made aware of the existence and content of the age verification policy. This will include NO ID NO SALE*

8.0 **Conditions in consultation with the Responsible Authorities**

Conditions agreed in consultation with Environmental Protection (Appendix 7):

8.1 *Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 (four) persons at any one time.*

8.2 *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.*

9.0 **Licensing Officer Comments**

9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 30th September 2023 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted
- had a premises licence varied or modified by a review hearing to exclude off sales.

9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

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

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;

- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

9.4 The following is intended simply 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.

9.5 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)

- 9.6 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 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.
- 9.9 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)
- 9.10 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.11 In **Appendices 8 - 15** 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	Other licensed venues in the area
Appendix 5	Representation of Licensing Authority (RA)
Appendix 6	Representation of Resident's Association
Appendix 7	Conditions agreed with Environmental Protection
Appendix 8	Licensing Officer comments on noise while the premise is in use
Appendix 9	Licensing Officer comments on access/egress Problems
Appendix 10	Licensing Officer comments on crime and disorder on the premises
Appendix 11	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading
Appendix 14	Tower Hamlets Cumulative Impact Zone
Appendix 15	Home Office concerning relevant, vexatious and frivolous representations

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Appendix 1



* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

Safeline/Recep

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

Recep

* Family name

Turhan

* E-mail

[Redacted]

Main telephone number

[Redacted]

Include country code.

Other telephone number

[Redacted]

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

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

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

Legal status

Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

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

Building number or name	[REDACTED]
	[REDACTED]
	[REDACTED]
City or town	[REDACTED]
County or administrative area	[REDACTED]
	[REDACTED]
Country	[REDACTED]

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	96
Street	Whitechapel High Street
District	
City or town	
County or administrative area	London
Postcode	E1 7RA
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	101,000

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

- Yes No

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

Building number or name

District

City or town

County or administrative area

Country

Applicant Contact Details

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

- Yes No

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

Telephone number

Other telephone number

* Date of birth
dd mm yyyy

* Nationality

Right to work share code

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

Continued from previous page...

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

We acknowledge that the premises is at the edge of a CIZ. Therefore, the application has been carefully considered and many conditions are proposed. This is going to be a family orientated restaurant serving the local community and will be managed as such. The applicant already manages a respectable restaurant at 74 Whitechapel High St without issues and as they're expanding, they would like to relocate to a larger premises.

Restaurant providing on-sale alcohol only with substantial meal to seated customers.

Seating capacity is for 100 people over two floors: 50 on each level.

The application site has been running as a restaurant under different ownership and currently has a premises licence for late night refreshment, but we are doing a new application for ourselves.

We have studied the Licensing Authority's Licensing Policy and note that there are possible exceptions. We feel that we have provided controls for these exemptions, with the exception of one. We will welcome and discuss any other reasonable conditions from any authorities or members of public.

The premises is a mainly commercial area. The left side of the premises (facing it) has a large open space between the premises and the neighbouring building. On the right side, there is a ground level alley to the rear car park. The upper floor of the restaurant and adjoining property are all offices, no residential units.

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](#)

Continued from previous page...

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?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

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

THURSDAY

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

FRIDAY

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

SATURDAY

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

SUNDAY

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

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

- Indoors Outdoors Both

Where taking place in a building or other structure 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.

The sale of hot food and drinks. No music

State any seasonal variations

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

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

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

Continued from previous page...

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

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

Continued from previous page...

State any seasonal variations

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

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.

New years eve until 00:30 the following day

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

Name

First name

Family name

Date of birth
dd mm yyyy

Enter the contact's address

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

Continued from previous page...

- 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

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.

none

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

New years eve open until 01:00 the following day

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.

1. Alcohol shall only be sold and served to seated customers with a meal.
2. There will be a maximum of 4 people at any one time in the designated area at the front of the premises for smoking purposes. This will be monitored by staff.

b) The prevention of crime and disorder

1. CCTV:
 - a) The Licence holder shall ensure that a CCTV system is installed at the premises of a standard acceptable to the metropolitan police. The system shall be maintained in good working order and fully operational covering all internal licensable areas of the premises to which the public have access. All entry and exit points shall be covered enabling frontal identification (full head and shoulders images) of every person entering the premises in any light condition to an evidential standard.
 - b) Management and permanent members of staff will be trained in the operation of the system with at least one member of this CCTV competent staff on duty each day.
 - c) The CCTV system will have the capability to either download footage onto disc or memory stick. The footage on the CCTV system will be retained for a minimum period of 31 days before rewriting itself with correct date and time showing. The footage shall be made available to police or local authority on request.
 - d) If the CCTV system is broken the Licence holder get the fault rectified as soon as practicable.

Continued from previous page...

- e) The Licence holder shall ensure that a log is kept with details of the dates of all work/repairs carried out on the CCTV system including the name and phone number of the engineer.
- f) The installation or upgrading of any CCTV system shall comply with current best practice.
- g) There shall be "CCTV in Operation" signs prominently displayed at the premises.
- h) A CCTV in operation sign will be erected.

2. Incident / training /refusal Logs:

- a). An incident book shall be kept and maintained at the premises and shall be made available for inspection by police and council officers upon request.
- b). A training log is to be kept for all staff members, in which staff sign that they have received the relevant training especially regarding the licensing objectives and Licensing Act 2003. In particular, the staff training includes a section in relation to underage sales to ensure all staff is fully briefed. They are also briefed on current recognised proof of age schemes and other forms of identification deemed to be acceptable as proof of age. In addition, staff training will emphasise drug awareness and vigilance in monitoring customer activity in and around the premises to minimize possible crime and disorder. Also, our general staff training includes steps to be taken to ensure the safety of customers in and around the perimeter of the premises, where applicable. Any new employee will be trained before starting the sale of alcohol. All staff training will be repeated every six months to ensure their knowledge is refreshed and kept up-to-date. All training will be recorded.
- c). A log shall be kept detailing all refused sales of alcohol. The log will include the date and time of the refused sale and the name of the member of staff who refused the sale, and all staff will be trained in the use of the refusal book. The refusals book will be examined on a regular basis (at least weekly) by the licensee and date and time of each examination to be endorsed in the book. Analysis of staff refusals and data such as the time/day of refusals to be carried out by the licensee on a regular basis in order to predict trends and identify staff training and compliance issues.
- d). The refusal / incident / training logs are to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

In an incident log we will record the following:

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorderly conduct
- (d) any faults in the CCTV system or searching equipment
- (e) any visit by a relevant authority or emergency service.

c) Public safety

- 1. The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are adhered to at the premises.
- 2. Applicant's contractor will conduct Fire Risk assessment and applicant will implement necessary controls. The applicant will have the following controls and anything else that may be highlighted in the fire risk assessment.
- 3. Firefighting equipment (Co2, foam, powder, water fire extinguishers and fire blanket). Quantity and locations will be based on fire risk assessment
- 4. The premises will be fitted with a heat and smoke detectors.
- 5. Electrical Certificate
- 6. Gas certificate
- 7. Fire Alarm, Emergency Lighting, Fire Direction Signage.
- 8. A CCTV in operation sign will be erected.

d) The prevention of public nuisance

- 1. Notice will be put up at the entrance/ exit to remind customers to leave quietly.
- 2. Incident logbook will include any complaints, including nuisance related complaints.
- 3. There will be no deliveries between the hours of 23:00 and 07:00 to the premises.
- 4. Any waste removed from the premises at close time will be done in consideration of the neighbours, in regard to noise and disturbance.
- 5. Loudspeakers shall not be located in the entrance lobby or outside the premises.
- 6. A written dispersal policy shall be in place and implemented at the premises to disperse customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Continued from previous page...

7. Customers will be permitted to temporarily leave and then re-enter the premises e.g. to smoke, but shall not be permitted to take alcohol with them.

e) The protection of children from harm

1. Incident / training /refusal Logs: As described above

2. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

3. For age verification following will be put in place:

a) CHALLENGE 25.

The licence holder/DPS shall operate a strict Challenge 25 policy at the premises. Posters shall be displayed inside the venue informing customers.

Examples of acceptable ID include:

- photo card driving licences
- passports or proof of age cards bearing the PASS hologram
- military ID cards
- other forms of ID which meet the criteria laid out above are also acceptable

b) Staff who work in this venue shall be made aware of the existence and content of the age verification policy. This will include NO ID NO SALE

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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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 (£)

450.00

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

Mustafa Kaya

* Capacity

Duly authorised agent

* Date

24 / 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

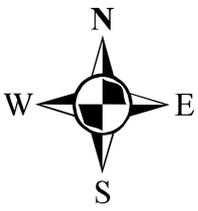
OFFICE USE ONLY

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ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
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Approval deadline	<input type="text"/>
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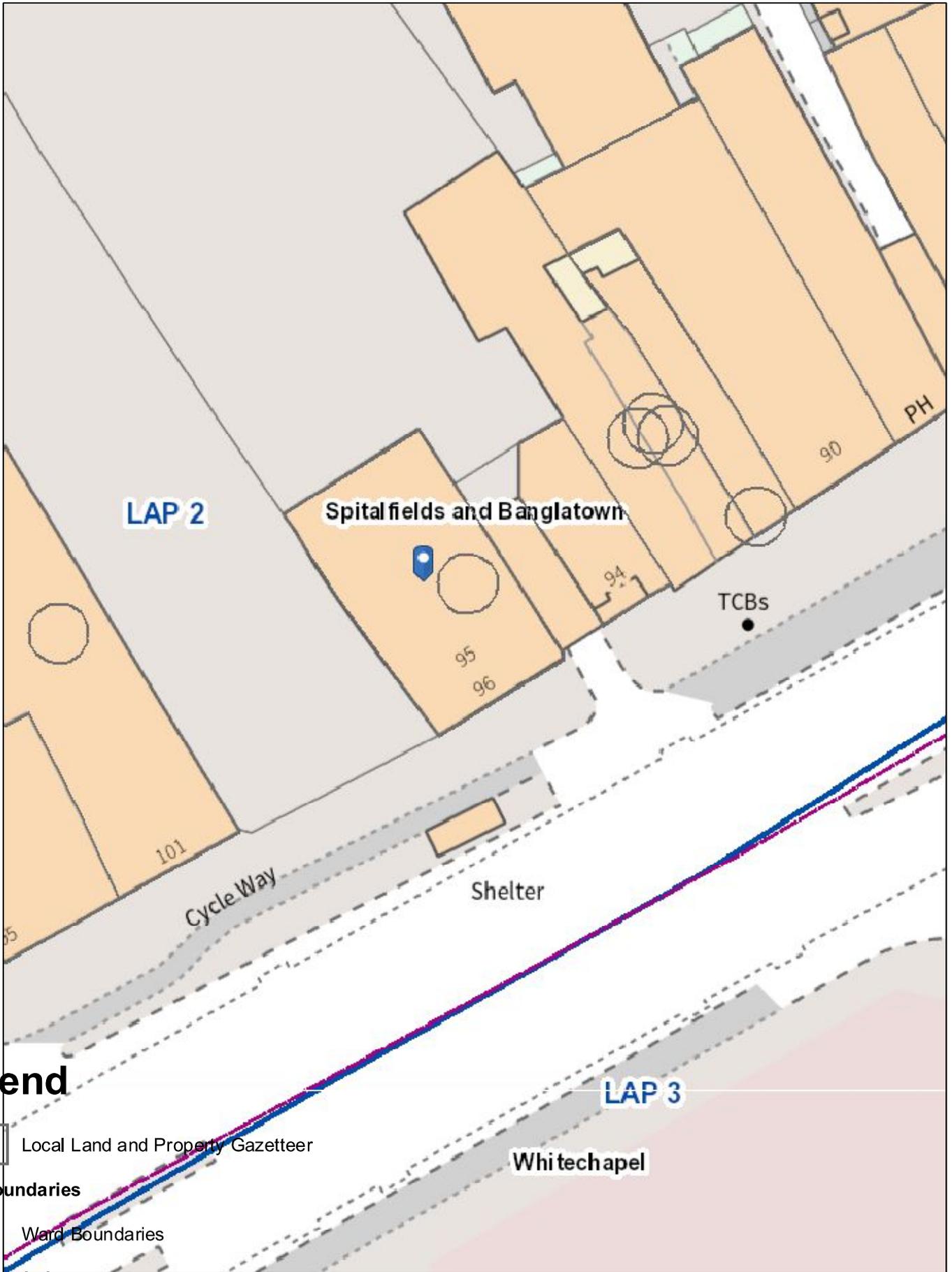
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2

Appendix 3

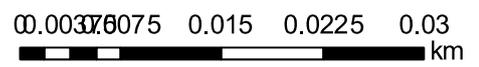


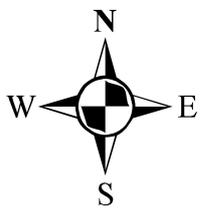
Map1



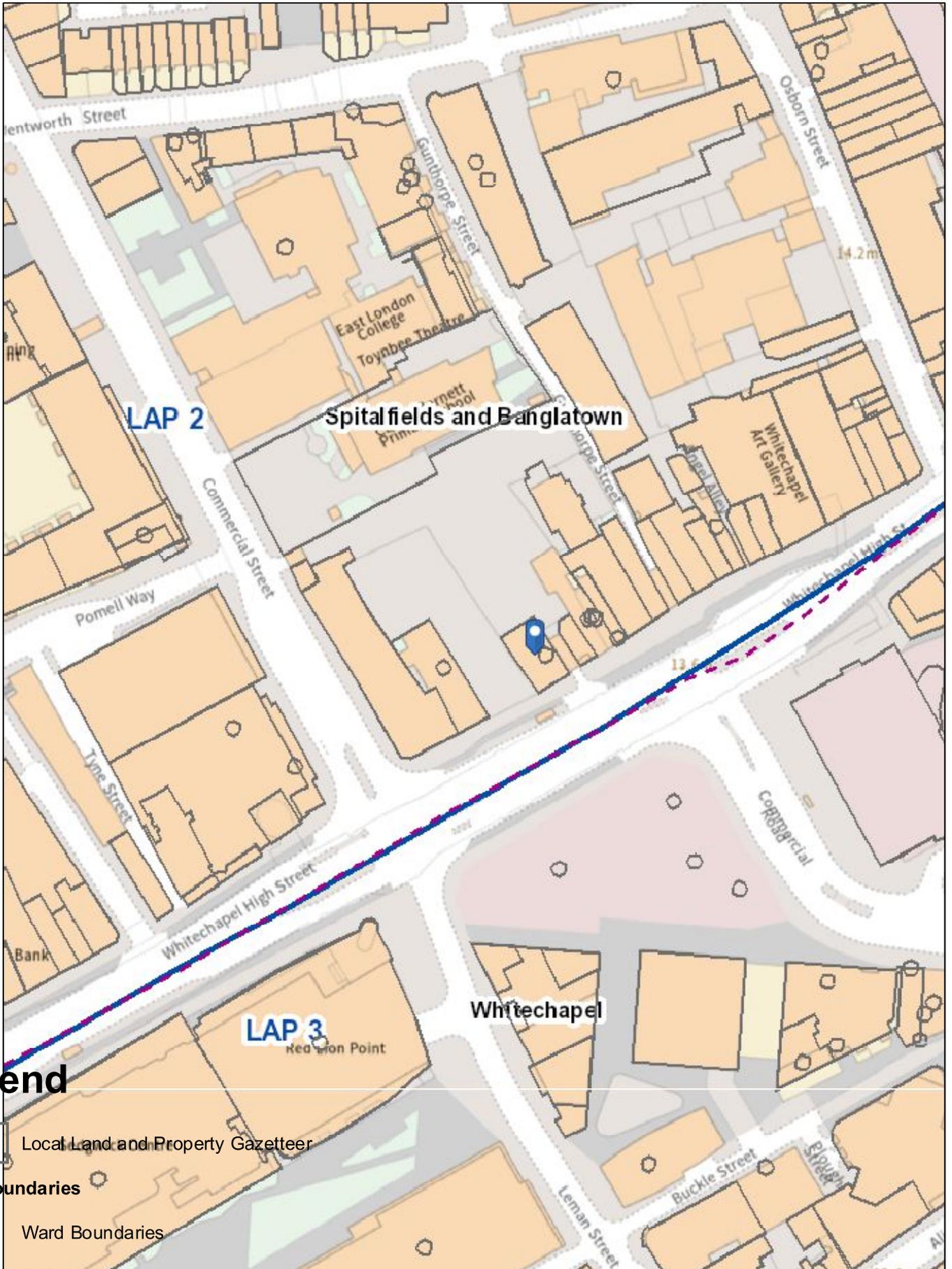
Legend

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





Map1



Legend

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

(Jack the Chipper) 96 Whitechapel High Street, London E1 7RA – Premises Pictures



(Jack the Chipper) 96 Whitechapel High Street, London E1 7RA – Premises Pictures



Appendix 4

**Nearest licences: (Jack the Chipper) 96 Whitechapel High Street,
London E1 7RA**

Name and address	Licensable activities and hours	Opening hours
<p>(Jack the Chipper) 74 Whitechapel High Street London E1 7QX</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 10:00 hrs to 23:30 hrs • Friday and Saturday, from 10:00 hrs to 00:00 hrs (midnight) • Sunday, from 10:00 hrs to 22:30 hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Christmas Eve and New Years' Eve, until 00:30 hrs the following day <p>The provision of late night refreshment - (Indoors)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 23:00 hrs to 23:30 hrs • Friday to Saturday, from 23:00 hrs to 00:00 hrs (midnight) <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Christmas Eve and New Years' Eve, until 01:00 hours the following day 	<p>Monday to Thursday, from 10:00 hrs to 24:00 hrs (midnight)</p> <p>Friday and Saturday, from 10:00 hrs to 00:30 hrs (the following day)</p> <p>Sunday, from 10:00 hrs to 23:00 hrs</p> <p><u>Non-standard timings</u> Christmas Eve and New Years' Eve, until 01:00 hrs the following day</p>
<p>(KFC) 84 Whitechapel High Street London E1 7QX</p>	<p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Monday to Saturday, from 23:00 hours to 00:00 hours (midnight) 	<p>Monday to Saturday, from 10:00 hours to 00:00 hours (midnight)</p> <p>Sunday, from 10:00 hours to 23:00 hours</p>
<p>(Whitechapel Art Gallery) 80-82 Whitechapel High Street London E1 7QX</p>	<p>The sale by retail of alcohol (On and off sales) Monday to Saturday 11.00 hours until 23.00 hours Sunday Midday until 21.30 hours</p> <p>The provision of regulated entertainment Thursday and Friday 19.30 hours until 21.30 hours</p> <p>Recorded Music: Monday to Saturday 11.00 hours until 23.00 hours, Sunday Midday until 21.30 hours</p>	<p>11.00 hours until 23.00hours Monday to Saturday</p> <p>Midday until 21.30 hours Sunday.</p>

**Nearest licences: (Jack the Chipper) 96 Whitechapel High Street,
London E1 7RA**

<p>(Big Moe's Diner) 96 Whitechapel High Street London E1 7RA</p>	<p>The provision of late night refreshment - indoors</p> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00 hours to 23:15 hours • Friday to Saturday, from 23:00 hours to 00:30 hours the following day <p><u>Non-standard timings</u> Christmas Eve and New Year's Eve, from 23:00 hours to 02:00 hours the following day</p>	<ul style="list-style-type: none"> • Sunday to Thursday from 08:00 hours to 23:45 hours • Friday to Saturday, from 08:00 hours to 01:00 hours the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Christmas Eve and New Year's Eve, from 08:00 hours to 02:00 hours the following day
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Appendix 5



Licensing Authority: licensing@towerhamlets.gov.uk

Applicant: [REDACTED]

16th September 2022

Your reference
My reference: LIC/152302/CH

PLACE Directorate
Public Realm

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

Tel: 020 7364 3986
Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Licensing Authority,

Licensing Act 2003

New premises licence application: Jack the Chipper, 96 Whitechapel High Street, London, E1 7RA

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application under the crime & disorder and public nuisance licensing objectives.

Special Cumulative Impact Policy for the Brick Lane

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

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

The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late-night refreshment in the Brick Lane is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.



The best of London in one borough

Page 64

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

This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane CIA if they wish to rebut this presumption.

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

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

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

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

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

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

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



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

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

Licensable activities and times

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

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

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

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



The Home Office guidance

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

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

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

Application:

For information purposes only 96 Whitechapel High Street has held a licence since July 2018 in the name of ‘Big Moe’s diner’ for the provision of late-night refreshments only. See timings below:

<p>The times the licence authorises the carrying out of licensable activities</p> <p>The provision of late night refreshment - indoors</p> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00 hours to 23:15 hours • Friday to Saturday, from 23:00 hours to 00:30 hours the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Christmas Eve and New Year’s Eve, from 23:00 hours to 02:00 hours the following day

This current application states it is for a family-oriented restaurant. The applicant already has a premises called Jack the Chipper at 74 Whitechapel High Street, which was granted a Premises Licence in March 2021 for the sale of alcohol (on sales) and the provision of late-night refreshment. The following times and activities for 96 Whitechapel High Street have been applied for.

The provision of Late-night refreshments (indoors)

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

Sale of Alcohol (on sales)

Monday – Saturday 11:00 hours – 23:30 hours

Sunday 11:00 – 22:30 hours

Opening Hours:

Monday – Saturday 07:00 – 00:00 hours (midnight)

Sunday 07:00 – 23:00 hours



Tower Hamlets Council

Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG



This premises falls into the Brick Lane Cumulative Impact Area (CIA) and therefore the onus is on the applicant to show there are exceptional circumstances and that the granting of the application will not have a negative cumulative effect on the CIA area. It is their responsibility to rebut the presumption that the licence will be refused.

The Licensing Authority acknowledges that the applicant has applied for framework hours and has volunteered a number of conditions within the operating schedule. The restaurant has a capacity of 100 persons split over two floors and therefore does not fall into the possible exemptions to the CIA. I have also been informed that although the application states that the restaurant is going to 'relocate' they are in fact keeping the restaurant at 74 Whitechapel High Street and not surrendering this Premise Licence.

On a balance of probability, this Authority is concerned by the addition of another premises selling alcohol, with a capacity of up to 100 persons, potentially adding to the existing anti-social issues in the area, particularly through access and egress. The sale of alcohol could cause customers to be in high spirits and therefore potentially undermining the licensing objectives. The Licensing Authority do not believe there are exceptional circumstances for this licence to be granted.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of their volunteered conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected.

Yours faithfully

[Redacted signature]

Corinne Holland
Licensing Officer

[Redacted contact information]



Appendix 6

21st September 2022

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

Sent via E-Mail

Re: Formal Objection to Proposed Premise Application and Licence for Jack the Chipper, 96 Whitechapel High Street, London, E1 7RA

Dear Licensing Team

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

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

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

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

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

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

Formal Objection

SPIRE raises formal objection to the proposed application for licence of Jack the Chipper, 96 Whitechapel High Street, London, E1 7RA ("the Premise").

The Premise is in one of the Ward's most prolific hotspots for antisocial behaviour and is an area of great concern. The Premise is located within the CIA for Brick Lane where new and varied premise licenses are meant to be limited, if not prohibited, based on the over saturation of businesses involved with the sale of alcohol and entertainment, attributable to the Ward's current issues with antisocial behaviour.

SPIRE, in principle, objects to a new premise offering the sale of alcohol and enjoyment of late-night refreshment including alcohol. The proposed application includes the sale of alcohol until 11:30 pm Monday through Saturday and 10:30 pm on Sunday. Note: After contacting the applicant directly we have been informed that the application is not up-to-date, and the intent is to only supply alcohol from 11:00 am until 11:00 pm each day.

The Ward Panel for Spitalfields and Banglatown (which I also Chair) has been in receipt of serious complaints from local-residents and business owners on and around Gunthorpe Street (close proximity to the proposed premise) in respect to extremely elevated levels of ASB and intimidating behaviour due to drug and alcohol misuse.

Representatives from the Dellow Centre (Gunthorpe Street), London Borough of Tower Hamlets Council (Neighbourhood Management), and the Safer Neighbourhood Team (SNT) for the Metropolitan Police have all been involved with looking at the issues facing Gunthorpe Street and the surrounding area. Issues in the area are so serious, in fact, half of the Ward Panel agenda scheduled for 27th September 2022 is devoted to considering solutions to curtail the current prominent level of ASB and threatening conditions in the area.

I have been in contact directly with the applicant, Recap Turhan, to discuss how his business, despite wishing to sell alcohol in the area which is covered by the Brick Lane CIA, could help the local area improve rather than contribute to worsening conditions. We discussed potentially his commitment to hiring private security which would not only manage the entrance to his business but also conduct hourly patrols in the immediate area (including Gunthorpe Street) to help disperse unwanted and undesirable behaviour and activity. Subject to more detailed, documented, and council supported provisions of this nature, SPIRE could potentially be able to support rather than object to this application.

Absent more specific and documented ways in which Jack the Chipper can help combat ASB, drug, and alcohol issues in the immediate vicinity of its premise (including Gunthorpe Street), it is difficult to imagine how a restaurant with 100 covers serving alcohol will not contribute to all current issues in the area including but not limited to additional risk and burden by way of increased public nuisance and potential crime, disorder, health and safety of local residents and visitors, noise, and antisocial behaviour. These are all the things which are meant to be safeguarded by the implementation and effective monitoring and maintenance of the CIA for Brick Lane

Please acknowledge that our initial objection has been received and that the contents of this letter will be considered as part of the overall review process.

Yours sincerely

Randall Thiel
Chairman, SPIRE

Appendix 7

Mohshin Ali

From: Nicola Cadzow
Sent: 22 September 2022 08:02
To: Licensing; Corinne Holland
Subject: 152303 New premises license for Jack the Clipper 96 Whitechapel High Street, London

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

Apologises please see attached, sent before copying you in!

regards

Nicola Cadzow

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


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Click here to see the Tower Hamlets Noise map:

From: Nicola Cadzow
Sent: 22 September 2022 07:56
To: Safeline Training & Consultancy 
Cc: MARK.J.Perry 
Subject: 152303 New premises license for Jack the Clipper 96 Whitechapel High Street, London

Good morning,

Thank you for your confirmation of the noise conditions below:

1. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

Licensing, please take this as withdrawing my representation.

Kind regards

Nicola Cadzow

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


www.towerhamlets.gov.uk

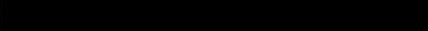
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Please note: all s61 consents, dispensations and variations must be sent to environmental.protection@towerhamlets.gov.uk for logging and allocation.



Click here to see the Tower Hamlets Noise map:

From: Safeline Training & Consultancy < >
Sent: 21 September 2022 17:17
To: Nicola Cadzow < >
Cc: MARK.J.Perry < >
Subject: Re: 152303 New premises license for Jack the Clipper 96 Whitechapel High Street, London

Dear Ms Cadzow,

In the licensing objectives, we had volunteered a restriction of 4 people outside at one time, and so we are happy with 4 or 5.

I have spoken with my client and he agrees to your conditions as you have written them. Please confirm you now withdrawn your representation.

Kind regards

On Wed, 21 Sept 2022 at 14:12, Nicola Cadzow < > wrote:

Dear Mustafa Kaya

I am reviewing your client's new premises license for Jack the Clipper 96 Whitechapel High Street, London, with particular attention to the licensing objective for the prevention of public nuisance and wish for the following noise conditions to apply:-

1. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

Await your confirmation bearing in mind last date for representation is today 21st September 2022.

Kind regards

Nicola Cadzow

Environmental Protection Team

Place Directorate

London Borough of Tower Hamlets

Mulberry Place Town Hall

5 Clove Crescent

London E14 2BG


www.towerhamlets.gov.uk

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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>



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Mustafa Kaya M.A. | MRSPH | Head of Centre
Safeline Training & Consultancy
Registered centre of the Royal Society for Public Health
Tel: [REDACTED]

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Appendix 8

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 9.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 14.10)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 9.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 9

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 10

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Section 6 of the Licensing Policy)**

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. 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.

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 11

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 12

Planning

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

Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 14

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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements,
 - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or,
- the provision of late night refreshment.

7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

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

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

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

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

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

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

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

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

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

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

Figure One

Brick Lane area:

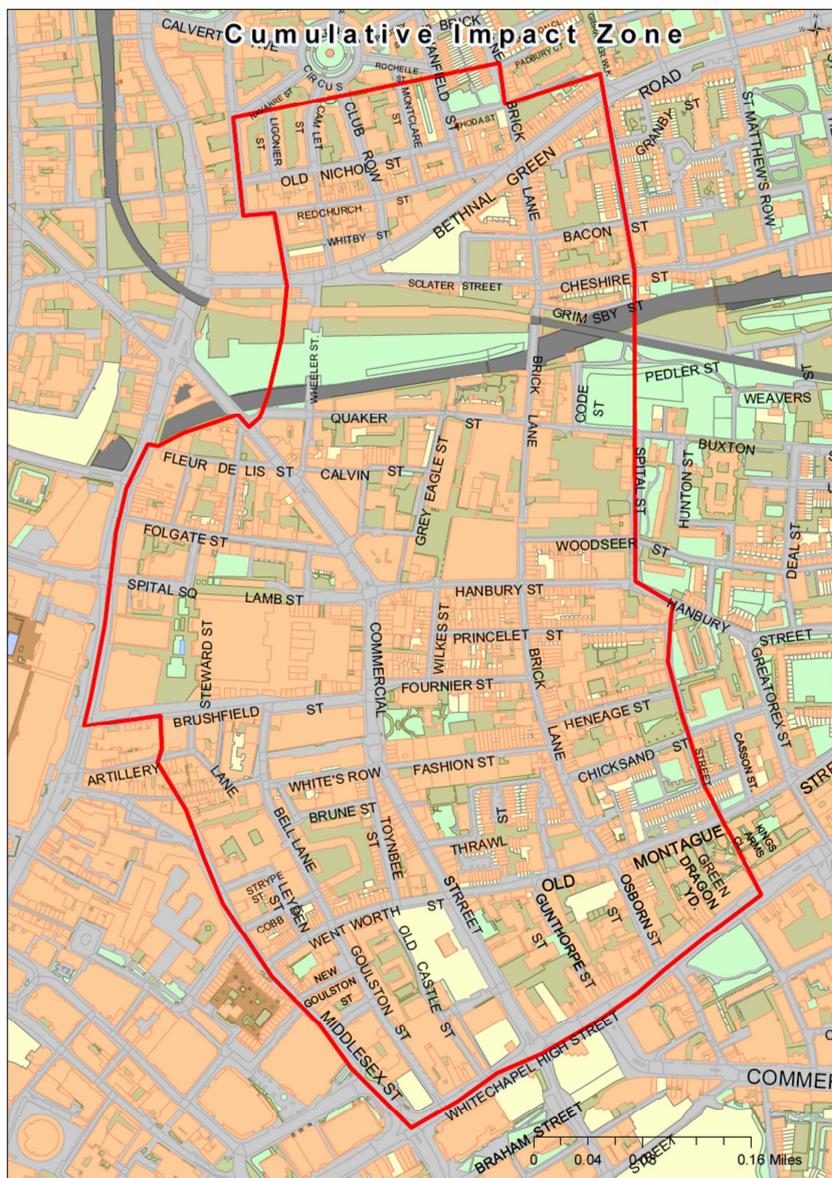
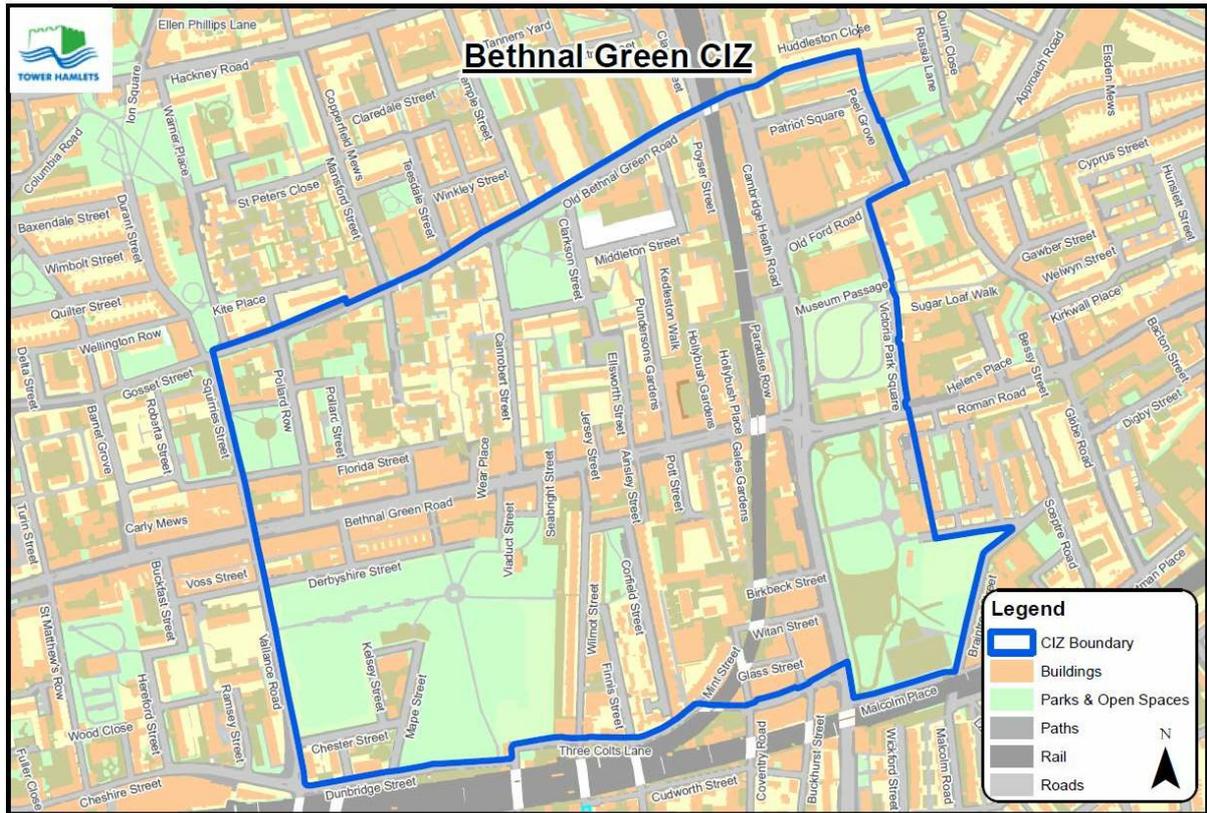


Figure Two:

Bethnal Green Area



Appendix 15

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

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Agenda Item 3.2

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

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for Versuvio Italian Cafe, Unit 3a, 139 Three Colt Street, London E14 8AP
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Limehouse

1.0 Summary

Applicant: **Linda Cross**
Name and Address of Premises: **Versuvio Italian Cafe**
Unit 3A 139 Three Colt Street
London E14 8AP

Licence sought: **Variation of premises Licence**
To vary the sale of alcohol for on and off sale
To add Regulated entertainment namely live music

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Versuvio Italian Café, Unit 3a, 139 Three Colt Street, London E14 8AP
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as:
Addition of on sales of alcohol and addition of live music.
- 3.5 The hours that have been applied for are as follows:-

Sale of Alcohol (on and off sales)

Monday to Friday from 08:00 hours to 18:00 hours

Saturday from 08:00 to 21:00 hours

Sunday from 10:00 hours to 18:00 hours

Live Music (indoors)

Saturday from 18:00 hours to 21:00 hours

(please see note 9.2 of the report for Live Music Act & 10.0 Exemptions)

Hours premises is open to the public:

Monday to Friday 08:00 hours to 19:00 hours

Saturday from 08:00 hours to 22:00 hours

Sunday from 10:00 hours to 19:00 hours

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity are provided in **Appendix 3**
- 4.2 The site plan of the venue is included as **Appendix 4**.
- 4.3 Maps showing the vicinity are included as **Appendix 5**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 6**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 with an update on the CIZ policy in November 2021.

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

6.0 Representations

- 6.1 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 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.
- 6.6 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.

See **Appendices 7 - 9**

- 6.7 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning

- Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement
- 6.8 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
- 6.9 The objections cover allegations of
- Anti social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises
 - Close proximity to residential properties
- 6.10 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.
- 6.11 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 Agreed with Licensing Authority**
- 7.1 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 immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 7.2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the

premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- 7.3 An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
- a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
- 7.4 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.
- 7.5 The supply of alcohol at the premises, for consumption on the premises, shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- 7.6 Live and recorded music shall only take place inside the premises and not in any outside areas.

8.0 Conditions agreed with Environmental Health

- 8.1 Loudspeakers shall not be in the entrance lobby, or outside the premise building nor on ceilings. And anti-vibration mounts used if speakers attached to the walls
- 8.2 All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 8.3 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

9.0 Licensing Officer Comments

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

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

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).

- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 10-13** 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 Exemptions

- 10.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 10.2 Section 177A, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises ; is open for the purposes of doing so; if the music is amplified, that the audience is no more than 500; and the music takes place between 8am and 11pm, any conditions do not have effect.
- 10.3 Section 177A can be disapplied on a licence review if it is proportionate to do so, a review can also add conditions relating to music.

11.0 Legal Comments

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

12.0 Finance Comments

- 12.1 There are no financial implications in this report.

13.0 Appendices

- | | |
|-----------------------|----------------------------------------------------------------------------------|
| Appendix 1 | A copy the existing licence |
| Appendix 2 | A copy of the application for variation |
| Appendix 3 | Photos of venue |
| Appendix 4 | Site Plan |
| Appendix 5 | Maps of the surrounding area |
| Appendix 6 | Other licensed venues in the area |
| Appendices 7-9 | Representations of local residents |
| Appendix 10 | Licensing officer comments on anti-social behaviour patrons leaving the premises |
| Appendix 11 | Licensing officer comments on Noise when the premises is in use |
| Appendix 12 | Planning |
| Appendix 13 | Licensing Policy relating to hours of trading |

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Appendix 1



LICENSING ACT 2003

**(Vesuvio Cafe)
Unit 3A
139 Three Colt Street
London
E14 8AP**

Licence Number
130819

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 30th January 2006



Part A - Format of premises licence

Premises licence number

130819

Part 1 - Premises details

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

(Vesuvio Café)
Unit 3A
139 Three Colt Street

Post town

London

Post code

E14 8AP

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours

Saturday from 08:00 hours to 18:00 hours

Sunday from 10:00 hours to 18:00 hours

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours

Saturday from 08:00 hours to 18:00 hours

Sunday from 10:00 hours to 18:00 hours

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

Off sales only

Part 2

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

Linda Mary Cross
21 Balearic Apartments
15 Western Gateway
London
E16 1AP

[REDACTED]

[REDACTED]

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

Not applicable

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

Mr. Matteo Buonocore

[REDACTED]

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

Licence No. 871
Issuing Authority: Thurrock Council

Annex 1 - Mandatory conditions

- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5.
1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
 - (b) “permitted price” is the price found by applying the formula —
$$P = D + (D \times V)$$
where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of

- the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(2)
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

None applicable

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

Not applicable

Annex 4 - Plans

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

22nd November 2005



Part B - Premises licence summary

Premises licence number

130819

Premises details

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

(Vesuvio Café)
Unit 3A
139 Three Colt Street

Post town

London

Post code

E14 8AP

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities	Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours Saturday from 08:00 hours to 18:00 hours Sunday from 10:00 hours to 18:00 hours
The opening hours of the premises	Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours Saturday from 08:00 hours to 18:00 hours Sunday from 10:00 hours to 18:00 hours
Name, (registered) address of holder of premises licence	Linda Mary Cross 21 Balearic Apartments 15 Western Gateway London E16 1AP
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Off sales only
Registered number of holder, for example company number, charity number (where applicable)	Not applicable
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Mr. Matteo Buonocore
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 2



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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We **LINDA MARY CROSS** *(Insert name(s) of applicant)*

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

Premises Licence number **130819**

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
VESUVIO ITALIAN CAFFE UNIT 3A, 139 THREE COLT STREET LONDON E14 8AP	
Post town LONDON	Post code E14 8AP

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£ 13,500

Part 2 - Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)		[REDACTED]	
Current postal address if different from premises address		21 BALEARIC APARTMENTS 15 WESTERN GATEWAY LONDON E16 1AP	
Post Town	LONDON	Postcode	E16 1AP

Part 3 - Variation

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

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

Day	Month	Year

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

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

VARIATION FROM OFF SALE OF ALCOHOL TO PERMIT SALE OF ALCOHOL ON THE PREMISES FROM 0800-1800 MONDAY-FRIDAY, 0800-2100 ON SATURDAY AND 1000-1800 ON SUNDAY. LIVE MUSIC TO BE PROVIDED ON SATURDAYS FROM 1800-2100.

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

NO

Part 4 Operating Schedule

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

Provision of regulated entertainment

- Please tick yes
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E) X
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	1800	2100			
Sun					

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 9)	On the premises		
Day	Start	Finish		Off the premises		
Mon	0800	1800	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	X	
Tue	0800	1800				
Wed	0800	1800		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur	0800	1800				
Fri	0800	1800				
Sat	0800	2100				
Sun	1000	1800				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

None – live music will be provided only on Saturdays from 1800-2100, ie outside the period for which a licence is required for less than 500 people. No payment is taken for the music which is provided as background whilst customers are having a meal and drink. No music will be played during the week which might disrupt children or their schooling.

L

<p>Hours premises are open to the public Standard timings (please read guidance note 8)</p>			<p><u>State any seasonal variation</u> (please read guidance note 6)</p> <p>There are no published variations, however during severe winter weather the café may close earlier.</p>
Day	Start	Finish	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 7)</p>
Mon	0800	1900	
Tue	0800	1900	
Wed	0800	1900	
Thur	0800	1900	
Fri	0800	1900	
Sat	0800	2200	
Sun	1000	1900	

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

This variation would allow alcohol to be consumed on the premises.

Please tick yes

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

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

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

M

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

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

The café is small and has a capacity of 25 covers. Opening hours in the evening are restricted which is when alcohol would mainly be consumed. Children would be allowed in the café only accompanied by a responsible adult. The restricted hours and size of the premises ensures disturbance to neighbours would be kept to a minimum.

b) The prevention of crime and disorder

Alcohol would mainly be consumed along with a meal. As a cafe customers would not primarily be coming just to drink alcohol, there are nearby bars which the same customers frequent. We would ensure customers were not served alcohol if they were not in a fit state to deal with it. Staff would receive training on how to handle such issues, including basing decisions on law and depersonalising the situation.

c) Public safety

The number of covers in the cafe is limited to 25 and alcohol is mainly served with meals. Steps would be taken to ensure customers were not served alcohol which made them a threat to public safety. In case of any perceived problems the police would be called to deal with the situation.

d) The prevention of public nuisance

The times of opening and provision of live music – only on Saturday for 3 hours – would be strictly adhered to. In addition music would be performed inside the café limiting the noise for neighbours.

e) The protection of children from harm

Children are only allowed to sit in the café to have meals and drinks when accompanied by a responsible adult. They may come in to purchase, eg soft drinks or ice cream, for takeaway. Staff have been given guidance on the sale of alcohol and protection of children.

CHECKLIST:

Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	1 September 2022
Capacity	Licence holder

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Appendix 3





Today's Specials
Laguna
With Bacon/Tomato
Pasta Mushroom
Cream Sauce
Pasta with Buffalo Mozzarella

Coca-Cola
Smoothies of
the day
- Strawberry
- Summer fruits
- Banana

Today's Specials
Focaccia
Pasta Mushroom
Cream Sauce
Penne Pesto

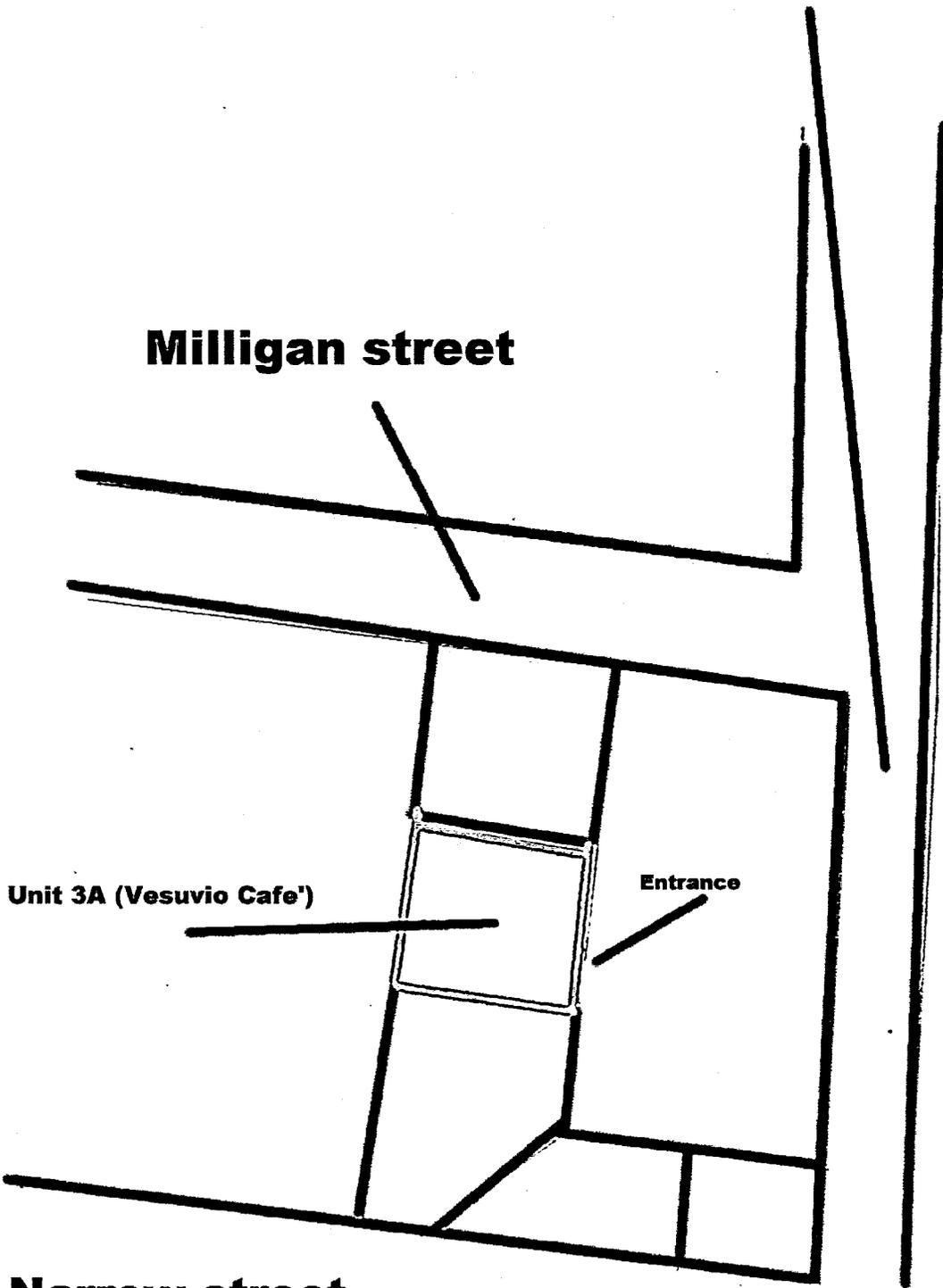
Price 10



Appendix 4

Three colt street

Milligan street



Unit 3A (Vesuvio Cafe')

Entrance

Narrow street

Counter Area

Display of Liquor

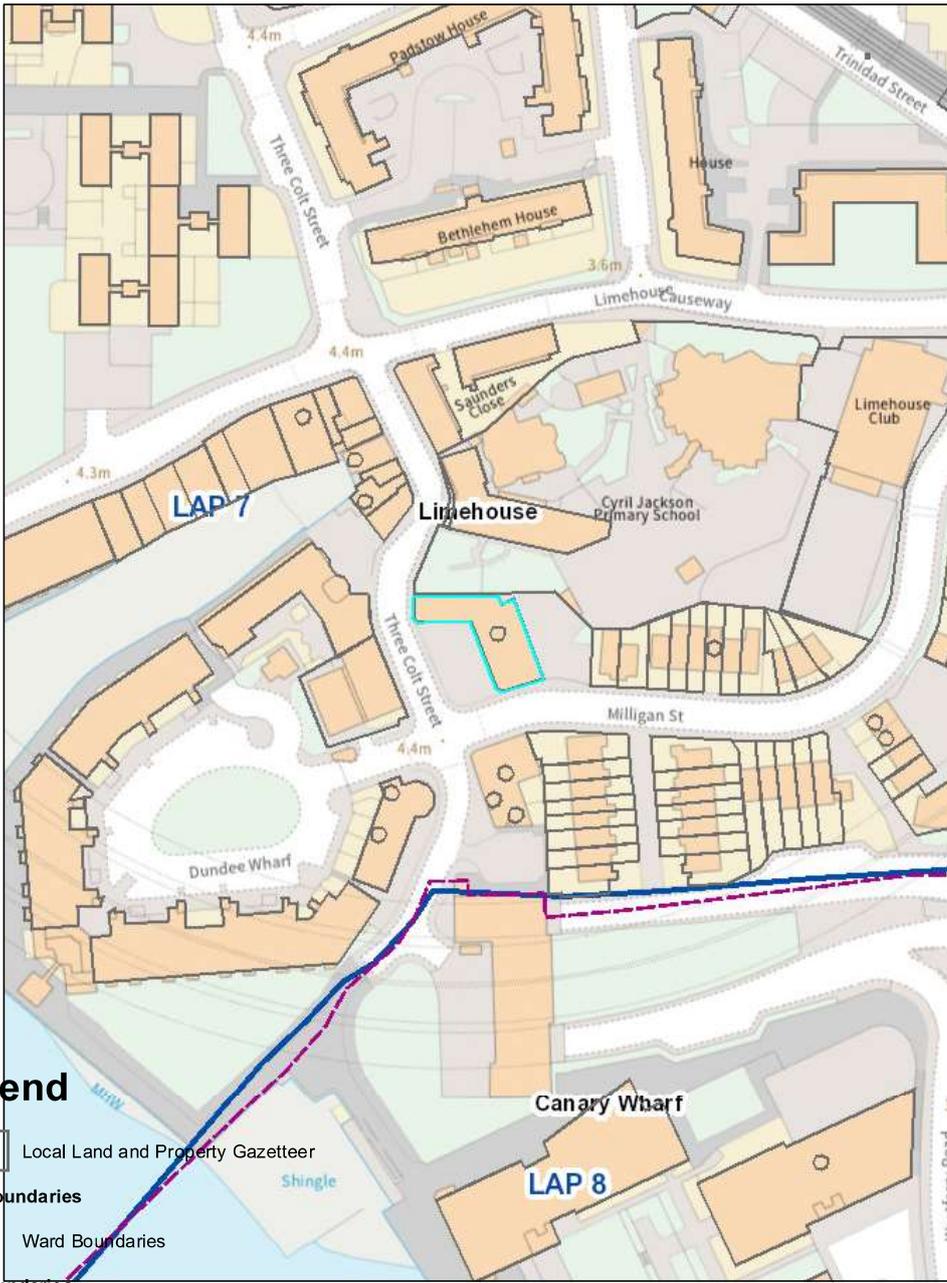
W.C.

Changing Room

**Entrance
from Three Colt
Street London
E14 8HP**

Scale 1:500

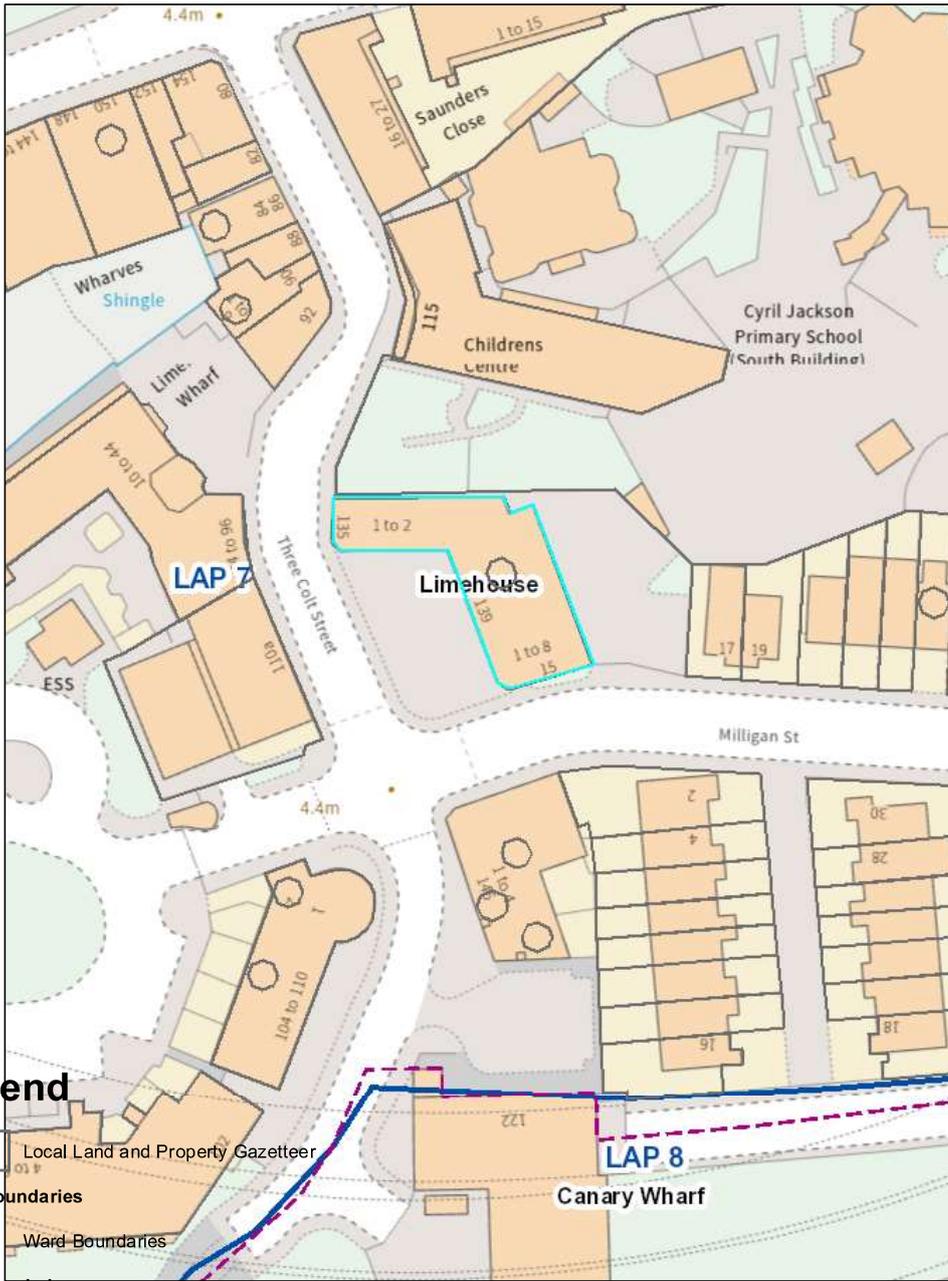
Appendix 5



Legend

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





Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

00.0075015 0.03 0.045 0.06 km

Appendix 6

Nearest licences: Unit 3a 139 Three Colt Street

Name and address	Licensable activities and hours	Opening hours
(Grab 'N' Go) Unit 4 139 Three Colt Street London E14 8AP	The Sale of Alcohol Monday to Sunday, from 07:00 hours to 21:00 hours.	Monday to Sunday, from 07:00 hours to 21:00 hours.

Appendix 7

Kathy Driver

From: Katie Baxter <[REDACTED]>
Sent: 30 August 2022 22:31
To: Licensing
Subject: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Follow Up Flag: Follow up
Flag Status: Completed

Representations from: Ms K Baxter & Mr S Haworth. [REDACTED]

- General

The applicant states that the cafe is small and has a capacity for 25 covers. The applicant currently has 14 tables left permanently outside in the 'public square', including the covers inside, this is potentially 48+ covers. At present when the cafe is busy the general noise level disturbs neighbours by, • constant movement of chairs and tables • customers talking loudly and shouting • dogs barking and yapping • cigarette smoke wafting up into flats.

The concern is that the provision of live music and extended hours of serving alcohol would increase the amount of people and generate even more noise and potential anti social behaviour.

Dundee Court is a residential block and surrounds the public square on two sides, it consists of ten flats with living rooms and bedrooms directly overlooking the square and the cafe. Many residential homes are also on the opposite side of 3 Colt Street and on both corners of Milligan Street.

Because the applicant/proprietor leaves tables, chairs, large umbrellas, high chairs some catering paraphernalia outside all day and night, as well as defining the area by putting planters as a form of a border which extends out to the pavement, all this occupies about two thirds of the square, making it not possible for residents and pedestrians to access the square freely. The general impression is often an eyesore and spoils the appearance of the square particularly when all the above cafe items including plastic high chairs are left out overnight.

The previous proprietor had 5/6 tables outside in good weather, which were always stacked up and stored inside the cafe every night.

- Prevention of crime and disorder

Alcohol is currently served on its own to some customers later in the afternoon or early evening. When the proprietor leaves at the end of the day and pulls down the cafe shutters some customers are left unsupervised to finish their drinks. As a result of the cafe furniture being left out on a permanent basis people congregate well into the night bringing their own alcohol and food. Groups of young men can congregate sitting at the tables into the early hours of the morning. The impact of the provision of music at the weekend and extending the times when alcohol is served could be to attract to the cafe, potentially large groups of people. This would increase the noise level considerably above what is tolerable and acceptable to surrounding residents.

The public square is within Ropemakers Fields Public Spaces Protection Order (PSPO), which was introduced in accordance with the Anti Social Behaviour Crime and Policing Act 2014. Discarded nitrous oxide canisters are evident on Colt Street and Milligan Street and the worry is that with regular live music this may increase drug taking activity and the anti social activity that goes with it.

- Public Safety

As stated previously the numbers of covers is potentially 48+ due to the amount of tables outside, already an increased amount of refuse is being generated and left in the garage designated for refuse and recycling. Although there are commercial bins for the commercial units (the cafe included) their refuse and amount of recycling is much greater than the residents, often not leaving enough room in the bins and some commercial refuse is not being disposed of correctly and left causing trip hazards in the refuse area. Pest Control, organised by the management company for Dundee Court, visit the block on a regular basis to check the bait boxes put down because rats had got into the foundation of the building. An increased amount of covers and food refuse could make this more difficult to manage.

- Prevention of Public Nuisance

The applicant states that live music would be performed inside so would not disturb neighbours. To date music has been played outside the cafe. The cafe is small, and it would be fairly difficult to accommodate a musician and customers while being catered for with food and drink. Live music has already taken place on a Saturday and a Sunday afternoon at times over the summer. This involved a guitarist with an amplifier, playing outside the cafe. The volume of the music on such an occasion spoilt the 'quiet enjoyment', for residents, as residents leases state they are entitled to. Under no circumstances could this level of volume be described as background music for people eating a meal. The concern is that the Saturday night timing of music and serving of alcohol may not be adhered to, and the music would played on an ad hoc basis with the use of amplifiers. This could also attract large crowds of people who would want to be served with alcohol only.

Sent from my iPhone

Appendix 8

Kathy Driver

From: Stephen Haworth [REDACTED] m>
Sent: 03 October 2022 10:19
To: Kathy Driver
Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Kathy,

This representation was emailed on Friday before the deadline, but was responded to as undeliverable.

I have phoned Tower Hamlets this morning, and been given the above alternative email address. Assuming that it will work, please acknowledge that the representation was sent within the time limit.

Thank you,

Steve Haworth
[REDACTED]

Begin forwarded message:

From: Stephen Haworth [REDACTED] m>
Date: 30 September 2022 at 20:30:29 BST
To: Licencing@towerhamlets.gov.uk
Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Dear Kathy Driver,

Please find below our submission / comments in connection with the application from the café which is situated below the residential units at [REDACTED]

Thank you,

Steve Haworth and Katie Baxter.

Sent from my iPhone

Begin forwarded message:

From: Katie Baxter [REDACTED]
Date: 30 September 2022 at 19:23:37 BST
To: [REDACTED]
Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Sent from my iPhone

Begin forwarded message:

From: Katie Baxter [REDACTED]
Date: 29 September 2022 at 16:56:31 BST
To: [REDACTED]

Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Sent from my iPhone

Begin forwarded message:

From: Licensing <Licensing@towerhamlets.gov.uk>
Date: 28 September 2022 at 16:33:58 BST
To: Katie Baxter [REDACTED]
Subject: RE: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Following your representation for the above, the application was resubmitted on 1st September 2022 and attach a copy for you.

Can you confirm you still wish to make representation and ask that if you do if you can resend it so that it is within the timeframe of the current application. Apologies for the short notice consultation expires on 30th September.

Any representations will go forward to a Committee hearing and you will be invited to attend unless you can come to an agreement before that.

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
020 7364 5171
Licensing Hotline 020 7364 5008
Licensing General Email:
licensing@towerhamlets.gov.uk
Please visit our web page for application forms and guidance at www.towerhamlets.gov.uk/licensing
www.towerhamlets.gov.uk
Follow us on: Facebook | Twitter | LinkedIn | Instagram

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

From: Katie Baxter [REDACTED]
Sent: 30 August 2022 22:31
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

- General

The applicant states that the cafe is small and has a capacity for 25 covers. The applicant currently has approximately 14 tables used outside in the 'public square'. Including the covers inside, this is potentially 48+ covers. At present when the cafe is busy the general noise level disturbs neighbours by :

- constant movement of chairs and tables
- customers talking loudly and shouting
- dogs barking and yapping
- cigarette smoke wafting up into flats.

The concern is that the provision of live music and extended hours of serving alcohol would increase the amount of people and generate even more noise and potential anti social behaviour.

Dundee Court is a residential block and surrounds the public square on two sides, it consists of ten flats with living rooms and bedrooms directly overlooking the square and the cafe. Many residential homes are also on the opposite side of 3 Colt Street and on both corners of Milligan Street.

Because the applicant/proprietor places tables, chairs, large umbrellas, high chairs some catering paraphernalia outside during the day , as well as defining the area by putting planters as a form of a border which extends out to the pavement, all this occupies quite a large part of the square, making it not possible for residents and pedestrians to access much of the square freely. The general impression had, this summer, been an eyesore, and spoiled the appearance of the square particularly when all the above cafe items including plastic high chairs were left out overnight. However, the applicants have more recently bought better furniture and, apart from the plastic high chairs, has folded and stowed furniture away in the café overnight, which has been an improvement.

The previous proprietor had 5/6 tables outside in good weather, which were always stacked up and stored inside the cafe every night.

- Prevention of crime and disorder

Alcohol has in the past been served on its own to some customers later in the afternoon or early evening and when the proprietor has left at the end of the day and pulled down the cafe shutters, some customers had been left unsupervised to finish their drinks. As a result of the cafe furniture being left out on a permanent basis people used to congregate well into the night bringing their own alcohol and food. Groups of young men had congregated sitting at the tables into the early hours of the morning. However, the current application seems to be an effort to take this in to account, and, in

recent times, stacking away the outside furniture inside the café after closing time has been an improvement.

A concern for residents of the residential properties surrounding the café is that the impact of the provision of music at the weekend, and extending the times when alcohol is served could be to attract to the cafe potentially large groups of people. This would increase the noise level considerably above what is tolerable and acceptable to surrounding residents.

The public square is within Ropemakers Fields Public Spaces Protection Order (PSPO), which was introduced in accordance with the Anti Social Behaviour Crime and Policing Act 2014. Discarded nitrous oxide canisters are evident on Colt Street and Milligan Street and the worry is that with regular live music this may increase drug taking activity and the anti social activity that goes with it.

- Public Safety

As stated previously the numbers of covers is potentially 48+ due to the amount of tables outside. Already an increased amount of refuse is being generated and left in the garage designated for refuse and recycling. Although there are commercial bins for the commercial units (the cafe included) their refuse and amount of recycling is much greater than the residents, often not leaving enough room in the bins, and some commercial refuse is not being disposed of correctly and left causing trip hazards in the refuse area. Pest Control, organised by the management company for Dundee Court, visit the block on a regular basis to check the bait boxes put down because rats had got into the foundation of the building. An increased amount of covers and food refuse could make this more difficult to manage.

- Prevention of Public Nuisance

The applicant states that live music would be performed inside so would not disturb neighbours. To date, over the summer, music has been played outside the cafe. The cafe is small, and it would be fairly difficult to accommodate a musician and customers while they are being catered for with food and drink. Live music has already taken place on a Saturday and a Sunday afternoon at times over the summer. This involved a guitarist with an amplifier, playing outside the cafe. The volume of the music on such an occasion spoilt the 'quiet enjoyment', for residents, as residents leases state they are entitled to. Under no circumstances could this level of volume be described

as background music for people eating a meal. The concern is that the Saturday night timing of music and serving of alcohol may not be adhered to, and the music would be played on an ad hoc basis with the use of amplifiers. This could also attract large crowds of people who would want to be served with alcohol only.

Sent from my iPhone

<L11_ThreeColtSt139.U3a.152466.pdf>

Appendix 9

Kathy Driver

From: Licensing
Sent: 23 September 2022 17:27
To: Kathy Driver
Subject: FW: Representation about Marios / Vesuvio cafe Unit 3a 139 Three Colt Street London E148AP - variation of premises licence application

From: philip tucker [REDACTED]
Sent: 19 September 2022 13:14
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Representation about Marios / Vesuvio cafe Unit 3a 139 Three Colt Street London E148AP - variation of premises licence application

Dear All

I am writing to make a representation about the application from Mario's cafe (formerly known as Vesuvio Italian Cafe) Unit 3a 139 Three Colt Street London E148AP to vary the terms of the premises licence.

I have no objection to the proposed changes that would apply on Monday to Fridays and on Sunday, and wish the owners all the best with their plans.

I am however concerned about the proposed changes that would apply on Saturdays, in particular the sale of alcohol until 9pm and the provision of live music until 9pm. The cafe is located on the ground floor of a very quiet residential development and is surrounded on all sides by other residential buildings, including where me and my family live. There are also many other families with young children nearby given the close proximity to Cyril Jackson Primary School. I am worried that the proposals for Saturday will impact negatively on family meal and bedtimes, and the general right to quiet enjoyment of our properties.

In addition, this part of Limehouse has also been subject to noise, litter and other anti social behaviour in past years and is covered by a Public Spaces Protection Order. The situation has improved since the Order has been in force but I am concerned that extending the provision of alcohol at the cafe will undermine the progress that has been made and see the return of such problems to the local area.

My suggestion would be a compromise on Saturday that would see any live music and alcohol provision stop by 7pm or 7.30pm at the latest.

I would be grateful if this representation could be taken into full account by the authority before any decision is made.

Please do of course let me know if the licence application is again withdrawn and resubmitted as I would like my representation to be considered at the relevant moment and it has been difficult at times to keep up with developments, although I am very grateful to the licensing team for their assistance.

Many thanks

Philip Tucker

[REDACTED]

Appendix 10

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

Page 163

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

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

Appendix 11

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 9.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 14.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 12

Planning

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

Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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Agenda Item 3.3

Committee : Licensing Sub-Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
-----------------------------------------------	------	---------------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Temporary Event Notice for (Spirits of East), 508 Commercial Road, London E1 0HY
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Shadwell

1.0 Summary

Applicant: **Ali Cihan Kanidagli**

Address of Premises: **(Spirits of East)**
508 Commercial Road
London
E1 0HY

Objectors: **Metropolitan Police**
Environmental Protection

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Licensing Act 2003 Section 182 Guidance
Licensing Policy
File

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a Standard Temporary Event Notice.

3.2 Enclosed is a copy of the application. (**See Appendix 1**).

3.3 The applicant has described the nature of the event as follows:

“Off sales of alcohol to supply the events happening in the local area over the Christmas and New Year period”

3.4 The premises that has been applied for is: *(Spirits of East), 508 Commercial Road, London E1 0HY.*

3.5 The dates and times that have been applied for are as follows:

The sale by retail of alcohol – Off sales only

- 26/12/2022, from 00:00 hrs (midnight) to 05:59 hrs
- 27/12/2022, from 00:00 hrs (midnight) to 05:59 hrs
- 28/12/2022, from 00:00 hrs (midnight) to 05:59 hrs
- 29/12/2022, from 00:00 hrs (midnight) to 05:59 hrs
- 30/12/2022, from 00:00 hrs (midnight) to 05:59 hrs
- 31/12/2022, from 00:00 hrs (midnight) to 05:59 hrs
- 01/01/2023, from 00:00 hrs (midnight) to 05:59 hrs

3.6 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Premises Licence**

4.1 The venue holds a premises licence. Members can impose one or more conditions of the existing licence on the TEN (in so far as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. A copy of the licence is attached in **Appendix 3**.

5.0 **Temporary Event Notices**

5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.

5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses). The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 15 TEN per calendar year or 21

days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
 - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
 - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
 - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.

6.0 **Objections**

6.1 The Police objections are contained in **Appendix 4**.

6.2 Environmental Protection objections are contained in **Appendix 5**.

7.0 **Advice to Members**

7.1 The Police Reform and Social Responsibility Act 2011 amended legislation whereby Environmental Protection alongside Police can

object to Temporary Event Notice under any of the licensing objectives.

- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Existing Premises Licence
Appendix 4	Police Objection
Appendix 5	Environmental Protection objection

Appendix 1



* required information

Section 1 of 9

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

System reference

Not Currently In Use

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

Your reference

esi licence/Spirits of East

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

Ali Cihan

* Family name

Kanidagli

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name [REDACTED]
* Street [REDACTED]
District [REDACTED]
* City or town [REDACTED]
County or administrative area [REDACTED]
* Postcode [REDACTED]
* Country [REDACTED]

Agent Details

* First name [Beiza]
* Family name [Tzivelek]
* E-mail [REDACTED]
Main telephone number [REDACTED]
Other telephone number [REDACTED]

Include country code.

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

Are you:

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

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

Agent Business

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

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

Registration number [07439274]
Business name [ESI Licence]
VAT number [-] [None]
Legal status [Private Limited Company]
Your position in the business [Director]
Home country [United Kingdom]

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

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

- Yes No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

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

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

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

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

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

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

We require the off sale of alcohol to supply the events that are happening in the Christmas and New Years Eve period in the local area

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

00.00 (midnight) - 05.59am

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

30

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
 Off the premises only
 Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue

dd mm yyyy

Any further relevant details

Page 183

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

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

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

* For completion by the Licensing Authority

* I acknowledge receipt of this temporary event notice

* SIGNATURE _____ On behalf of the Licensing Authority NAME OF OFFICER _____
DATE _____

Continued from previous page...

*

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

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

* Full name

* Capacity

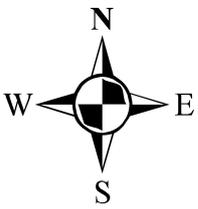
Date (dd/mm/yyyy)

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

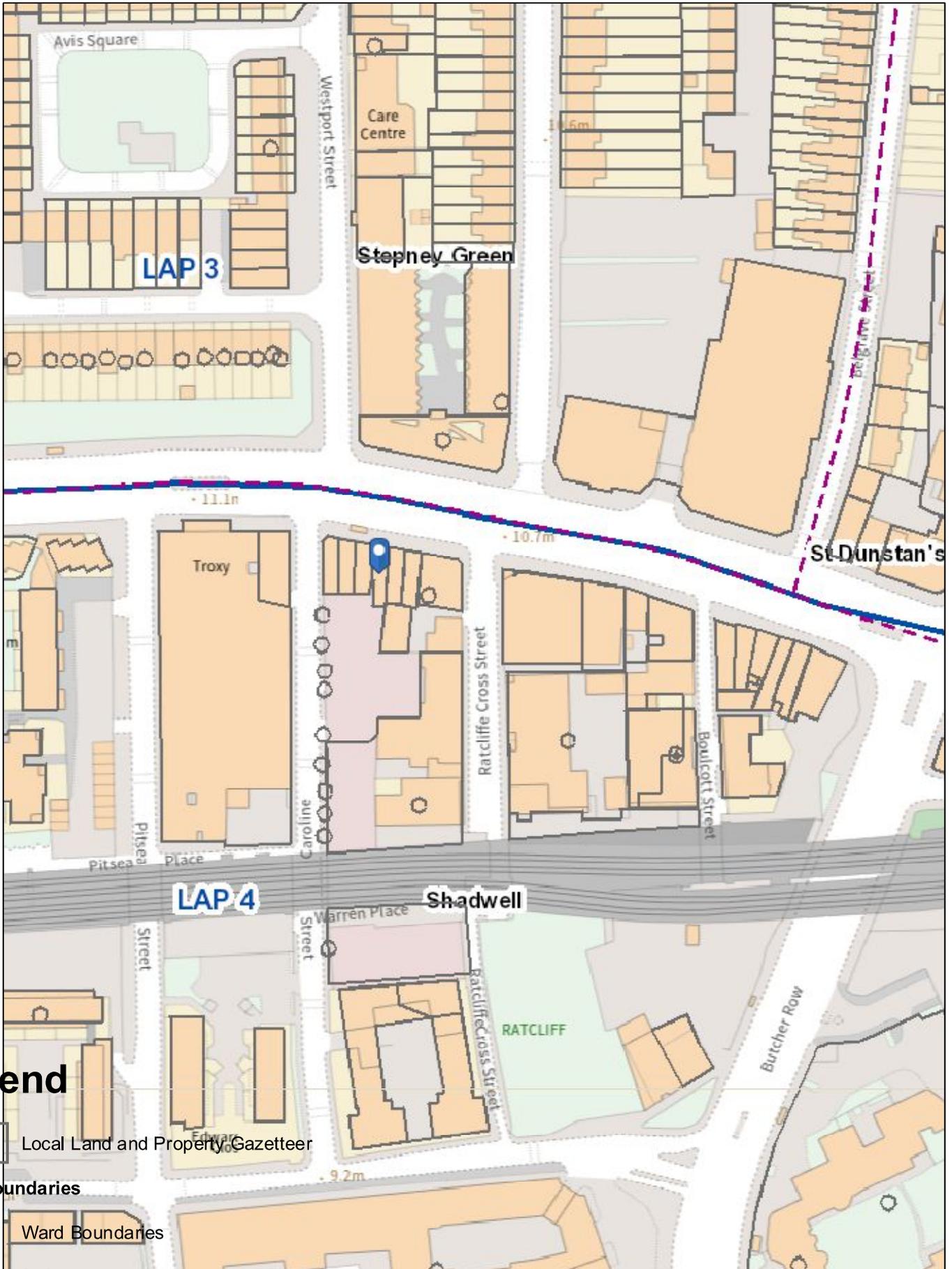
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/tower-hamlets/apply-1> to upload this file and continue with your application.

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

Appendix 2



Map2



Legend

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



Appendix 3



Lic No:
141356

(Spirits of East)
508 Commercial Road
London
E1 0HY

Licensable Activities authorised by the licence

The sale by retail of alcohol (off sales only)

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 7th October 2021

OFFICE USE	Receipt No: 498882	Paid: £190.00	Date: 06/09/2021
------------	-----------------------	------------------	---------------------



Part A - Format of premises licence

Premises licence number

141356

Part 1 - Premises details

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

(Spirits of East)
508 Commercial Road

Post town

London

Post code

E1 0HY

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol (off sales only)

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol - Off sales only

- Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)

The opening hours of the premises

- Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)

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

Off sales only

Part 2

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

Ali Cihan Kanidagli

[REDACTED]

[REDACTED]

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

N/A

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

Ali Cihan Kanidagli



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

Personal licence number:



Issuing authority:



Annex 1 - Mandatory conditions

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

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

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

OFF SALES ONLY

3.

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

5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

Annex 2 - Conditions consistent with the operating Schedule

1. A refusal book will be maintained and details of refusals of sales will be entered and made available to the police and local authorities upon request. Details of time, date, staff member and reason for refusal must be recorded.
2. An incident log shall be kept at the premises, and made available immediately upon request by an authorised officer of the Council or the Police, which will record the following:
 - a. All crimes reported to the venue;
 - b. all ejections of patrons;
 - c. any incidents of disorder;
 - d. any faults in the CCTV system;
 - e. Any visit by a relevant authority or emergency service.
3. The Premise Licence Holder or Designated Premises Supervisor to ensure that all staff shall receive refresher training twice a year in accordance with training materials relating to the 'Challenge 25' policy which shall be in force at the premises. All staff training shall be recorded and made available if requested by the Police or any authorised person This is to be documented in such a way that it can be given to an authorised officer on request. Staff should also sign and document confirming the training has taken place and the date.
4. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
 - a. The police and, where appropriate, Ambulance Service, are called immediately.
 - b. As far as is safe and reasonable practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police.
 - c. As far as is safe and reasonable practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.
 - d. Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.
5. Appropriate digital CCTV equipment and a sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use them to investigate any crimes that are committed on the premises. The areas covered by the cameras will be all areas that the public have access and this will include the outside area. A camera will be positioned to obtain images of persons entering the building by the main entrances.

6. Closed Circuit Television (CCTV) system to be installed at the premises ensuring the following:
 - a. It is maintained in good working order and faults are repaired without delay.
 - b. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
 - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises.
 - d. A minimum of 2 notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size.
 - e. The CCTV shall cover clearly any area where alcohol is on display.
 - f. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
 - g. DPS and other key staff will be trained in the use of the CCTV system and shall be on the premises at all times when the premises are open to the public and the DPS and other key staff must be able to show or supply if requested by a Police or authorised officer.
 - h. No persons other than the Police, the licensing authority, the premise licensing holder or the managers/DPS shall have access to the CCTV recording equipment or the recordings made from such equipment.
 - i. If an incident occurs at the premises then the footage on the CCTV system shall be made available to view by Police officers on request. If a copy is requested then it must be available within 24 hours of the request.
7. Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties. This will include an instruction that no loitering is permitted outside the premises, once a purchase is made.
8. The management shall adopt the “Challenge 25” policy. Any person who appears to look under the age of 25 years shall be challenged and asked for identification to prove that they are over the age of 18 in accordance with the ‘Challenge 25’ policy.
9. The premises will only accept valid forms of identification such as photo driving licence, passport and home office approved id cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their age and identity when purchasing alcohol.
10. Signs will be displayed informing customers that a Challenge 25 policy is in operation at the premises.

11. The sale of alcohol will be refused if a member of staff (or driver, for delivery) believes the alcohol is being purchased on behalf of another person aged under 18 years.

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

Not applicable

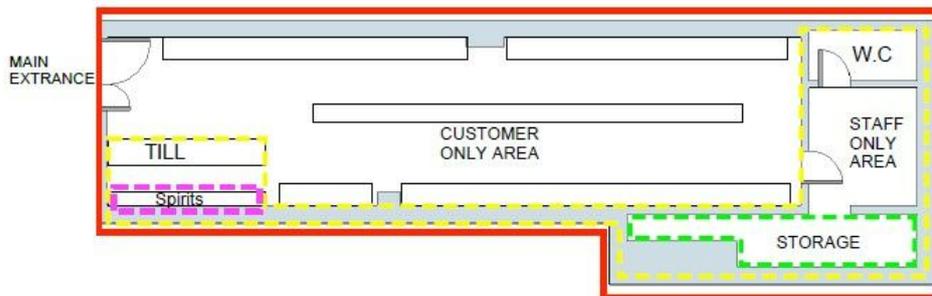
Annex 4 - Plans

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

6th September 2021 - Ground floor (Project no 245.188, dated 28/07/21)



- Alcohol Boundary
- Alcohol Display Area
- Alcohol Storage Area
- Staff Only Area



NOT FOR CONSTRUCTION

euro safety international 84 HAYES LANE, BROMLEY BRIDGE T: 0208463 06 05 M: 07786 308 405 E-Mail: licence@euro safety international.co.uk www.euro safety international.co.uk	CLIENT U.K	PROJECT EURO FOOD & WINES	PROJECT NO. 245.188	DATE 28/07/21	DRAWN BY ESI BY D.H.	DESCRIPTION PREMISES LICENCE	CLIENT ADDRESS 508 Commercial Rd, London, E1 0JG	SCALE 1:100 A4 SIZE
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------	----------------------------------------	-------------------------------	-------------------------	--------------------------------	-------------------------------------------	---------------------------------------------------------------	---------------------------------------------------



Part B - Premises licence summary

Premises licence number

141356

Premises details

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

(Spirits of East)
508 Commercial Road

Post town
London

Post code
E1 0HY

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol (off sales only)

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol - Off sales only

- Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)

The opening hours of the premises

- Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)

Name, (registered) address of holder of premises licence

Ali Cihan Kanidagli



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

Off sales only

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

N/A

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

Ali Cihan Kanidagli

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

Not restricted

Appendix 4

Mohshin Ali

From: Licensing
Sent: 10 November 2022 16:21
To: Mohshin Ali
Subject: FW: Objection TEN 508 Commercial Road 26 Dec to 1st Jan
Attachments: Objection 508 Commercial Rd NYE 22 TEN.doc

Follow Up Flag: Follow up
Flag Status: Flagged

From: MARK.J.Perry [REDACTED]
Sent: 10 November 2022 13:29
To: Licensing <L [REDACTED]>
Cc: alikanidagli [REDACTED]
Subject: Objection TEN 508 Commercial Road 26 Dec to 1st Jan

Dear all,

Please see attached Central East Police Licensing objection to the TEN for Spirits of East, 508 Commercial Road E1 OHY from 26th December 22 to 1st Jan 2023.

Kind Regards

Mark



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



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



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Stoke Newington Police Station

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

10/11/2022

Dear Sir,

Central East Police Licensing formally object to the application for the Temporary Event Notice for Spirits of East, 508 Commercial Road E1 0HY, from midnight to 5:59am over the period 26th December 2022 to 1st January 2023 for the sale of alcohol. The objection is on the grounds of both preventing crime and disorder and public nuisance.

The applicant has stated that they want to be open to be able to sell alcohol to those attending events in the local area.

The concern we have is that by selling alcohol at the times requested by the applicant, the vast majority of the customers who will be purchasing alcohol will be those who have already attended pubs, clubs, parties and events and consumed alcohol, and wish to purchase more alcohol as they move to other events or make their way home.

The applicant's venue is close to the Troxy, a venue that has many late night shows and events around Christmas and New Year period. By selling alcohol to those who have partied at the Troxy there is a heightened risk that drunk people will be sold alcohol, who will then go on to cause, or be involved in alcohol related crime and disorder once they have left the premises.

There is an increased risk that these customers purchasing alcohol in the early hours of the morning are more likely to already be intoxicated, and supplying them with more alcohol will only increase the risk that they will become vulnerable. People who are intoxicated also have an impaired decision making processes and are more likely to be either the victims of, or instigators of alcohol related crime and disorder.

Intoxicated people are more likely to have raised voices and less concern for residents living nearby. The applicant's venue is very close to large numbers of residential properties, whose occupants are likely to be disturbed as people consume the alcohol they have purchased or wait to be served.

For the above reasons we believe that the TEN will lead to crime and disorder and public nuisance, and we therefore ask that the application is rejected.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

Appendix 5

Mohshin Ali

From: Nicola Cadzow
Sent: 10 November 2022 15:05
To: Licensing
Cc: 'MARK.J.Perry [REDACTED]'; EuroSafety Licence Dept.
Subject: 154736 REPRESENTATION for Spirits of East 508 Commercial Road, London

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Licensing,

I have regarded the application for the TENs for Spirits of East 508 Commercial Road, London and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity the proposed hours are well beyond the existing hours of the licence

The existing hours of the premises for licensable activities: sale by retail of alcohol;

- **Sunday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight.**

The applicant is proposing licensable activities: sale by retail of alcohol;

- **Monday 26th December to Thursday 29th December 2022 & Sunday 1st January 2023 from 23:30 hours to 05.59 hours (extension of 6 hours 29 minutes)**
- **Friday 30th & Saturday 31st January from Midnight until 05:59 hours (extension of 5 hours 59 minutes)**

Noise Sensitive premises: residential and commercial premises in close proximity to 508 Commercial Road, London

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

- Noise breakout from the venue affecting neighbouring residents
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for Spirits of East 508 Commercial Road, London as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought. I would be willing to consider withdrawing my representation if the applicant reduced the hours request to 01:00 hours, not as proposed 05:50 hours in the morning.

Kind regards

Nicola Cadzow

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



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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/ignl/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>



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