



Licensing Sub Committee

Agenda

**Tuesday, 31 January 2023 at 6.30 p.m.
The Council Chamber, Town Hall, Mulberry
Place, 5 Clove Crescent, London, E14 2BG**

Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,

farzana.chowdhury@towerhamlets.gov.uk

020 7364 4120

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

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



Public Information

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

Meeting Webcast

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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, 31 January 2023

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 Second Home Ltd, 68-80 Hanbury Street, London E1 5JL (Pages 19 - 174)

Licensing Objectives:

- The Prevention of Public Nuisance
- The Prevention of Crime and Disorder
- Public Safety

Representations by:

- Environmental Health
- Licensing Authority



- Metropolitan Police
- Petition from Local Residents

Spitalfields & Banglatown Ward

3 .2 Application for variation of a Premises Licence for Versuvio Italian Cafe, Unit 3a, 139 Three Colt Street, London E14 8AP (Pages 175 - 242)

Licensing Objectives

- The Prevention of Public Nuisance
- The Prevention of Crime & Disorder

Representations by:

- Residents

Limehouse ward

3 .3 Application for a variation of a premises licence for (Soda and Friends), Unit 2a, 20 Hopewell Square, London E14 0SY (Pages 243 - 308)

Licensing Objectives

- The Prevention of Public Nuisance

Representations by:

- Resident

Blackwall & Cubitt Town Ward

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.



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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: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for Second Home Ltd, 68-80 Hanbury Street, London E1 5JL Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Second Home Ltd**
Name and Address of Premises: **Rooftop**
68-80 Hanbury Street
London E1 5JL

Licence sought: **Licensing Act 2003**
The Sale of Alcohol
Provide regulated entertainment

Objectors: **Environmental Health**
Licensing Authority
Local Residents
Residents Group

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 premises licence for Rooftop, 68-80 Hanbury Street, London E1 5JL.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the nature of the variation as:
The sale of alcohol
Providing regulated entertainment
- 3.4 The hours that have been applied for are as follows:-
(Note these have been reduced since the application was made)

Sale of Alcohol (on sales)

Monday to Sunday from 17:00 hours to 22:30 hours

The Provision of Regulated Entertainment in the form of (indoors):

Films:

Monday to Sunday 11:00 hours to 22:00 hours

Live Music, performance of dance

Monday to Sunday from 11:00 hours to 23:00 hours

Hours premises is open to the public:

Monday to Sunday 24 hours a day

4.0 **Location and Nature of the premises**

- 4.1 There is currently a premise licence in place for the ground floor and enclose a copy of the licence for Members information in **Appendix 2**.
- 4.2 Photographs of the venue and immediate vicinity is in **Appendix 3**
- 4.3 The site plan and maps of the venue is included as **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

Environmental Health -	See Appendix 7
Licensing Authority –	See Appendix 8
Metropolitan Police –	See Appendix 9
Petition from local residents –	See Appendix 10

Local Resident Association –		See Appendix 11
Local Resident representations are detailed below;		
Gerald	Collins	Appendix 12
Sandy	Critchley	Appendix 13
Alex	Gordon Shute	Appendix 14
Caroline	Hamilton	Appendix 15
Dr Zoe	Hudson	Appendix 16
Mohammed Mohibul	Kamali	Appendix 17
Rajia	Kamali	Appendix 18
Susan	Kay	Appendix 19
Erki	Kilu	Appendix 20
Maisha	Mahfuza	Appendix 21
Toby	Stevens	Appendix 22
Edward	Tyrell	Appendix 23
Lyn	Williams	Appendix 24

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - Noise leakage from the premises
 - The LBTH Cumulative Impact Zone

- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 None offered, the applicant has advised cctv is in operation, therefore Members may wish to consider the standard CCTV condition, if Members decide to grant.

8.0 Conditions Agreed with Trading Standards

- 8.1 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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 25-30** 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 of the application
Appendix 2	Premises Licence for Ground Floor
Appendix 3	Photographs of venue and surrounding
Appendix 4	Site Plan and Maps of the surrounding area
Appendix 5	Other licensed venues in the area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representation from Environmental Health
Appendix 8	Representation from Licensing Authority
Appendix 9	Representation from Metropolitan Police
Appendix 10	Petition from local residents
Appendix 11	Representations from Residents Association
Appendix 12-24	Representations from local residents
Appendix 25	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 26	Licensing officer comments on Access and egress problems
Appendix 27	Licensing officer comments on Noise when the premises is in use
Appendix 28	Planning
Appendix 29	Licensing Policy relating to hours of trading.
Appendix 30	Cumulative Impact Area

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Registration number

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

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

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 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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Ltd company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth
dd mm yyyy

* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
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

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.

Co-working office space which holds events.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

Where taking place in a building or other structure 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.

Amplified music

State any seasonal variations for the exhibition of film

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

Non standard timings. Where the premises will be used for the exhibition of film 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.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Continued from previous page...

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 performance of live music 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.

DJ sets, live music, events.

State any seasonal variations for the performance of live music

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

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music 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.

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

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

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance 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.

Dance performances.

State any seasonal variations for the performance of dance

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

Non-standard timings. Where the premises will be used for the performance of dance 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.

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

Continued from previous page...

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.

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

Name

First name	<input type="text" value="Swapnil"/>
Family name	<input type="text" value="Gurung"/>
Date of birth	<input type="text" value="██████████"/> dd mm yyyy

Enter the contact's address

Building number or name	<input type="text" value="██████"/>
Street	<input type="text" value="██████████"/>
District	<input type="text"/>
City or town	<input type="text" value="██████████"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="██████"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="██████"/>
Issuing licensing authority (if known)	<input type="text" value="Greenwich"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Continued from previous page...

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

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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.

b) The prevention of crime and disorder

Security on site, cctv in operation.

c) Public safety

Security on site, cctv in operation, certified first aid officers on site.

d) The prevention of public nuisance

Music only until 23.00 at a respectable volume level. Security on site to evict any individuals causing nuisance.

Continued from previous page...

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e) The protection of children from harm

Children will not be on site passed office hours. On the rare occasion they may be then they will be accompanied by an adult.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

* Fee amount (£)

450.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

* Capacity

Date (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.

Continued from previous page...

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

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

Appendix 2

**(Second Home Limited)
Ground Floor
68-80 Hanbury Street
London
E1 5JL**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment in the form of Plays,
Films, Indoor Sporting Events, Live Music, Recorded Music and
Performance of Dance (indoors only)

See the attached licence for the licence conditions

Signed by


David Tolley
Head of Environmental Health & Trading Standards

Date: 23rd September 2014



Part A - Format of premises licence

Premises licence number

29191

Part 1 - Premises details

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

Second Home Limited
Ground Floor
68-80 Hanbury Street

Post town

London

Post code

E1 5JL

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol
- The provision of regulated entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on sales only)

- Monday to Friday from 08:00hrs to 22:30hrs
- Saturday from 09:00hrs to 22:30hrs
- Sunday from 09:00hrs to 22:00hrs

The Provision of Regulated Entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

The opening hours of the premises

Hours premises is open to the public

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

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

On sales only

Part 2

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

Clemence Billoud
Flat 27
Orwell Court
Pownall Road
London
E8 4PS

Email: [REDACTED]

Email: [REDACTED]

Tel: [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

Sam Aldenton
[REDACTED]

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

Personal licence no. [REDACTED]
Issuing Authority: London Borough of Hackney

Annex 1 - Mandatory conditions

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(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

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority. This does not apply to premises within paragraph. 8(3) (a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to- any occasion mentioned in paragraph 8(3) (b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3) (d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1) (a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Annex 2 - Conditions consistent with the operating Schedule

Not applicable

Annex 3 - Conditions attached after a hearing by the licensing authority on 23rd September 2014 at which point the licence was granted

1. Regulated entertainment shall not be audible at the façade of any residential or commercial property and/or within any residential or commercial property so as to cause a nuisance.
2. No noise emanating from events in the building will be audible at the facades of neighbouring residents.
3. There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.
4. There will be no more than 150 (occupants or visitors to the building) in total attending any event (or events) held within the building.
5. The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).

6. For any event (or events) held within the building attended by more than 60 occupants and visitors, the building management will employ a “steward” specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.
7. The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the “bar area” at Ground floor (North) of the building, and the middle “events area” at Ground floor (central) of the building.
8. No drinks are to be taken outside or consumed outside the premises
9. 1 SIA staff to be employed during provisions of regulated entertainment
10. A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
11. Incident and refusals log books shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any incidents of disorder
 - d. all seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
12. CCTV camera system covering both internal and external to the premises is to be installed.
13. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
14. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
15. Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

16. If there is to be a promoted event with DJ's then a F696 must be submitted within the relevant time period.

17. No more than one event per year in relation to regulated entertainment, in each type of the following;

- Plays
- Films
- Indoor sporting events
- Live Music
- Recorded Music
- Performances of Dance

Any additional events of this kind would require a temporary event notice.

Annex 4 - Plans

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

24th July 2014 – Ground Floor



Part B - Premises licence summary

Premises licence number

29191

Premises details

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

Second Home Limited
Ground Floor
68-80 Hanbury Street

Post town

London

Post code

54 6JL

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on sales only)

- Monday to Friday from 08:00hrs to 22:30hrs
- Saturday from 09:00hrs to 22:30hrs
- Sunday from 09:00hrs to 22:00hrs

The Provision of Regulated Entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

The opening hours of the premises

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

Name, (registered) address of holder of premises licence

Clemence Billoud
Flat 27
Orwell Court
Pownall Road
London
E8 4PS

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

On sales only

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

Not applicable

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

Sam Aldenton

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

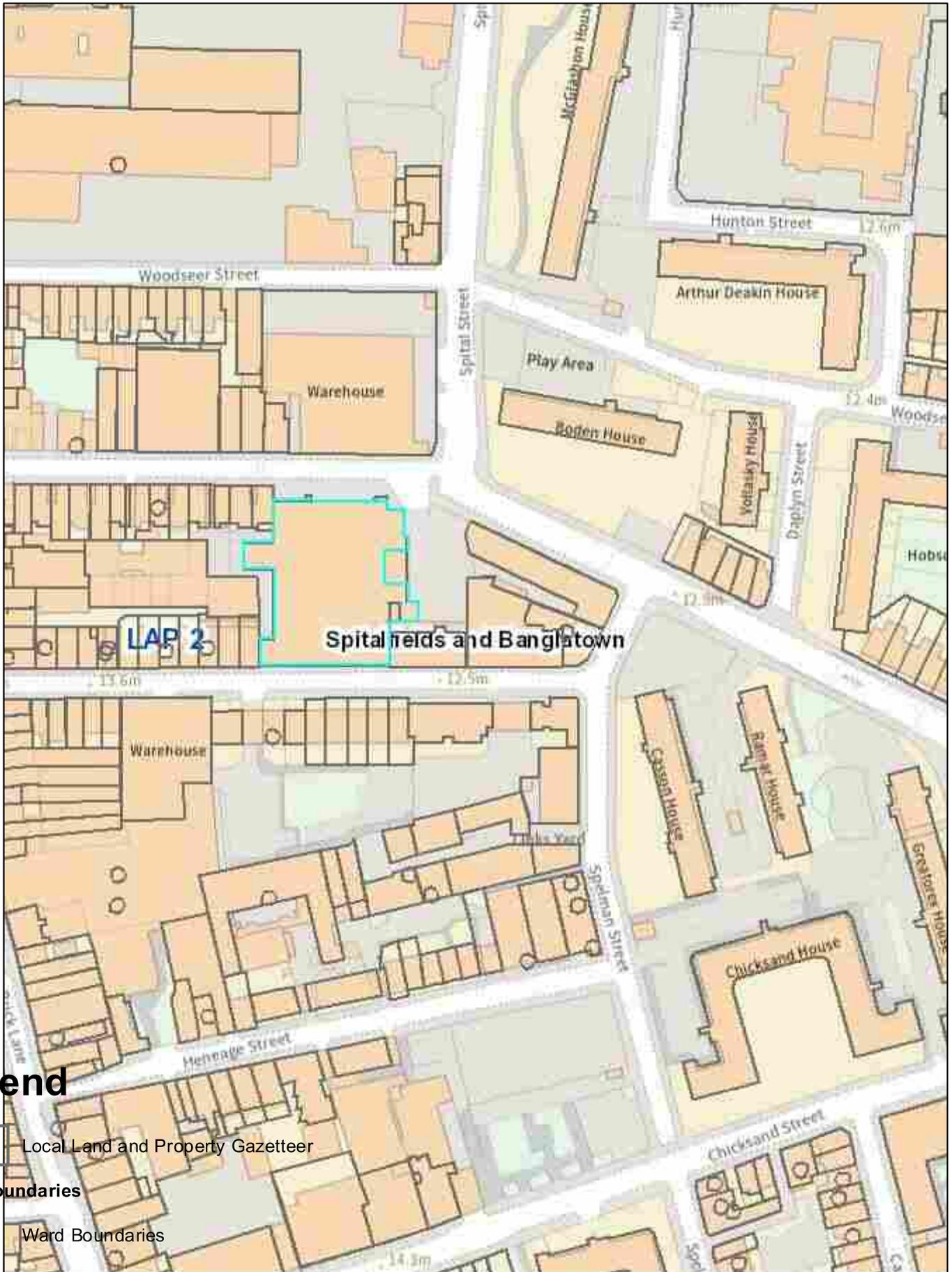
No restrictions

Appendix 3

Appendix 4



68-80 Hanbury Street



Legend

 Local Land and Property Gazetteer

Ward Boundaries

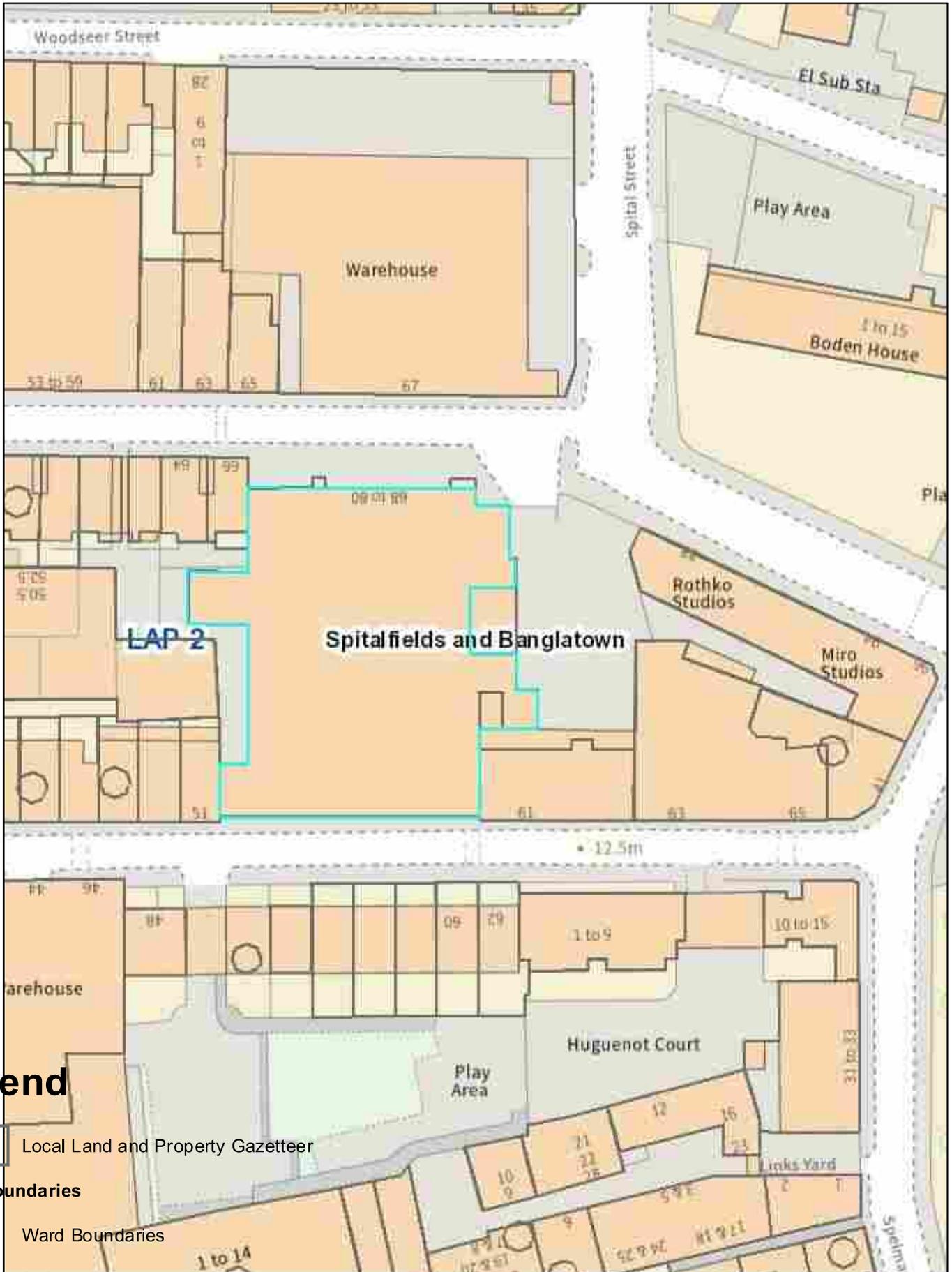
 Ward Boundaries

LAP Boundaries

 LAP Boundaries



68-80 Hanbury Street



Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries



revision	description	date
17	Issued for information	17.08.2017
16	Issued for information	27.06.2017
15	Issued for information	25.04.2017

Appendix 5

Nearest Licensed premises – 68-80 Hanbury Street

<p>(Libreria) 65 Hanbury Street London E1 5JP</p>	<p><u>Supply of alcohol (on sales)</u> Monday to Saturday, from 16:00 hours to 21:30 hours Sunday, from 14:00 hours to 17:30 hours</p> <p><u>The provision of regulated entertainment:</u> <u>Films (indoors only)</u> Monday and Tuesday, from 19:00 hours to 22:00 hours Saturday, from 19:00 hours to 22:00 hours</p> <p><u>Live Music (indoors only)</u> Friday, from 17:00 hours to 22:00 hours Sunday, from 14:00 hours to 18:00 hours</p>	<p>Monday to Saturday, from 12 noon to 22:00 hours Sunday, from 12 noon to 18:00 hours</p>
<p>(Reema Balti House) 48 Hanbury Street London E1 5JL</p>	<p>On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 10 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(The Canvas) 42 Hanbury Street London E1 5JL</p>	<p><u>The Sale by retail of alcohol:</u> Monday to Saturday from 11:00hrs to midnight Sunday from 11:00hrs to 23:00hrs</p> <p><u>Late Night Refreshment:</u> Monday to Saturday from 23:00hrs to 02:00hrs (the following day) Sunday from 23:00hrs to 00:00hrs (midnight)</p> <p><u>The Provision of Regulated Entertainment in the form of Films (indoors)</u> Monday to Sunday from 08:00hrs to 23:00hrs</p> <p><u>New Year's Eve</u> The premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 08:00hrs to 02:00hrs (the following day) Sunday from 11:00hrs to 00:00hrs (midnight)</p> <p><u>New Year's Eve</u> The premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day</p>
<p>(Fora) Lower Ground Floor 42 - 46 Princelet Street London E1 5LP</p>	<p><u>The sale by retail of alcohol (on sales only)</u> Monday to Friday, from 12:00 hours (Noon) to 19:00 hours</p>	<p>Monday to Saturday, from 10:00 hours to 23:30 hours Sunday, from 10:00 hours to 22:30 hours</p>

Appendix 6

Section 182 Advice by the Home Office Updated on December 2022

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 7

Kathy Driver

From: Onuoha Olere
Sent: 06 October 2022 10:34
To: Kathy Driver
Subject: RE: 68 Hanbury Street - Rooftop (Reference 153187)

Hi Kathy,

Hope you are well?

Please I refer to my representation below as still stands due to live and DJ music at premises cum CIZ area.

My representation still stands.

Olere

From: Onuoha Olere
Sent: 05 August 2022 12:14
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: swapnil [REDACTED]
Subject: M151410

Dear Licensing,

Having considered the premises license application for Second Home, at 68-80 Hanbury Street, London, E1 5JL. I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside areas of the premises to be causing disturbance to people in the vicinity, . Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. Condition “ *music only until 23:00 at a respectable volume level. Security on site to evict an individual causing nuisance*” is very general and subjective. Also, there is no consideration of the impact on public nuisance from increase footfall from persons accessing and egressing the premises, patrons outside the premise leaving to smoke etc, particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in proximity.

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

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue including patrons outside the premises to smoke, whilst the premises is in operation
- Hours of operation
- It is unclear as to the hours the premises want due to their submission in page 15/21 and 17/21

CONCLUSION

Environmental Protection **does not** support the application of Second Home at 68 Hanbury Street, London, E1 for the following reasons:

- (1) There is great likelihood of disturbance to residential premises from the impact of additional footfall,
- (2) The applicant has not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
- (3) The premises is in Brick Lane Cumulative Impact Zone.
- (4) Use of external terrace area

If the committee are minded to grant this application, I would ask that the following conditions be considered:

- 1 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 2 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.
- 3 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

Kind regards

Olere

Onuoha OLERE
Environmental Protection Officer
Environmental Health & Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG
Phone - 02073646830

Onuoha OLERE
Environmental Protection Officer
Environmental Health & Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG
Phone - [REDACTED]

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>



www.towerhamlets.gov.uk

From: Kathy Driver <Kathy.Driver@towerhamlets.gov.uk>
Sent: 29 September 2022 10:39
Subject: 68 Hanbury Street - Rooftop (Reference 153187)
Importance: High

I am contacting you as you had previously submitted a representation to an application made for the above.

I am informing you the application has been re-submitted commencing from 22nd September 2022 with closing date for representations of 20th October 2022. I attach a copy of the application and associated plan for your information.

If you wish to continue making a representation against the application, you must resubmit your objection.

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

Corinne Holland

From: Onuoha Olere
Sent: 26 October 2022 11:05
To: Licensing
Subject: RE: Second Home, 68-80 Hanbury St M153187

Dear Licensing

Please see this as supplementary representation.

On 1st and 2nd July 2022, we received a noise complaint via out of hours which was confirmed after assessment as statutory nuisance. Officers tried to engage the premises on the night but they were argumentative and uncooperating, officers then decided not to serve a notice on the night, (see Officers note below)

On the 12th of July 2022, our team served an abatement notice on Second Home for likely recurrence of noise which was not appealed.

On arrival at the noise source location we encountered a group of 6 people sitting on the steps outside who were drinking alcoholic beverages. In the reception area there was one male door staff who had his SIA licence on display. We identified ourselves and asked to speak to the DPS on site. We were then directed to a female who was sitting outside drinking. We identified ourselves and explained the reason as to why we were visiting them. The female stated that she was the manager and the only one in the building with a personal licence. The PL was issued to Miss SWAPNIL GURUNG (13672) issued by the ROYAL BOUROUGH OF GREENWICH. We asked to see a copy of the premises licence which was shown to us on a laptop after 5 minutes of searching for it. We were then shown upstairs to the roof top area on the 4th floor where the event was taking place. The patio doors on the far end were wide open with 2 people outside. There was a professional DJ sound system with the speakers facing out towards the open patio doors playing at a level where we had to raise our voices to a shout just to talk to each other. There was at least 30 people inside drinking alcoholic beverages that were being served from the bar that was situated on the left hand side. We explained how the noise was causing a noise nuisance to neighbouring properties and that the music needs to decrease, with the patio doors being closed. As we made our way downstairs with Miss GURUNG we were met by a patron of the event who was drinking from a open container stating that she is also a PL holder and that there are plenty of PL holders on site. When asked if she could produce a person with their PL that had not been drinking she became argumentative. We made our way back to the ground floor where the female went to the downstairs bar looking for the premises licence. When it was explained that we have already been shown a copy and that we asked for another PL holder that was on site she became more argumentative. Not wanting to escalate the situation further we departed the location. BWV 1877898. We received further calls at this location. Due to the nature of the complaint and our prior visit we requested police assistance, after speaking to PS CE1118 it was stated that the police licencing team was not on duty this evening and that they could spare the resources to assist us. After conducting a risk assessment we did not engage with the venue.

Olere

Onuoha OLERE
Environmental Protection Officer
Environmental Health & Trading Standards
Place Directorate

Appendix 8

Licensing Authority: licensing@towerhamlets.gov.uk

Applicant: [swapnil](#) [REDACTED]

19th October 2022

Your reference
My reference: LIC/153187/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: Rooftop, Second Home, 68-80 Hanbury Street, London, E1 5JL

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.



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.”*

Premises

It is to be noted that this venue currently holds a Premise Licence for the ground floor only. This was issued in September 2014 for the following activities:

Sale of Alcohol (on sales only)

- Monday to Friday from 08:00hrs to 22:30hrs
- Saturday from 09:00hrs to 22:30hrs
- Sunday from 09:00hrs to 22:00hrs

The Provision of Regulated Entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

- Monday to Friday from 08:00hrs to 23:00hrs
- Saturday from 09:00hrs to 23:00hrs
- Sunday from 09:00hrs to 22:00hrs

There are a number of conditions attached to the licence which can be seen in full on the Premise Licence.

Application:

This current application states it is for a co-working space which holds events.

The following times and activities have been applied for.

The provision of Regulated Entertainment

Films - Monday- Sunday 09:00 – 22:00 hours

Live music & Performance of dance - 09:00 – 23:00 hours (indoors)

Tower Hamlets Council

Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG



Sale of Alcohol (on sales)

Monday – Sunday 17:00 hours – 22:30 hours

Opening Hours:

Monday – Sunday 00:00 – 23:59 hours

The Licensing Authority received three complaints from different residents regarding noise disturbance coming from the rooftop terrace on the 16th July 2022.

Complaint 1:

An event/party is being held on the roof terrace. It is becoming a regular occurrence and having a negative impact. Noise emanates from the open roof located on Princelet Street and can be heard in Brick lane.

Complaint 2:

A very loud disruptive party was held on the rooftop of Second Home. The music being blasted is very loud and happening more often now causing me and my family difficulties and stress. I went to investigate the cause of the noise and noticed the party being held on the top floor roof.

Complaint 3:

Excessive music being played from the rooftop area of Second Home. It is happening on a regular basis over the weekend. Loud music and shouting is not only a nuisance but unhealthy as the party is going on into the morning. This complainant also stated they called the out of hours noise team on the 1st July 2022 after a similar party was held.

As a result of receiving these complaints I wrote to both the Premise Licence Holder (PLH), Clemence Billoud and the Designated Premises Supervisor (DPS), Sam Aldenton, on the 21st July 2022 regarding holding events in an area not licensed under the Premise Licence. I received an out of office email from Clemence Billoud stating he no longer worked for the premises but provided an alternative email address for Second Home.

I emailed a copy of the letter to Second Home on the 22nd July 2022. I attach both the email and the letter as Attachment A & B. I made reference to the fact that the PLH no longer worked there and asked regarding the current position of the DPS.

On the 26th July 2022 I received a letter from Second Home's solicitor stating that the noise on the 1st July 2022 was from a neighbouring flat which they had video recorded. I asked for this recording which was provided on the 04/08/22. The recording did show no music inside the premises but loud music could be heard on the outside but it was not clear where this music was coming from or when this recording was filmed. There was no reference in the response from the solicitor, regarding the event/party referred to in the complaints for the 16th July 2022 but the letter stated ' *Our client makes no admissions in respect to the licence breach allegation but it does wish to cooperate with you to try and resolve the issues you have raised.*'



At the time of my letter in July the fact that the PLH, and possibly the DPS, no longer work for the company shows there is a very poor level of understanding by the current management as to the fundamental requirements under the Licensing Act 2003.

From records it can be seen that a Premise Licence transfer was received on 29/07/22. In an email received from the solicitors on the 04/08/22 it stated that Swapnil Gurung was the DPS. A variation has never been received by the Licensing Authority to vary it from Sam Aldenton. If the licence on the ground floor is being currently utilised then there is no DPS to authorise the alcohol sales.

From the Second Home website it appears the rooftop is advertised as a party venue stating '*Host your event up on the roof, with views across the City and your own private bar. Guests will sip their cocktails on our water garden lined terrace. Drinks and catering can be provided by our recommended suppliers, or you can self-cater.*'

I have attached images from the website and google images in Attachment C. These were taken from the website on 19th October 2022 so it is apparent the rooftop event space is still being advertised as a party venue with private bar despite the management being aware there is no licence in place. No Temporary Event Notices (TENs) have been applied for this premise since 2015. The google satellite image shows the location of the roof terrace.

The management of this premise clearly has little or no knowledge of the requirements under the Licensing Act 2003. Although the premises has a licence this is clearly for the ground floor only. Condition 7 on that licence states this :

7. *The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the "bar area" at Ground floor (North) of the building, and the middle "events area" at Ground floor (central) of the building.*

Plan shown below:



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

Condition 17 also states there can only be one event per year of each type. This appears to have been ignored if they felt that the events on the rooftop space fell under the existing licence.

17. No more than one event per year in relation to regulated entertainment, in each type of the following;

- *Plays*
- *Films*
- *Indoor sporting events*
- *Live Music*
- *Recorded Music*
- *Performances of Dance*

Any additional events of this kind would require a temporary event notice.

The Licensing Authority has very little confidence, that if this premise is granted an additional licence for the rooftop area, that it will be adhered to and that it won't lead to further complaints from residents regarding noise nuisance for the events being hosted there.

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 as to why their licence should be granted and that it will not have a negative cumulative effect on the area. It is their responsibility to rebut the presumption otherwise the licence should be refused. There is very little written in the operating schedule to support this application especially as it falls within the CIA.

The Licensing Authority is also concerned regarding the granting of an additional licence within the CIA, with a capacity of up to 100 persons, which could potentially add to the existing anti-social issues in the area, particularly through access and egress. The sale of alcohol could lead customers to be in high spirits which may increase noise and antisocial behaviour. The Licensing Authority do not believe there are exceptional circumstances under the policy for this licence to be granted.

If the applicant is unable to prove to the Licensing Sub-Committee 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
corinne.holland@towerhamlets.gov.uk

u

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

ATTACHMENT A

Corinne Holland

From: Licensing
Sent: 22 Jul 2022 18:10
To: [REDACTED] Licensin
Cc: [REDACTED] Environmental Protection
Subject: Complaint - Second Home, 68-80 Hanbury Street
Attachments: HanburySt68-80.002.Prem.pdf

Dear Sir/Madam

Please see the attached letter from the Licensing Authority regarding a number of complaints we have received recently regarding Second Home.

I sent this to Clemence Billoud as he is the Premises Licence Holder but got his out of office that he no longer works there.

This licence is in his personal name with the DPS as Sam Aldenton.

If this is no longer the case the licence is required to be transferred to the current owner. And the DPS needs to be varied if Mr Aldenton no longer works there. With no DPS in place there is no authority to sell alcohol.

Please advise me who is running this premises now.

Kind regards

Corinne Holland
Licensing Officer
Environmental Health and Trading Standards
Place Directorate
London Borough of Tower Hamlets
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG

020 7364 3986
www.towerhamlets.gov.uk

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ATTACHMENT B

Second Home
68-80 Hanbury Street
London
E1 5JL

22nd July 2022

By email: [REDACTED]

Your reference
My reference: EHTS/LIC/CMU – 111475/CH

PLACE Directorate
Public Realm

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

Tel: 020 7364 5498
Fax: 020 7364 0863
Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Sir/Madam,

Licensing Act 2003

Premises: (Second Home Limited), Ground Floor, 68-80 Hanbury Street
London E1 5JL
Licence number: 29191

The Licensing Authority has received a number of different noise complaints as a result of a party you held on the roof terrace on 1st and 16th July 2022. The Licensing Authority have been informed this is becoming a regular occurrence which is having a negative impact on the residents and surrounding businesses. There are also allegations that you are breaching your licence times and conditions.

Excerpt of the complaints are below:

- *On the 1st of July 2022 at approximately 22:14 I called the councils out of hours noise complaints department regarding noise and excessive music being played from the rooftop area of Second Home.*
- *As you can see from the videos you will agree that the music being played is very excessive and can be heard from behind my property and neighbouring streets.*
- *The loud music and noise from shouting is not only a nuisance but unhealthy as the party seems to be going on into the morning. Even with windows shut I can hear the noise.*
- *On the 16th of July 2022 a very loud and disruptive party was held on the roof of Second Home.*
- *As the music being blasted is very loud, I could hear this from my home. This is not the first time as it seems to be happening. A previous party held here a few weeks ago, the music stopped around 4am.*

- *This is causing me and my family many difficulties and stress as this is noise pollution that is having a negative impact on our health. With my doors and windows shut I can still hear the bass from the music being amplified from Second Home.*

Please be advised that your Premise Licence covers the **GROUND FLOOR only** and is for the following times:

“Sale of Alcohol (on sales only)

- *Monday to Friday from 08:00hrs to 22:30hrs*
- *Saturday from 09:00hrs to 22:30hrs*
- *Sunday from 09:00hrs to 22:00hrs*

The Provision of Regulated Entertainment in the form of Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance (indoors only)

- *Monday to Friday from 08:00hrs to 23:00hrs*
- *Saturday from 09:00hrs to 23:00hrs*
- *Sunday from 09:00hrs to 22:00hrs”*

“Hours premises is open to the public

- *Monday to Friday from 08:00hrs to 23:00hrs*
- *Saturday from 09:00hrs to 23:00hrs*
- *Sunday from 09:00hrs to 22:00hrs”*

In addition you are reminded of the following conditions on your licence:

“Annex 3 - Conditions attached after a hearing by the licensing authority on 23rd September 2014 at which point the licence was granted

1. *Regulated entertainment shall not be audible at the façade of any residential or commercial property and/or within any residential or commercial property so as to cause a nuisance.*
2. *No noise emanating from events in the building will be audible at the facades of neighbouring residents.*
3. *There will be no more than a maximum of five people (occupants or visitors to the building) waiting outside the building whether smoking, awaiting transport or for any other purpose.*
4. *There will be no more than 150 (occupants or visitors to the building) in total attending any event (or events) held within the building.*
5. *The building management will designate a “preferred taxi supplier” to be used to collect occupants and visitors needing a taxi service on leaving the building. This preferred taxi supplier will be contracted to provide a service that avoids all unnecessary noise (eg: no hooting, no running engines whilst waiting, no slamming doors, et al).*

6. *For any event (or events) held within the building attended by more than 60 occupants and visitors, the building management will employ a "steward" specifically to manage the egress of people from the building, and to ensure there is no undue noise caused outside the building.*
7. *The applicant will define on the plans submitted the only two areas of the building within which the licensed activities will be permitted; namely the "bar area" at Ground floor (North) of the building, and the middle "events area" at Ground floor (central) of the building.*
8. *No drinks are to be taken outside or consumed outside the premises*
9. *1 SIA staff to be employed during provisions of regulated entertainment*
10. *A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.*
11. *Incident and refusals log books shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:*
 - a. *all crimes reported to the venue*
 - b. *all ejections of patrons*
 - c. *any incidents of disorder*
 - d. *all seizures of drugs or offensive weapons*
 - e. *any faults in the CCTV system or searching equipment or scanning equipment*
 - f. *any refusal of the sale of alcohol*
 - g. *any visit by a relevant authority or emergency service.*
12. *CCTV camera system covering both internal and external to the premises is to be installed.*
13. *The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.*
14. *At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.*
15. *Prominent and clearly legible notices shall be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.*
16. *If there is to be a promoted event with DJ's then a F696 must be submitted within the relevant time period.*

17. No more than one event per year in relation to regulated entertainment, in each type of the following;

- Plays
- Films
- Indoor sporting events
- Live Music
- Recorded Music
- Performances of Dance

Any additional events of this kind would require a temporary event notice."

As these events are taking place on the roof top there is no licence in place for these events if licensable activities are taking place.

I note on your website that you advertise the roof top as an event space:

<https://hirespace.com/Spaces/London/185355/Second-Home-Spitalfields/Rooftop/Events>

Space description

The best views in East London.

Host your event up on the roof, with views across East London and your own private bar. Guests can sip their cocktails on our pond-lined terrace, or relax in our selection of mid-century chairs. From launches and talks, to drinks receptions – we've got you covered!

Available for evening hire during the week and throughout the weekend. With WiFi, Sonos for background music, plus TV screen and AV on request for talks (with Mac and PC inputs).

What this space offers

Features

- ✔ Wifi
- ✔ 60" or 100" Screen
- ✔ PA and Mic System
- ✔ Sonos availability
- ✔ Biophilic and naturally inspired design
- ✔ Mid-century furniture
- ✔ Over 1400 plants

Licensed

- ✔ Licensed until 11pm

Capacities

- ✔ 100 Standing
- ✔ 50 Theatre

Within the advert for the roof top bar it states it is licensed until 11:00 pm. There is no licence in place for the roof top area for any licensable activities. I note there have been no Temporary Event Notices applied for.

I must advise you that:

A breach of a condition of the licence is a criminal offence.

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please be advised that you also have a duty to comply with the four licensing objectives, namely:

- *The prevention of crime and disorder*
- *The prevention of public nuisance*
- *Public safety*
- *The protection of children from harm*

Please be advised that responsible authorities/other persons can trigger a review of your premises licence if the licensing objectives are not being promoted or if the conditions of the licence are being breached.

If the review gets triggered then the application will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-committee. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

Your premises will be monitored for compliance of the Licensing Act 2003. Should you be found to be in breach of the licence, enforcement action may be sought in the form of a prosecution or a review of the licence. The issues have been raised with Environmental Health Noise Team and the Metropolitan Police Licensing as part of the Licensing Enforcement Forum.

It

Yours faithfully



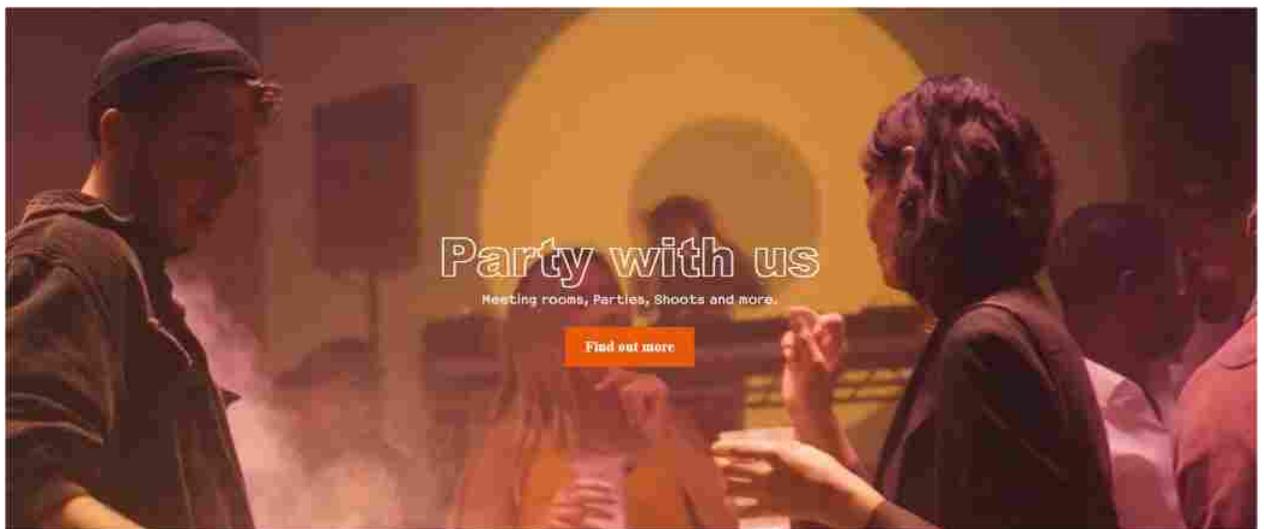
Corinne Holland
Licensing Officer

Cc
Metropolitan Police Licensing Team
Environmental Health Noise Team

ATTACHMENT C

Roof top – Hanbury Street

Images taken from <https://secondhome.io/location/spitalfields/>



Recommended for Parties, Music, Readings, Workshops, Talks	Capacity 100 standing	Price From £2,000+VAT per event (Special member-only rates available)
<p>About the space</p> <p>Host your event up on the roof, with views across the City and your own private bar.</p> <p>Guests will sip their cocktails on our water garden-lined terrace, or relax in our selection of mid-century chairs.</p> <p>From parties to lunches and talks – we've got you covered.</p> <p>Available for evening hire during the week and throughout the weekend. With wifi, Sonos for background music, plus TV screen and AV on request for talks (with Mac and PC inputs).</p> <p>Drinks and catering can be provided by our recommended suppliers, or you can self-cater.</p> <p style="text-align: center;">Enquire Now</p>		

Host your event up on the roof, with views across the City and your own private bar.

Guests will sip their cocktails on our water garden-lined terrace, or relax in our selection of mid-century chairs.

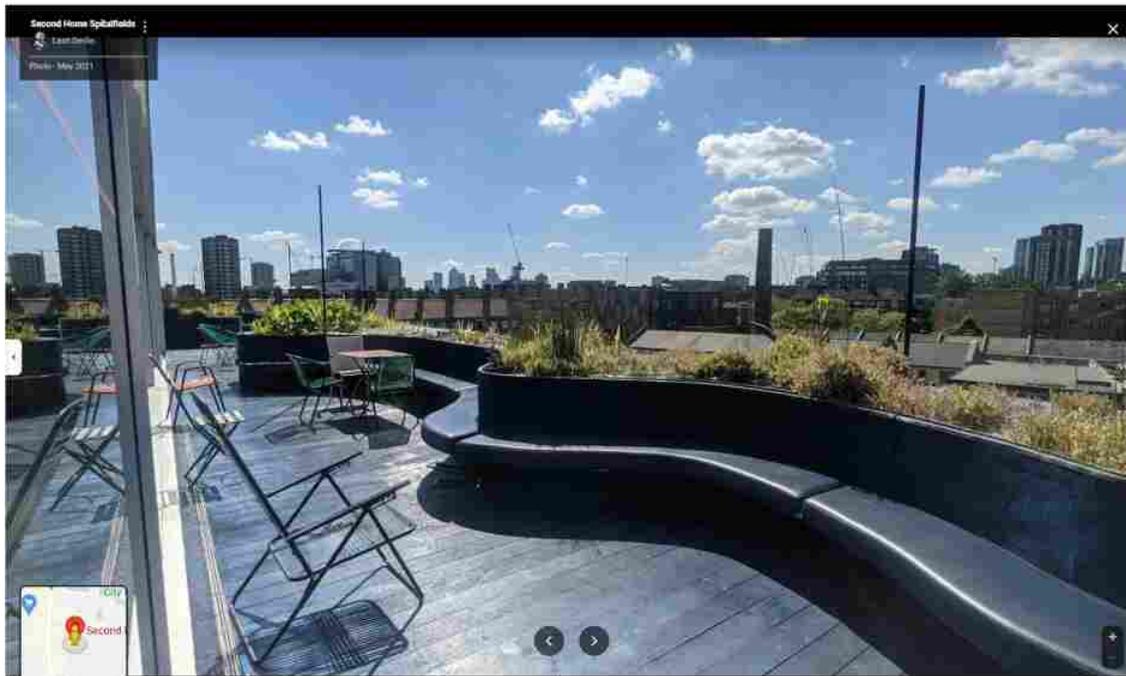
From parties to lunches and talks – we've got you covered.

Available for evening hire during the week and throughout the weekend. With wifi, Sonos for background music, plus TV screen and AV on request for talks (with Mac and PC inputs).

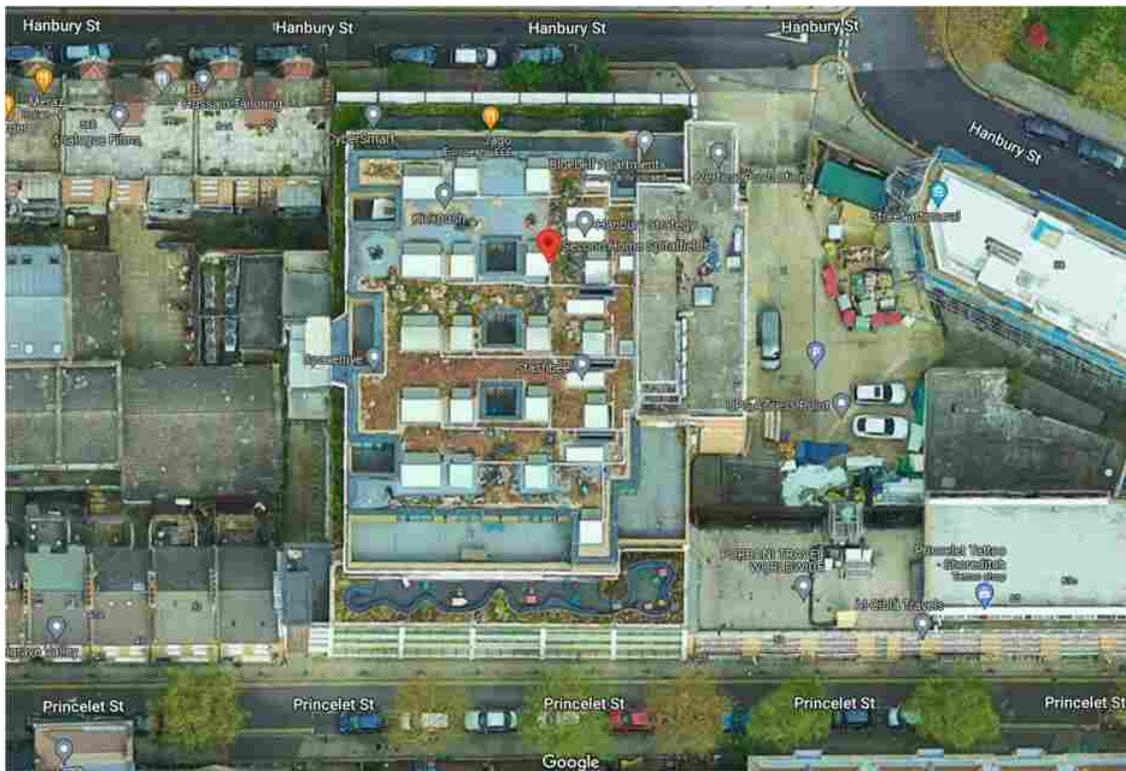
Drinks and catering can be provided by our recommended suppliers, or you can self-cater.

[Enquire Now](#)

Google Images photo



Google Satellite view of the premises



Appendix 9

Kathy Driver

From: Licensing
Sent: 21 October 2022 11:07
To: Kathy Driver
Subject: FW: Objection Rooftop Hanbury Street.doc
Attachments: Objection Rooftop Hanbury Street.doc

From: MARK.J.Perry@met.police.uk <[REDACTED]>
Sent: 20 October 2022 23:13
To: Licensing <Licensing@towerhamlets.gov.uk>; swapnil [REDACTED]
Subject: Objection Rooftop Hanbury Street.doc

Dear all,

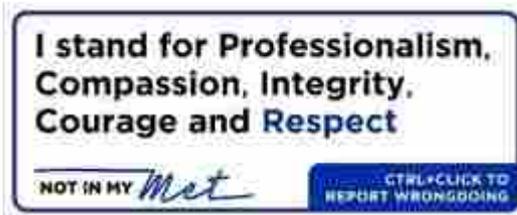
Please see Central East Police Licensing's objection to the premises license application for Rooftop 68 – 80 Hanbury Street.

Kind Regards

Mark



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



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Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Shoreditch Police Station

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

20th August 2022

Dear Sir,

Central East Police Licensing formally object to the application for a Premises License for Rooftop 68 - 80 Hanbury Street E1 5JL. This objection is on the grounds of preventing Crime and Disorder and Public Nuisance.

The applicant is asking in essence to be able to run a multi use venue in the heart of the CIZ, with sale of alcohol, regulated entertainment including DJ's and other entertainment. Yet the applicant has not even recognised that they are operating in the CIZ in their application, and offered scant conditions or any real indication as to how they will uphold the licensing objectives.

The venue is located in a very busy area of Tower Hamlets in close proximity to residential properties, we fear that having a venue open so late will cause noise nuisance especially as customers leave the venue under the influence of alcohol, where peoples voices tend to be louder and their decision making impaired and the risk of alcohol related crime, disorder and public nuisance is increased.

There is no background noise to absorb any noise generated by customers of the venue and the venue has failed to provide a egress plan or noise management plan to say how they would prevent such issued occurring, despite saying they would have such policies.

In a similar way the venue has not said how they will manage queue of customers coming into the venue so they do not cause nuisance or and the customers can be managed effectively.

The venue should also have a security policy to show how they would deal with ejections, abusive customers and crimes that occur in their venue, yet they have failed to plan one.

Given the applicant wants to sell alcohol in the CIZ we believe that the applicant should have welfare policy in place to show how it would deal with intoxicated and vulnerable customers. This should include availability of free water for customers and WAVE training for staff, and the provision of a dedicated welfare officer where appropriate.

We are concerned with the lack of conditions offered by the applicant to ensure that the licensing objectives are upheld, staff and customers are protected and local residents are not disturbed.

We believe that failure of the applicant to recognise that they are in the CIZ and failure to have the sufficient conditions and plans will lead to an increase in crime and disorder and a failure to uphold the licensing objectives. We therefore ask that this application as it is rejected.

If however the committee were minded to grant the application we would ask that the below conditions are added to the license.

Conditions:

1.The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

4. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

5. 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.

6. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) Call the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

8. No open containers of alcohol to be taken outside the premises.
9. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
10. The premises must have a detailed documented security plan that must include an ejections policy, search policy, anti-theft policy which must be made available to police upon request.
11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
12. A written egress policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
13. The premises shall adopt the Central East Police Licensing Drugs Policy.
14. The premises will carry out a risk assessment into all artists and promoters appearing at the venue. The purpose of this is to identify any risks and measures that can be put in place to mitigate against them. Research will include but is not limited to contacting venues they have appeared recently and looking at their social media sites. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement. This risk assessment, including all identified risks and mitigating measures taken, must be a documented and made available to Police upon request.

15. The premises' s security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed every 6 months and the results made available to Police upon request.
16. The premises is to have a Welfare Policy this policy will detail how the venue will protect its customers who become vulnerable from such things as intoxication, drugs, and other customers. All welfare interventions and outcomes to be logged in the welfare log.
17. Jugs of water and drinking glass's to be freely available on all tables and at the bars at all times the bar is open.
18. All front of house staff shall complete WAVE (Welfare and Vulnerability Engagement) Training prior to commencement of employment at the premises. This training shall be documented and repeated/refreshed at 6 monthly intervals.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
T: [REDACTED] 8, Email [REDACTED]
A: Licensing Office, 2nd Floor Stoke Newington Police Station

Appendix 10

Mohammed Mohibul Kamali



Licensing Team
Environmental Health & Trading Standards
Mulberry Place
5 Clove Crescent
London
E1 2BG

Date: 09/10/2022

RE: Representation – Second Home, Hanbury Street.

Dear Licensing Team,

Please find attached a petition by local residents and neighbours from Tower Hamlets. This petition is against Second Home 68 – 80 Hanbury Street E1 5JL. We object to the business named above being granted a Premises Licence, as we believe it cause public nuisance, public safety, and prevent children from harm.

I hope during the Licensing Sub Committee hearing, I am able to represent the views of all those that have signed the petition in greater detail and the reasons in doing so.

Kindest Regards,

Mohammed Mohibul Kamali
(Lead Petitioner)

Petition to Tower Hamlets Council (Licensing Team)

1. Petition Details

Petition Topic	<p>We residents of Tower Hamlets raise this petition to make an objection towards the premise licence application made by Second Home Rooftop 68-80 Hanbury Street E1 5JL.</p> <p>If granted it will cause increase to public nuisance (loud noise and music), prevent public safety and fail in the protection of children from harm.</p>
-----------------------	--

Desired Outcome	To NOT grant a premises Licence (REJECT)
------------------------	--

2. Lead Petitioners

Name	Address	Contact Details
Mohammed Mohibul Kamali	62 Princelet Street, London E1 5LP	[REDACTED]
Shahidur Rahman	54 Princelet Street, London E1 5LP	[REDACTED]

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
09/08/2022	MUHAMMAD MUMTAS KAMAL		
12/08/2022	PERVET Qureshi		
12/08/2022	SHANKAT SIDDIQUI		
12-8-2022	HAYZAL UDDIN ALI		
12-8-22	ABDUL KHALIK		
12/8/22	AL-TAFEEZ-BRITAIN		
12/8/22	Sazzadur Rahman		
12/8/22	ANSARUL HUSSEIN		
12-8-22	M-LIYAS		
12-8-22	Mafizur Rahman		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
12/8/22	Hamidur Rehman Chy		
12/08/22	Mawziul Karim Khan		
12/08/22	M.A.A. Sharmin		
12/08/22	Mohammed. Akbarhanoff		
12/08/22	Abhamed Miah		
12.08.22	Ukail Ali		
12.08.22	Alomger Hossain		
12-08-22	Pilun R/H/BS10		
12-8-22	Shafiq Choudhury		
12/8/22	Babul Khan		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
12/5/2022	TAT ALI		
12-8-22	MD-MASON AKI		
	ELAZ MIYAN		
	Amir Hussain		
12/7/22	MD GULSHAN KISHORIP		
12/8/22	NAZIR AHMED		
12/8/22	MIZANUR RAHMAN		
12/8/22	MUHAMMAD J. TO MIAH		
12/08/22	FAHIM UDDIN AHMED		
12/8/22	DE LUAR MUSAHIN.		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
12/15/22	MR. ATOJUL ALI		
12-8-22	M. A. G. KHAN SIKOR		
12.8.22	Mohammed Mejjid Kamali		
13.8.22	RINA BEGUM		
13-8-22	S Y GO FOYSAL ALHUS		
13.8.22	AHMAD ZIG		
13.8.22	Abdul Nayyum		
13/8/22	MUHAMMAD ALI		
13-8-22	RUBI BEGUM		
13-8-22	A. N. KHATUN		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
	Barbara Uddon		
	AHMAF ALI		
	RUBAL SHIKDER		
	ASKIR ALI		
	MUHAMMAD LATIF JOGLE		
	M. F. MIAH		
	HASIB ULLAH		
	SAYEDAH MED SHAD		
	A. ABOODY		
	MR. YOUSUF KAMALI		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

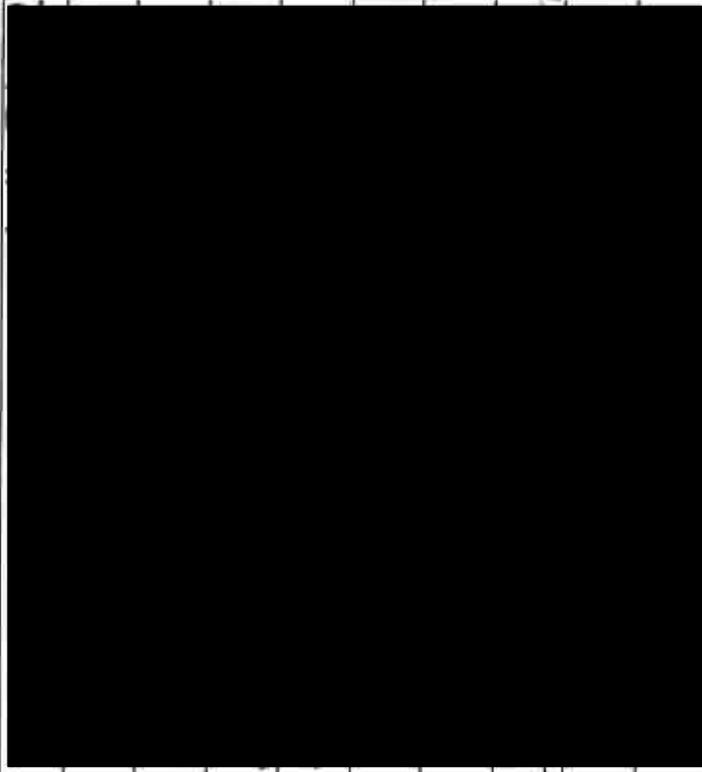
We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
13/08/22	LOFIQUE KHAN		
13-08-22	JORINA KHATUN		
14-08-22	MOHAMMED GOKAM RAHMAN		
15/08/22	NOJMUH KHAN		
15-8-22	FATIHA Begum		
15-08-22	AZAD KHAN		
15-08-22	Mohammed Belal udan		
15-08-22	EMRANA BEGUM		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

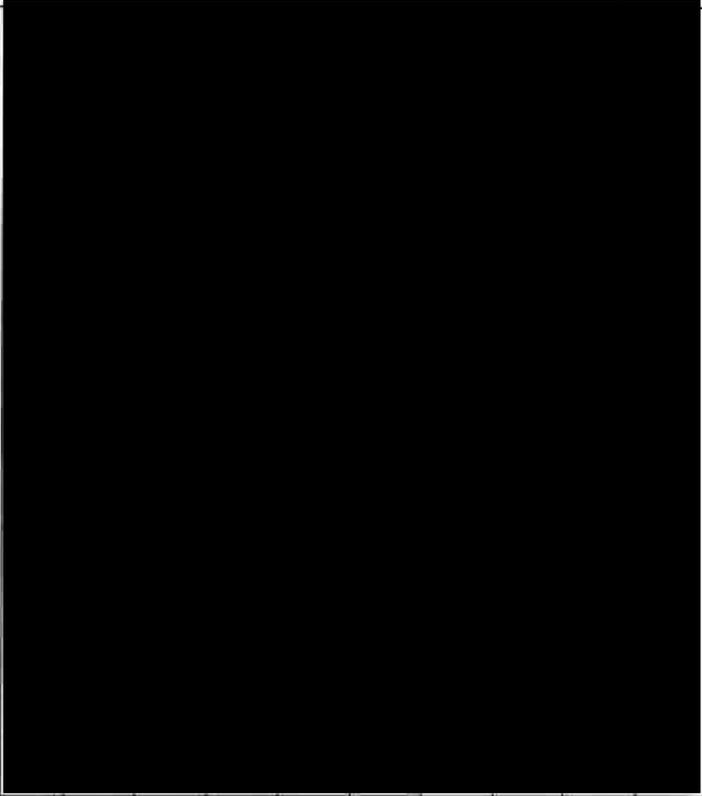
DATE	NAME	SIGNATURE	ADDRESS
15-08-2022	JAKIR HOSSAIN		
15/08/22	SHARHEEN BAKSH		
15-08-22	HABIBUN NESSA		
15/08/22	ATAUR RAHMAN		
15/08/22	KOYCHHARA BEGUM		
15/08/22	Jahidunnessa		
15/08/22	Rahela Nomajer		
15/08/22	Fatema bibi		
15/08/22	Mommal Islam		
15/08/22	Mahleeda Akiba		

Su
Su

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
15/08/22	Abdul MAWLA		
15/07/22	MOTTAMED ZAMAN		
15/08/22	MUHAMMAD SHAHIDURRA		
15.08.22	AMINA A. BEGUM		
15.08.22	Sonia Begum Kamal		
16/08/22	STERKUZ ZAMAN		
16/08/22	KAMAR HUSSAIN		
16/08/22	AFIA BEGUM		
16/08/22 16/08/22	FUL BIBI		
16/08/22	Ravina Begum Kamali		

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
16.08.22	ABDUL KHARIQUE		
16.08.22	AZIBUN-NESSA KHATTUN		
16.08.22	FOT FOJU MAH		
16.08.22	HUSSAIN MIAH		
16.8.22	Rumna Begum		
16-8-22	ABDUS SALAM		
16-08-22	SS. Begum		
16-08-22	A Begum		
16.08.22	t. Kataraka		

I P

PETITION

This Petition is against Second Home, 68 -80 Hanbury Street, E1 5JL

We the undersigned (Local Residents and Neighbours) OBJECT to the above premises being granted a new premise licence for the rooftop area on the basis that it will impact the prevention of public nuisance, public safety and protection of children from harm.

DATE	NAME	SIGNATURE	ADDRESS
09/08/22	IMAN SARKAR	[Redacted]	[Redacted]
09/08/22	Md Uddin	[Redacted]	[Redacted]
09/08/22	MUTHIB RAKOBY	[Redacted]	[Redacted]
9/8/22	MR. SHUHEL ALI	[Redacted]	[Redacted]
9/8/22	MIZAN MIAH	[Redacted]	[Redacted]
9/8/22	LUAN Arouba	[Redacted]	[Redacted]
10/08/22	ABDUL KAMAR	[Redacted]	[Redacted]
13/8/22	AHMED ALI	[Redacted]	[Redacted]

Appendix 11

Kathy Driver

From: Randall Thiel [REDACTED] >
Sent: 19 October 2022 07:23
To: Licensing
Cc: Randall Thiel; [REDACTED]
Subject: Objection to Premise Licence for Second Home Limited, Rooftop, 68-80 Hanbury Street, London, E1 5JL
Attachments: SPIRE Formal Objection Letter - 18 October 2022 (Second Home Limited, Rooftop, 68-80 Hanbury Street, London, E1 5JL).pdf

Dear Licensing Team

Please find attached a formal objection to the proposed premise licence for Second Home Limited, Rooftop, 68-80 Hanbury Street, London, E1 5JL.

Yours sincerely

Randall Thiel
For and on Behalf of SPIRE

Sent from [Mail](#) for Windows

18th October 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 Second Home Limited, Rooftop, 68-80 Hanbury Street, London, E1 5JL.

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 Second Home Limited, Rooftop, 68-80 Hanbury Street, London, E1 5JL ("the Premise").

The Premise is in a compact residential area of the Ward and is in one of the Ward's most prolific hotspots for antisocial behaviour. The Premise widens the circle of pedestrian traffic which emanates from the Ward's main night-time economy areas and activities (e.g., commercial street, Truman Brewery, and Brick Lane). As such, it is argued that the Premise is unfortunately in an already oversaturated area of alcohol supply, entertainment, and establishments responsible for some of the Ward's most disruptive antisocial behaviour.

The Premise is also located within the CIA for Brick Lane where new and varied premise licences 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.

Compared with other applications for premise licences which SPIRE reviews in the Ward, it is noted that the application submitted for the Premise is woefully lacking in explanation and/or sufficient detail how the Premise will be exactly used and, more importantly, how all the various risks associated with the supply of alcohol and entertainment will be satisfactorily managed, not least for seven days a week between the hours of 09:00 and 23:00!

Simply noting the presence of CCTV and on-site security offers minimal comfort to residents and visitors alike around the proposal for alcohol and entertainment seven days a week and which includes amplified music, live music, DJ sets, events, and dancing.

Through consultation with several local residents who are in close proximity to the Premise, SPIRE has learned there have been issues to date with the utilisation of the rest of the Premise managed by Second Home Limited (below the proposed Rooftop level) which further adds to concerns about an expansion of licenced premise on the Rooftop and the responsibility of the applicant to be accountable for appropriate risk management measures. These issues have historically included noise disturbance from frequent events and drunken behaviour on the streets following departure from the venue. Additionally, there is considerable concern about the level of noise nuisance which can and will certainly emanate from a rooftop venue impacting sleeping quarters of homes located in such proximity, not least those of young children and the elderly and vulnerable who have less opportunity to leave their flats to escape such noise nuisance.

Through additional consultation with a number of other residents who are not in immediate proximity to the Premise but within the surrounding areas of Brick Lane, Commercial Street, Wilkes Street, Princelet Street, Hanbury Street, Spitalfields Market, and Fournier Street, there is considerable concern about a rooftop venue (noise nuisance which carries further given rooftop emanation), the type of clientele attracted to the venue, and antisocial behaviour which often occurs with pedestrian traffic which crosses through these streets to reach the venue from bus

routes (on Commercial Street) and underground and overground train services from Liverpool Street and Shoreditch High Street.

While SPIRE typically tries to find ways to identify solutions for the balance of a commercial Ward, there is particular concern that the application for this Premise is a step too far, particularly in light of the Brick Lane CIA and that the Premise will 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.

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 12

Kathy Driver

From: Licensing
Sent: 06 October 2022 12:22
To: Kathy Driver
Subject: FW: Premises Licence application: Rooftop Ground Floor 68-80 Hanbury Street London E1 5JL

From: Gerald Collins <[REDACTED]>
Sent: 06 October 2022 10:23
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Premises Licence application: Rooftop Ground Floor 68-80 Hanbury Street London E1 5JL

REF: CLC/EHTS/LIC/153187

Dear Licensing Department,

This letter is to voice my **objection** for Second Home's application for a premises licence (music & alcohol) for the fourth floor rooftop area of Second Home, 68 Hanbury Street E1 5JL

I am the owner of [REDACTED] and have witnessed the development of Second Home since 2014.

The application by Second Home for a premises licence on their rooftop will only blight the neighbourhood further. When parties on Second Home's rooftop did occur in the past the noise was very loud as the roof-top area overlooks Princelet Street to the south-side and their parking lot to the east-side. These two areas are highly residential with many families living in the immediate vicinity. Many times we have had to clean the alcohol bottles that had been thrown onto our flat rooftop at [REDACTED] Princelet Street by the party-goers on the rooftop at Second Home. This is not the area for a commercial premises for music and alcohol and is more suited to a high-street venue, where the impact on the residents is far less of an issue.

I have witnessed the footprint Second Home have made in the neighbourhood over the years. Firstly, they have a policy of keeping their lights on all day and night causing light pollution during the night-time hours to the neighbours on Princelet Street. Secondly, they use their parking lot as a works yard, which they have been warned by the council not to use for these purposes. This includes fabricating furnishings for Second Home's many branches in London (frequent sawing and hammering). These are some examples of Second Home's disregard for the neighbourhood.

Issuing a premises licence for the rooftop at Second Home will only compound, their already imposing presence in the neighbourhood. I, therefore, strongly OBJECT to their application for a premises licence on the 4th floor rooftop.

Yours sincerely,

Gerry Collins

Appendix 13

Kathy Driver

From: Critchley Home [REDACTED] >
Sent: 11 October 2022 10:50
To: Licensing; Critchley
Subject: Rooftop, Second Home, 68-80 Hanbury Street E1 5JL

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Team,

I am writing to object to the renewed application for a seven-day on-site alcohol licence for a Rooftop Bar at Second Home, a communal workspace at 68-80 Hanbury Street E1 5JL.

The premises are located in a mainly residential neighbourhood. The building is also within the Brick Lane Cumulative Impact Area, which places strict limits on the granting of alcohol licences in this neighbourhood; it is my belief that under the provisions of the CIA alcohol licenses should be granted on a 'one in, one out' basis.

I am concerned that the application also seeks licences for films, live music and dancing, changing the character of the premises from a routine co-working space to a dual-purpose workspace that also holds events.

This is a large space that risks becoming an entertainment venue, akin to a night club, right in the middle of a residential area. In this location it will be a source of significant nuisance to surrounding residents and their families.

I see no reason why a communal workspace such as Second Home would need a licensed rooftop bar in an area already amply supplied with bars and pubs.

This application is unlikely to satisfy the requirements of the Licensing Act 2003 in that:

The Prevention of Crime and Disorder and Public Safety

The premises are located in an existing anti-social behaviour hotspot covered by the CIA and are likely to exacerbate existing problems of crime and anti-social behaviour related to alcohol consumption.

The Prevention of Public Nuisance

Drunken people in the Brick Lane area already cause huge amounts of nuisance – such as street urination and vomiting, as well as high levels of noise, often well into the early hours of the morning. Alcohol consumed in the premises is likely to add to existing problems.

The Protection of Children from Harm

There are a number of families with children living in that part of Hanbury Street and nearby streets. The potential creation of late-night noise, as well as the likely exacerbation of alcohol-related misbehaviour, would disturb children's sleep and expose them to unwelcome alcohol-related misbehaviour.

I ask that the Licensing Sub-Committee reject this application.

Yours sincerely,

Sandy Critchley

[REDACTED]

Sent from my iPad

Appendix 14

Kathy Driver

From: Licensing
Sent: 17 October 2022 11:42
To: Kathy Driver
Subject: FW: Second Home licensing application - Hanbury Street

From: Alex Gordon Shute [REDACTED] >
Sent: 16 October 2022 20:34
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Second Home licensing application - Hanbury Street

Dear Licensing Team

I write to object to the licence for Second Home's Rooftop Bar and entertainment space. The application is for amplified and live music, events, dance and alcohol. The other activities are from 9am; the alcohol licence is from 5pm to 10.30pm.

This is an application which should be treated with general scepticism (and refused) for 3 reasons: firstly that the description of activities effectively means setting up a nightclub (it hasn't been called that in the application, but that what's live music, dancing and alcohol equate to). Secondly, the venue is in the quietest and most residential part of Spitalfields – it is adjacent to the Chicksand Estate where many families and children live, and the 10 or so streets around the venue contain more families than any other part of the area. And thirdly the venue is within the Cumulative Impact Area of Spitalfields & Banglatown – there is no need or call for more alcohol in Spitalfields, and unless another major venue is closing down – this application should be refused on the basis of saturation.

My specific grounds for objection, in addition to the general ASB concerns in a licence-granted, saturated area are as follows:

The Prevention of Crime and Disorder and Public Safety

The rapes and physical attacks which (thankfully are few and far between) that have taken place in Spitalfields & Banglatown, have been in the badly lit streets where this venue is and around this specific area – not on the well-lit main streets of Brick Lane and Commercial St. We should not be encouraging more people into the area late at night, in case they end up in danger. More alcohol-soaked customers tipping out at 11pm or later, will create more alcohol-induced petty crime, and plenty more disorder and ASB. This is a real threat to public safety in addition to ASB.

The Prevention of Public Nuisance

If those visiting the venue have been drinking and dancing, they will be coming out full of noisy energy when they leave at closing time. The area already has enough noisy, drunk people tipping out when local residents are trying to sleep. This addition will be detrimental to those residents, aggravating the noise and public nuisance they already suffer. Spitalfields and Banglatown already has no public toilets, and the public nuisance created by drunk people peeing and occasionally defaecating in the street as they exit the area is really disgusting. Sadly, when people are drunk, however 'together' they seemed to be when they went into the venue, or however much they've paid for tickets, their inhibitions are so deleted by late in the evening, that these problems are real and happen frequently.

The Protection of Children from Harm

This is the area of Spitalfields with the highest concentration of families living close by (the Chicksand Estate is a particularly high concentration, and so are the circa 10 streets around it). It's quiet. It does not have bars, clubs or even shops in the immediate area. There are plenty of streets and places in Spitalfields where that activity is already taking place – the Council should not be supporting an application which extends those problems for local children (who will be asleep and disturbed by the noise of people coming out late at night).

Many thanks and best wishes

Alex

Alex Gordon Shute

[REDACTED]

[REDACTED]

[REDACTED]

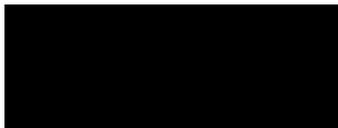
Appendix 15

Kathy Driver

From: Caroline Hamilton <[REDACTED]>
Sent: 23 October 2022 12:31
To: Kathy Driver
Subject: Re: Objection to 68-80 Hanbury Street premises licence application

Dear Kathy,

Apologies. My address is:



Kind regards,

Caroline

From: Kathy Driver <Kathy.Driver@towerhamlets.gov.uk>
Date: Friday, 21 October 2022 at 14:49
To: Caroline Hamilton <[REDACTED]>
Subject: FW: Objection to 68-80 Hanbury Street premises licence application

Thank you for your representation, could you please clarify your address please. We are unable to accept representations without knowing your address.

Kind Regards,

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

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](#)

From: Caroline Hamilton [REDACTED]
Sent: 19 October 2022 21:47
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection to 68-80 Hanbury Street premises licence application

Dear Licensing Team,

I am writing to object to the application for a premises licence by Second Home, 68-80 Hanbury Street, London E1 5JL. This was notified to my upstairs neighbour in the attached letter.

I live next door to Second Home at [REDACTED] and I have witnessed first hand the anti-social behaviour that already emanates from their premises. Granting them the proposed licences for a rooftop bar and entertainment space (alcohol, DJ sets, live music, events and dance) – effectively turning the place into a nightclub – will only make these problems very much worse.

For example, my partner and I were disturbed by noise late at night very badly when Second Home first arrived at 68-80 Hanbury Street. This was over a few weeks before they had any workspace tenants and while (in contravention of planning) they seemed to use the space to hold events almost every night.

More recently, when there have been parties and gatherings of people on Second Home's roof terrace, the noise was such that it prevented me and my partner from sleeping, and bottles were thrown onto the roof of 61 Princelet Street. I am also aware of residents in Hanbury Street and Boden House being disturbed late at night by anti-social behaviour of people spilling out drunk onto the street at the end of parties in Second Home. A few years ago, a local Tower Hamlets councillor told me and my partner there had been a lot of trouble, with the police called etc. There have also been numerous incidents of drunken revellers urinating and defaecating in the streets around Second Home.

This is one of the quietest areas of Spitalfields and Banglatown. It is highly residential with large numbers of families and young children living here. It is therefore completely inappropriate to site a nightclub in the heart of it, and totally unfair to children's life chances that they should be prevented from sleeping and asked to put up with the increased noise and anti-social behaviour that is bound to ensue. **This licence application does not align with the Council's principle of protecting children from harm.**

The streets around Second Home are not well lit. If the Council approves this application, you will encourage more people onto these streets late at night, where they will be in increased danger of becoming victims of anti-social behaviour and petty crime, or worse being physically attacked. **This licence application therefore does not align with the Council's principle of preventing crime and disorder.**

And finally, for the reasons stated above concerning noise, drunkenness and anti-social behaviour, **this licence application does not align with the Council's principle of preventing public nuisance.**

I sincerely hope you will take these comments and board and refuse the licence application.

Yours sincerely,

Caroline Hamilton

Place Directorate
Public Realm

Head of Environmental Health & Trading Standards
David Tolley

Licensing Section
3rd floor
Mulberry Place
Clove Crescent
London E14 2BG

Tel 020 7364 5008 option 3
Fax 020 7364 0863
Enquiries to Licensing
Email licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

The Occupier



28th September 2022

My ref: CLC/EHTS/LIC/153187

Dear Sir/Madam,

Licensing Act 2003

Rooftop, Ground Floor 68-80 Hanbury Street London E1 5JL

This letter is to notify you that this licensing authority has received an application for a premises licence at the above address. A premises licence can include any of the following; the sale of alcohol; regulated entertainment or late night refreshment (this means the supply of hot food after 11pm).

The application and its hours applied can be viewed between 10am and 4pm and between now and the end of the consultation **20th October 2022**, Monday to Friday at the address given at top of this letter. If you ring us in advance we will have it ready for you. Alternatively to see a digital version, go online at www.towerhamlets.gov.uk/licensing.

If you write to us about the application, your correspondence will become a public document. Representations cannot be anonymous and the Applicant is entitled to a full, un-redacted copy. For information on how to write a valid representation, visit: www.towerhamlets.gov.uk/representation

If you require further information please do not hesitate to contact us.

Yours faithfully,

Kathy Driver
Principal Licensing Officer



The best of London in one borough

Tower Hamlets
Town Hall
Mulberry Place
5 Clove Cres
E14 2BG

Appendix 16

Kathy Driver

From: Licensing
Sent: 20 October 2022 14:18
To: Kathy Driver
Subject: FW: Second Home, Spitalfields, 68-80 Hanbury Street, E1 5JL

From: Z Hudson [REDACTED]
Sent: 19 October 2022 21:46
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Second Home, Spitalfields, 68-80 Hanbury Street, E1 5JL

I am writing to object to the application for a premises licence for Second Home, 68-80 Hanbury Street, E1 5JL.

Second Home is a shared workspace and the office is unusual as it is completely surrounded on all sides by residential accommodation on both Hanbury and Princelet streets. I live right next door to Second Home on [REDACTED]. Second Home has not been sensitive to its location and has not been a good neighbour and has a history of holding events and parties that have caused excessive noise/late drinking where the police have had to be called.

Just because they have not been good in the past doesn't mean they could be better neighbours but they have made no attempt to mediate with us or any of our neighbours. This does not bode well.

The application for a licence that runs from 09.00-23.00, 7 days a week looks like they are opening up a club which is totally inappropriate for the immediate area. There are plenty of places on Brick Lane and the surrounding places where the crowds go and enjoy themselves. We don't get any of the people traffic for Brick Lane, we are off the circuit, but we will if you give this licence. As a resident of the area for over 25 years, I have the right to a 'quiet and peaceful life'. When they have held previous parties on the roof the noise is funnelled up and down the residential street. They have also previously let off fireworks from the roof during a party.

I also object on the grounds of light pollution. If you walk down Princelet Street you will see that Second Home is completely glazed from the ground floor to the roof and is a current source of light pollution on the street which will be exacerbated by late night events.

This may or may not be relevant but there are apartments on the roof of the Second Home building so this may also be a 'change of use' issue for a rooftop bar.

Please, please, please do not grant them this licence that will extend the party area into this quiet residential community.

Many thanks

Dr Zoe Hudson

[REDACTED]

[REDACTED]

Appendix 17

Kathy Driver

From: Mohibul Kamali <[REDACTED]>
Sent: 09 October 2022 15:45
To: Licensing
Subject: Representation - Second Home 68 Hanbury Street

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Team,

I, Mr Mohammed Mohibul Kamali, resident [REDACTED] wish to raise an **objection** to a new premise licence being granted to Second Home Rooftop 68-80 Hanbury Street E1 5JL.

This business has previously been in breach of its licensing conditions and also had previous complaints made to the council's noise complaints department from residents, thus should not be allowed a new licence for the rooftop.

The rooftop and terraces are located to the south of the building on a quiet residential street (Princelet Street). There will be an increase in nuisance to the public, residents and businesses on all neighbouring residential streets. Previously with events and parties that were held on the rooftop, amplified music and noise from the premises were excessive that even with windows and doors shut the music could be heard from inside my property.

Located on Princelet Street there is also a children's play area. If the licence is granted, it will fail to prevent children from harm. The noise and music emanating from the rooftop generates excessive noise that is amplified as explained in my previous complaints to the noise complaints department. This noise and music can be heard from the children's play area and will cause significant harm to children due to noise pollution especially to children with sensory needs.

The prospect of visitors and drinkers exiting the building and onto the street for example near to closing time is horrendous. This will cause significant nuisance for neighbouring residents and business due to anti-social behaviour. Already there is a massive problem of public urination, defecation and vomiting. There will also be an increase in criminal activity as is the case around this area.

I believe the licence holder/Applicant for second home will not honour the agreement or conditions within the licensing agreement considering the licence breaches made previously by the business. I have also not seen a blue notice placed on the front of the premises to inform local residents of the application as required. This also proves to me that they cannot be trusted to hold a premises licence for the rooftop.

When assessing the application in the light of all of the above concerns I hope it will be respectfully refused.

Best Regards,

Mohammed Mohibul Kamali

Appendix 18

Kathy Driver

From: Licensing
Sent: 17 October 2022 11:23
To: Kathy Driver
Subject: FW: Objection to Premise Licence Application
Attachments: Letter to Licence Authority.docx

From: rajia kamali <[REDACTED]>
Sent: 15 October 2022 16:00
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Objection to Premise Licence Application

Good Morning

Hope you are well.

Please find attached my objection to premise licence application by Second Home Rooftop.

Yours sincerely,
Rajia B Kamali

Ra ia B Kamali

15 October 2022

Dear Sir/Madam

I would like to formally make my objection to Second Home Rooftop 68-80 Hanbury Street E1 5JL being granted a premise licence

I am 89 years old and have lived on [REDACTED] for over 20 years. I enjoy where I live as it is a very quiet street and I find it very peaceful.

Since Second Home have created this rooftop events area there have been many parties held there during the day that went on into the night and following morning. This has made it very difficult for someone of my age to live out my life in peace or carry out daily tasks. The music being played is too loud as they seem to be using giant speakers and mic system that could be heard from my entire flat. The shouting and noise from people attending this place has also increased causing me great nuisance and disturbing my sleep.

During the day I am not able to sit in or go for my daily walk in the park behind my flat, because of the music and noise coming from the rooftop of Second Home. When I return home, I am not able to watch television or read a book again because of the high level of noise.

The management of Second Home have no respect or consideration for their neighbours because if they cared they would turn down the music and noise to an acceptable level.

If a premise licence is granted for the Rooftop, then it will make the remaining of what life I have left a living hell as it will encourage late night parties and anti-social behaviour to the area. I plead you to refuse granting Second Home a licence when considering your decisions.

Yours sincerely,

Rajia B Kamali

Appendix 19

Kathy Driver

From: Licensing
Sent: 17 October 2022 11:29
To: Kathy Driver
Subject: FW: Rooftop, Second Home 68-80 Hanbury Street E1 5JL

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

From: Susan Kay <[REDACTED]>
Sent: 16 October 2022 15:03
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Rooftop, Second Home 68-80 Hanbury Street E1 5JL

Your Ref: 153187 Hanbury St 68-80 Rooftop

Dear Licensing Team,

My name is Susan Kay and I live in [REDACTED]. I have been a resident in Spitalfields for over 20 years.

I very much enjoy living in this area and take an interest in the ongoing changes that have occurred since I first moved here. Some changes have very much improved the area for both residents and businesses and some have not.

I have been made aware and am now concerned about a licensing re-application for a seven day on-site alcohol licence for a Rooftop Bar at Second Home, which started out life as a communal workspace, at 68-80 Hanbury Street E1 5JL.

The premises are located in a mainly residential area, close to the Chicksand Estate, mainly populated with families with children. The many streets leading off Hanbury Street at this end, also incorporate housing estates which are also home to mainly families with children. It is, for this reason, a particularly quiet area.

The idea of having a roof top bar, with outside space available, incorporating live events, amplified music and dancing into the early hours, 7 days a week, would seriously disrupt the lifestyles of both adults and children living close by. The anguish and mental health issues they would encounter due to noise pollution from the Bar, would become an unbearable long term problem.

There is also the issue of drunkenness, which for many of us living close to the late night open bars on and off Brick Lane is an ongoing problem. The high levels of drunken revellers shouting as they make their way to the transport hub of Liverpool Street Station in the early mornings, often urinating and vomiting along the way, causes us much distress.

This premise is within the Brick Lane Cumulative Impact Area, which was set up to control the number of alcohol licenses issued in the Brick Lane and surrounding areas. What we residents are living with at this time is the result of the over proliferation of closely adjacent late night bars in a highly popular, trendy, go-to night time area.

A very large space such as 68-80 Hanbury Street's rooftop, turned into what amounts to a local nightclub, with all that would entail, would cause much chaos and mayhem to an area already saturated with much criminality and ASB.

It is for all the above reasons, that I OBJECT to this Licence Application being granted and hope the Licensing Sub-Committee reject this Application.

Kindest regards,

Susan Kay



Appendix 20

Kathy Driver

From: Licensing
Sent: 20 October 2022 14:18
To: Kathy Driver
Subject: FW: OBJECTION to the Second Home's application for a premises licence (music and alcohol) for the 4th floor rooftop area at 68 Hanbury Street E1 5JL
Attachments: Objection.pdf

From: Erki Kilu <[REDACTED]>
Sent: 19 October 2022 19:07
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: OBJECTION to the Second Home's application for a premises licence (music and alcohol) for the 4th floor rooftop area at 68 Hanbury Street E1 5JL

Dear Council

Attached is the OBJECTION to the Second Home's application for a premises licence (music and alcohol) for the 4th floor rooftop area at 68 Hanbury Street E1 5JL.

Kind regards

Erki Kilu
[REDACTED]

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

licensing@towerhamlets.gov.uk

19th October 2022

OBJECTION to the Second Home's application for a premises licence (music and alcohol) for the 4th floor rooftop area at 68 Hanbury Street E1 5JL

Dear Council

We have become aware that Second Home has made an application for a premises licence (music and alcohol) for the 4th floor rooftop area at 68 Hanbury Street E1 5JL.

The licence, if granted will allow events and parties to be held from 11am-11pm on the rooftop that will impact our lives as residents at [REDACTED] L. This will promote late night parties causing nuisance and disturbing our lives.

Our flat is situated exactly one floor above Second Home's offices as seen from the attached photo (Annex I). They previously held parties in their premises and on the rooftop with very loud music and noise in breach of licensing conditions. We heard the amplified music and noise inside our flat. One time the music was so loud that we had to spend the night in a hotel so that we could have a proper sleep. The parties often carried on into the following morning. We complained also directly to Second Home's security.

Therefore, we OBJECT to Second Home's application for a premises licence (music and alcohol) for the 4th floor rooftop area at 68 Hanbury Street E1 5JL.

Kind regards

Erki Kilu
Helis Tõnise
Kristin Kilu (child)
Karolin Kilu (child)

[REDACTED]
[REDACTED]
[REDACTED]

Annex I. Photo showing the proximity of the 4th floor rooftop area.



Appendix 21

Kathy Driver

From: Maisha Mahfuza <[REDACTED]>
Sent: 21 October 2022 16:41
To: Kathy Driver
Subject: Re: Reference CLC/EHTS/LIC/153187-Rooftop, 68-80 Hanbury St

Hi,

My address [REDACTED]

Thank you,
Anwara Khatun

> On 21 Oct 2022, at 13:56, Kathy Driver <Kathy.Driver@towerhamlets.gov.uk> wrote:

>
>
>

> Thank you for your email.

>

> In order to accept your representation, please provide your address. The close date for representations to be accepted is midnight tonight.

>
>

> 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 General Email: licensing@towerhamlets.gov.uk Please visit

> our web page for application forms and guidance at

> <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.t>

> [owerhamlets.gov.uk%2Flicensing&data=05%7C01%7CKathy.Driver%40tower](https://www.towerhamlets.gov.uk/licensing&data=05%7C01%7CKathy.Driver%40tower)

> [hamlets.gov.uk%7C57d3e4924c924368f60f08dab37aaef1%7C3c0aec87f983418fb3](https://www.hamlets.gov.uk%7C57d3e4924c924368f60f08dab37aaef1%7C3c0aec87f983418fb3)

> [dcd35db83fb5d2%7C0%7C0%7C638019636742999814%7CUnknown%7CTWFpbGZsb3d8ey](https://www.dcd35db83fb5d2%7C0%7C0%7C638019636742999814%7CUnknown%7CTWFpbGZsb3d8ey)

> [JWljoimc4wLjAwMDAiLCJljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C300](https://www.JWljoimc4wLjAwMDAiLCJljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C300)

> [0%7C%7C%7C&sdata=KMt0KhzdBp9FLE9K4opO2Zd3Z%2FKFodMEYl3MJRjiw84%3D&](https://www.0%7C%7C%7C&sdata=KMt0KhzdBp9FLE9K4opO2Zd3Z%2FKFodMEYl3MJRjiw84%3D&)

> [amp;reserved=0](https://www.amp;reserved=0)

> <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.t>

> [owerhamlets.gov.uk%2F&data=05%7C01%7CKathy.Driver%40towerhamlets.g](https://www.owerhamlets.gov.uk%2F&data=05%7C01%7CKathy.Driver%40towerhamlets.g)

> [ov.uk%7C57d3e4924c924368f60f08dab37aaef1%7C3c0aec87f983418fb3dcd35db83](https://www.ov.uk%7C57d3e4924c924368f60f08dab37aaef1%7C3c0aec87f983418fb3dcd35db83)

> [fb5d2%7C0%7C0%7C638019636743156045%7CUnknown%7CTWFpbGZsb3d8eyJWljoimc4](https://www.fb5d2%7C0%7C0%7C638019636743156045%7CUnknown%7CTWFpbGZsb3d8eyJWljoimc4)

> [wLjAwMDAiLCJljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7](https://www.wLjAwMDAiLCJljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7)

> [C&sdata=o6m3hAM9Cme91TpmPLKE%2BGeC%2FciozATT6Bsf4106uY%3D&res](https://www.C&sdata=o6m3hAM9Cme91TpmPLKE%2BGeC%2FciozATT6Bsf4106uY%3D&res)

> [erved=0](https://www.erved=0) Follow us on: Facebook | Twitter | LinkedIn | Instagram

>
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>
>

> -----Original Message-----

> From: Maisha Mahfuza <[REDACTED]>

> Sent: 20 October 2022 13:44

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

> Subject: Reference CLC/EHTS/LIC/153187

>

> Dear Sir/Madam,

>

> I hope you are well.

>

> I am writing regarding the application made for a premises license at the said address. As an elderly person, approving the license would cause a lot of trouble for myself especially, but also my family and neighbours. My house is closest to the address applying, which means that we will be most affected by the noise. I am already affected by the extractor fans outside of my window which have become louder over the last couple of months, so this would cause further annoyance.

>

> In the past, we have seen a premises license approved for 65 Hanbury Street, which was later revoked as there was too much noise and nuisance, which disturbed the neighbours at late hours. It is important to consider the fact that Hanbury Street homes many elderly people, people that work on the weekends and children who need to be up for school in the morning.

>

> I urge this application to be reconsidered and rejected.

>

Appendix 22

Kathy Driver

From: Licensing
Sent: 05 October 2022 15:12
To: Kathy Driver
Subject: FW: CLC/EHTH/LIC/153187. Licensing: Rooftop/Ground Floor, 68-80 Hanbury Street.

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

From: Toby Stephens <[REDACTED]>
Sent: 04 October 2022 11:34
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: CLC/EHTH/LIC/153187. Licensing: Rooftop/Ground Floor, 68-80 Hanbury Street.

Dear Sir/ Madam,

I am writing to you in regard to the application for a premises license for 68-80 Hanbury Street (CLC/EHTH/LIC/153187). My family and I live at [REDACTED], which is very near the applicants stated address. We are VERY concerned about the noise pollution from a rooftop bar/ restaurant on our street and any further noise pollution on our street from customers . Our three children are all of school age - and there are a large number of other families with young children living on our street - anything that interrupts their sleep would be detrimental to their health and education. There are also a lot of hardworking adults on our street, including my wife and I, who would struggle to sleep because of the noise. We already have to cope with a lot of noise pollution on our street because of our proximity to brick lane and, in the summer, because of student party's on the roofs of surrounding buildings. We fear that a permanent Bar/ restaurant on a nearby roof would make life intolerable for us and for many hard working families who live on our street.

Many thanks for considering our plea.

Yours sincerely,

Toby Stephens,
[REDACTED]

Sent from my iPad

Appendix 23

Kathy Driver

From: Licensing
Sent: 20 October 2022 17:49
To: Kathy Driver
Subject: FW: Licensing application Second Home LTD

From: Edward Tyrell <[REDACTED]>
Sent: 20 October 2022 16:51
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing application Second Home LTD

Dear Licensing Authority,

We live at [REDACTED] and would like to raise our concerns regarding the application to allow the sale of alcohol and regulated entertainment at Second Home's premises on Hanbury st. Second home recently hosted an event in their building with loud music and people spilling onto street. This was very disruptive for the nearby residents. We are concern that the granting of this license might lead to similar situations in the future.

This is mainly a residential street and we are concerned that this license may be disruptive to the nearby residents. We are also concerned that this may raise privacy issues as from the 4th floor you may be able to see into the flats opposite.

Kind regards,

Edward Tyrell

[REDACTED]

Appendix 24

Kathy Driver

From: Licensing
Sent: 17 October 2022 11:42
To: Kathy Driver
Subject: FW: Rooftop Bar at Second Home, a communal workspace at 68-80 Hanbury Street E1 5JL

From: Lyn Williams <[REDACTED]>
Sent: 17 October 2022 07:35
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Rooftop Bar at Second Home, a communal workspace at 68-80 Hanbury Street E1 5JL

Dear Sir or Madam

I write to object to Second Home's re-application for a seven-day on-site alcohol licence for a Rooftop Bar at the above premises.

The local neighbourhood is a mainly residential one; and the area is inside the Brick Lane Cumulative Impact Area (CIA). As you know, the CIA applies strict limits on the granting of alcohol licences within the area. I believe I am right in saying that, under the CIA's provisions, the presumption is that alcohol licences should be granted on a 'one in, one out' basis.

The application is also for a licence for films, live music and dancing, largely until 23.00. What have these to do with a co-working space? The character of the premises will change from office space to a dual-purpose workspace that also holds events; indeed because this is a large space there is a risk of it becoming an entertainment venue, even a night club. There is a place for most things, but a night club right in the middle of a residential area? That is, in my view, highly inappropriate, as it will undoubtedly be a source of significant late night nuisance to local residents and their families.

In addition, I can see no reason why a communal workspace would need a licensed rooftop bar in an area already amply supplied with bars and pubs.

The Licensing Act 2003's requirements need to be satisfied. I see nothing in the re-application to satisfy the following requirements:

The Prevention of Crime and Disorder and Public Safety

As the premises are located in an existing anti-social behaviour hotspot covered by the CIA, the existing problems of crime and anti-social behaviour related to alcohol consumption are likely to be exacerbated.

The Prevention of Public Nuisance

There are already major problems in the Brick Lane area relating to drunken people. They cause much nuisance - for example street urination and vomiting, as well as high levels of noise, often well into the early hours of the morning. Alcohol consumed in the premises is likely to add to existing problems, particularly when people leave late at night/early in the morning.

The Protection of Children from Harm

Families with children live in that part of Hanbury Street and nearby streets. The potential creation of late-night noise, as well as the likely exacerbation of alcohol-related misbehaviour, would disturb children's sleep and expose them to unwelcome alcohol-related misbehaviour.

I request the Licensing Sub-Committee to reject this application.

Yours sincerely

Lyn Williams



PS Please redact my personal information from publication of this letter online. Many thanks.

Appendix 25

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 157

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 26

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 27

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 28

Planning

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

Appendix 29

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 30

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:

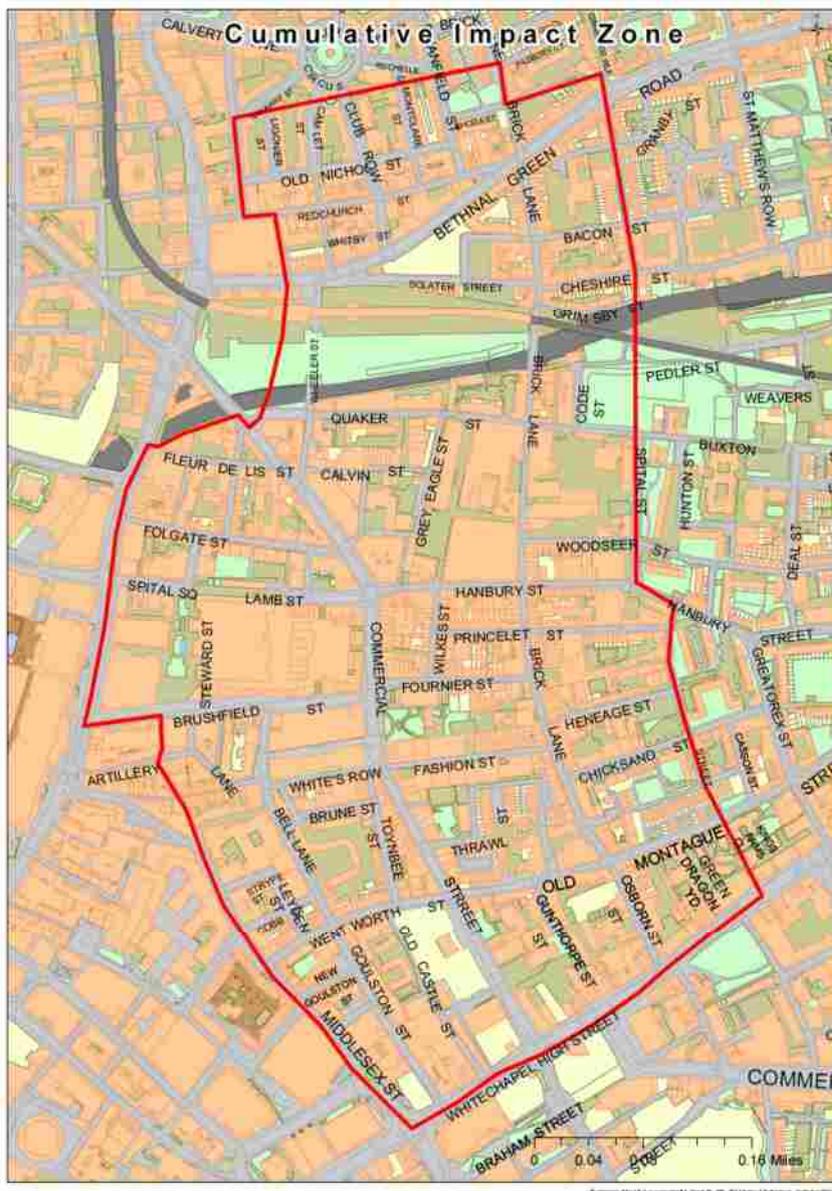
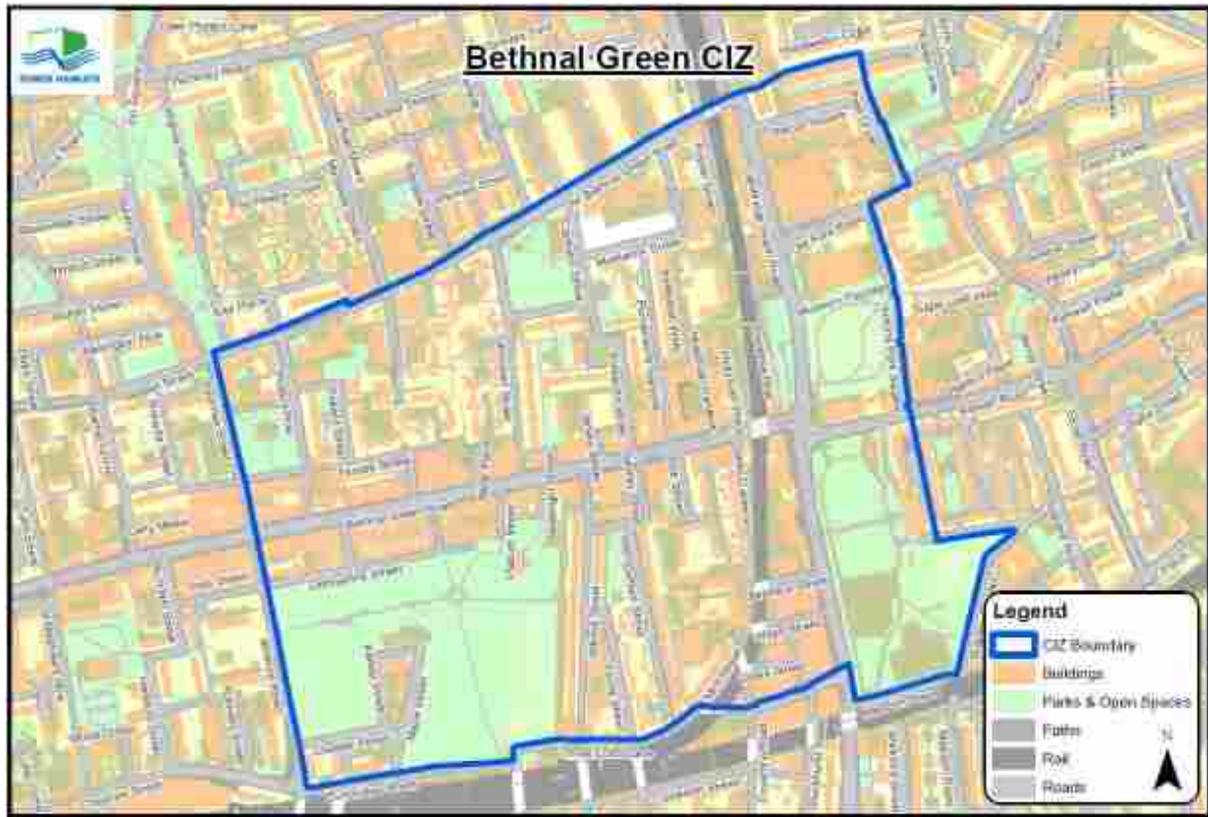


Figure Two:

Bethnal Green Area



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	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
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	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
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	
				Outdoors	
Day	Start	Finish	Both		
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<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)		
Sat					
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		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	
Mon				Outdoors	
				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			<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)		
Sat					
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				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Please give further details here (please read guidance note 5)

State any seasonal variations for the provision of late night refreshment (please read guidance note 6)

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)

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		Both	X
Tue	0800	1800			
Wed	0800	1800			
Thur	0800	1800			
Fri	0800	1800			
Sat	0800	2100			
Sun	1000	1800			

State any seasonal variations for the supply of alcohol (please read guidance note 6)

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)

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





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Appendix 4

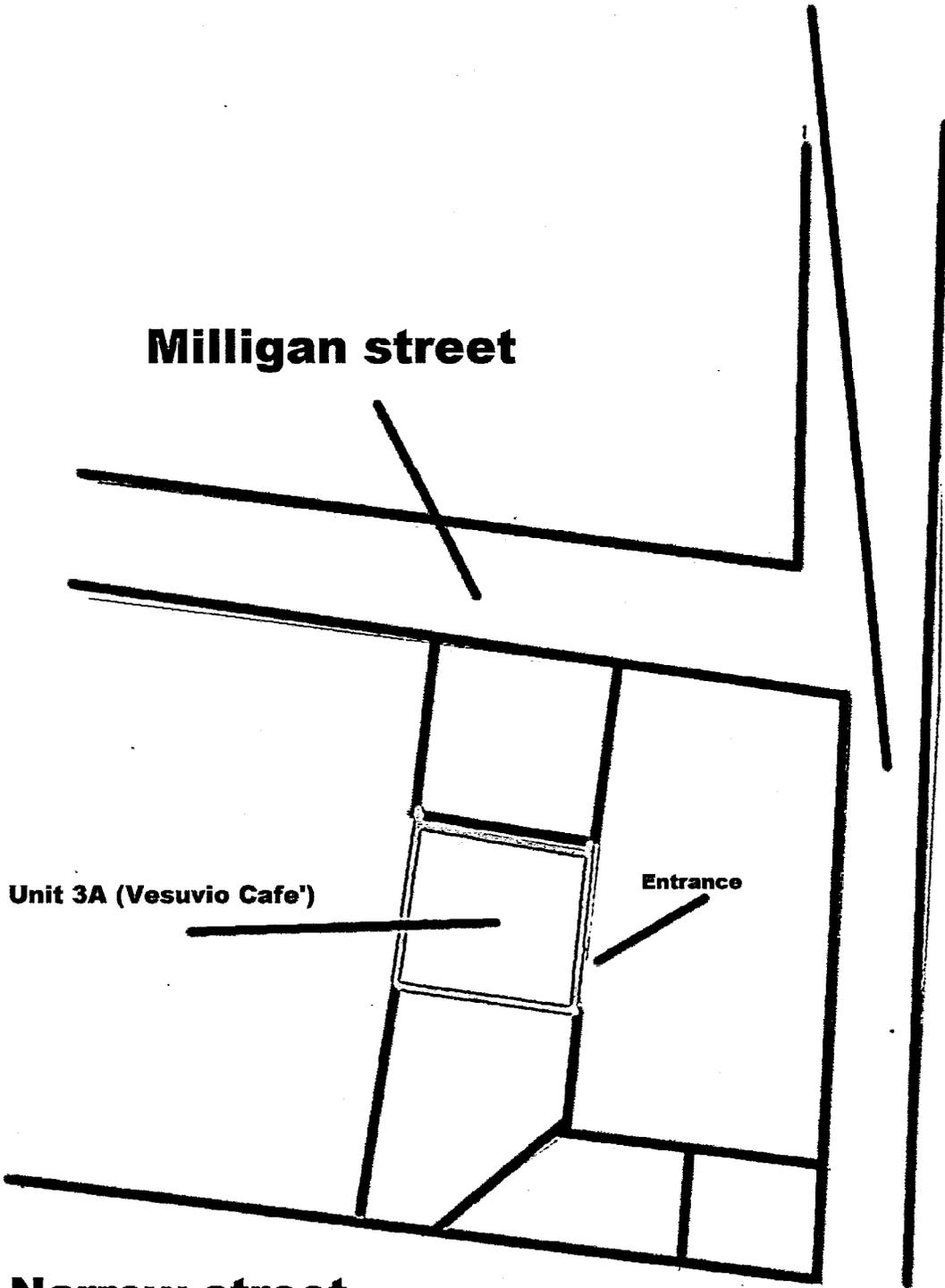
Three colt street

Milligan street

Unit 3A (Vesuvio Cafe')

Entrance

Narrow street



Counter Area

Display of Liquor

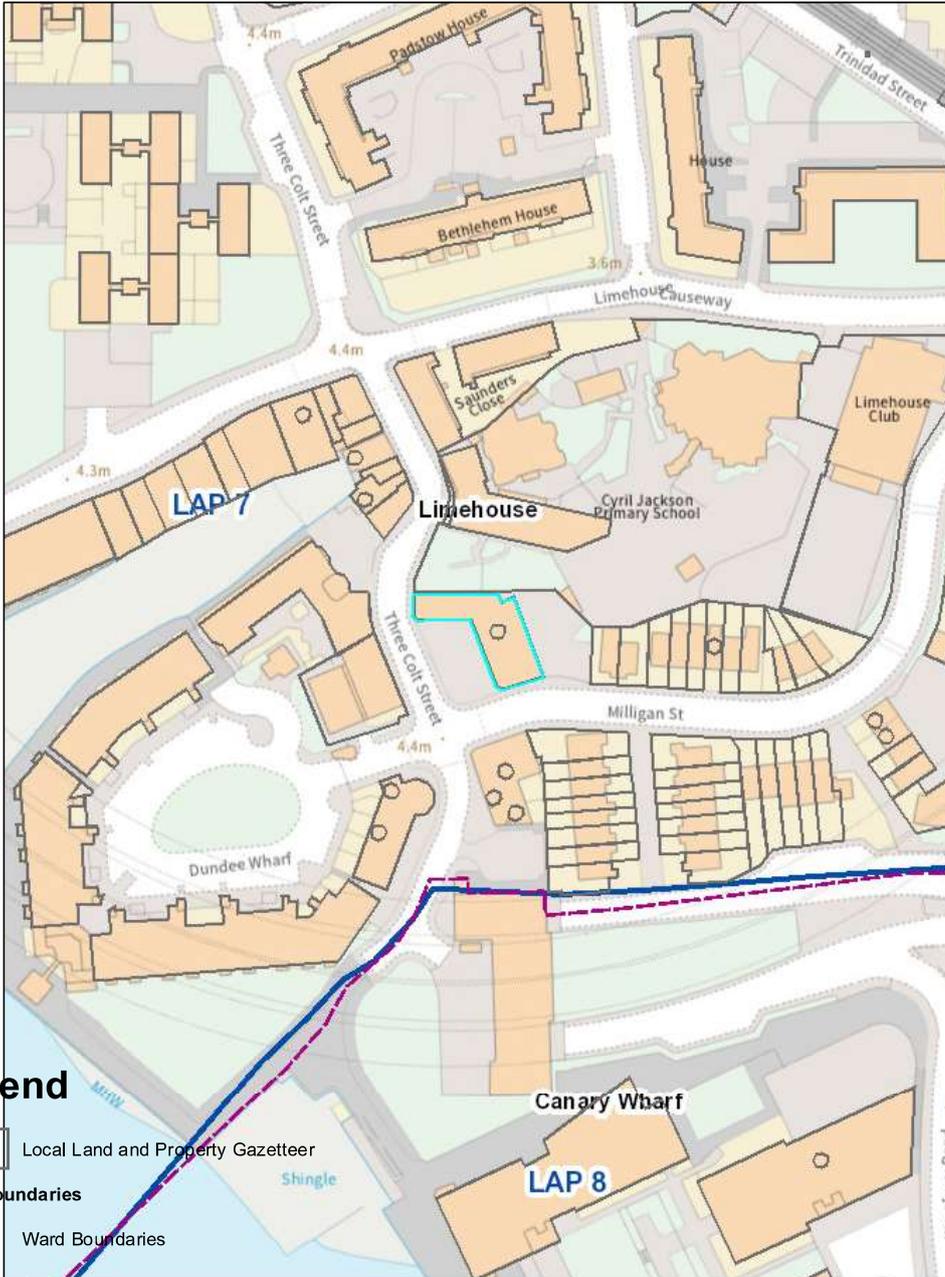
W.C.

Changing Room

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

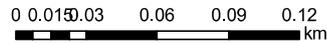
Scale 1:500

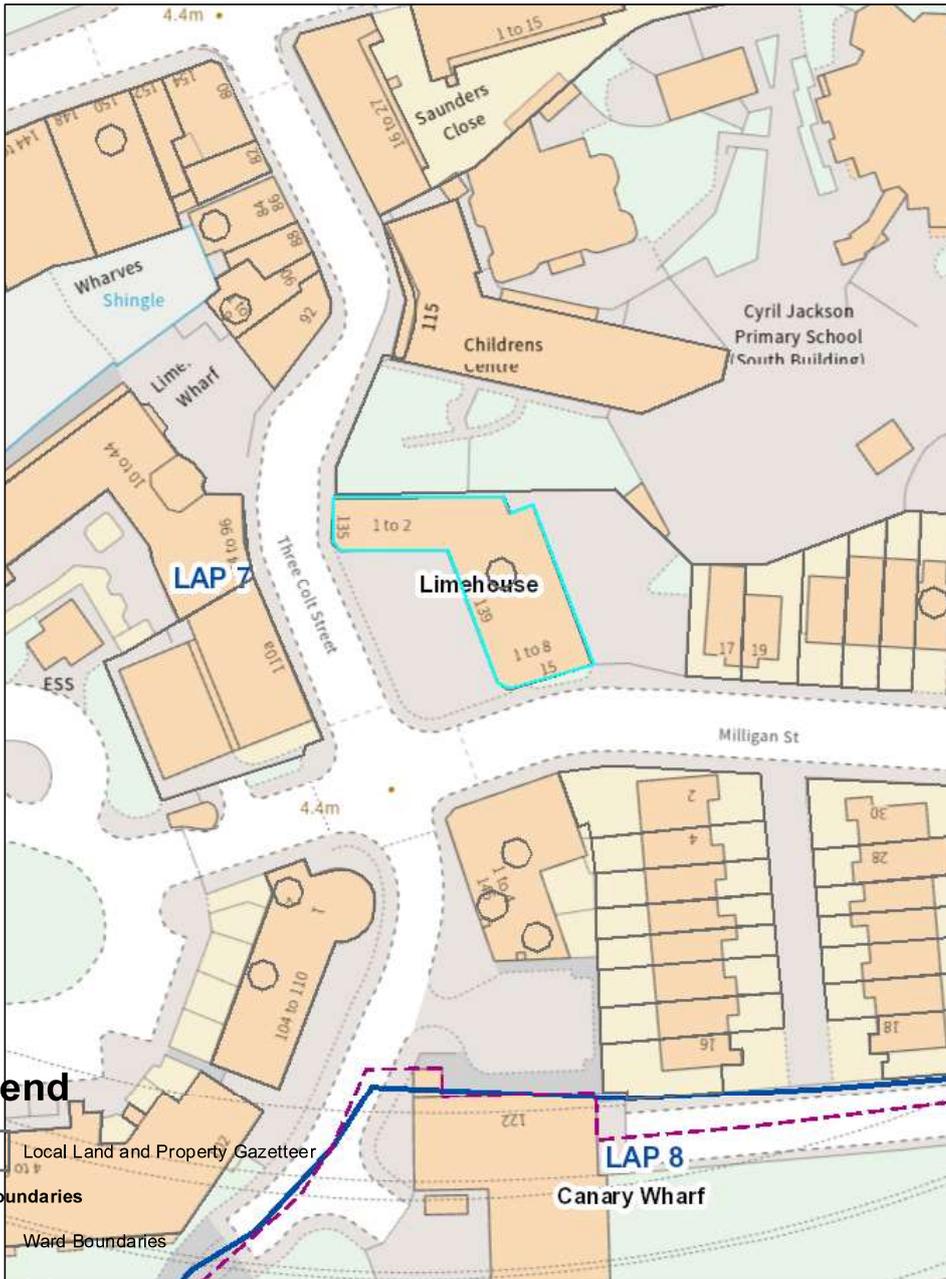
Appendix 5



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

0.007 0.015 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

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 233

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.
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Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (Soda and Friends), Unit 2a, 20 Hopewell Square, London E14 0SY Ward affected: Blackwall and Cubitt Town
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1.0 Summary

Licence holder:	Soda Bars Limited
Name and Address of Premises:	Soda and Friends Unit 2a 20 Hopewell Square London E14 0SY
Licence sought:	Licensing Act 2003 - variation <ul style="list-style-type: none">• Extend the times for the sale of alcohol• Add recorded music• Add the provision of late night refreshment
Representations:	Resident (one)

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

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 Background

3.1 This is an application for a variation of a variation of a premises licence for (Soda and Friends), Unit 2a, 20 Hopewell Square, London E14 0SY. It should be noted that although the address is being changed from Hopewell "Street" to Hopewell "Square" the location of the premises has not changed.

3.2 A copy of the existing licence is enclosed as **Appendix 1**. The licensable activities and timings are as follows:

The sale by retail of alcohol (on and off sales)

- Monday to Saturday 07:00 hours – 23:00 hours
- Sunday 07:00 hours – 22:30 hours

The opening hours of the premises

- Monday to Saturday 07:00hours – 23:00 hours
- Sunday 07:00 hours – 22:30 hours

3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the variation as:

- "Adding addition 1hr trade on Friday and Saturday evenings, from 11pm – midnight, provision of alcohol"
- Add recorded music
- Add the provision of late night refreshment

3.4 The licensable activities and timings that have been applied for are as follows:

The sale by retail of alcohol (on and off sales)

- Monday to Thursday, from 07:00 hrs to 23:00 hrs (No change)
- Friday and Saturday, from 07:00 hrs to 00:00 hrs (midnight)
- Sunday, from 07:00 hrs to 22:30 hrs (No change)

The provision of regulated entertainment – Indoors
(Recorded music)

- Monday to Thursday, from 07:00 hrs to 23:00 hrs
- Friday and Saturday, from 07:00 hrs to 00:00 hrs (midnight)
- Sunday, from 07:00 hrs to 22:30 hrs)

The provision of late night refreshment – Indoors and outdoors

- Monday to Thursday, from 07:00 hrs to 23:00 hrs (LNR not required)
- Friday and Saturday, from 07:00 hrs to 00:00 hrs (midnight)
- Sunday, from 07:00 hrs to 22:30 hrs (LNR not required)

LICENSING OFFICER COMMENTS: The provision of late night refreshment starts at 23:00 hrs. The applicant has stated "Background music only" under late night refreshment.

The opening hours of the premises

- *Monday to Thursday, from 07:00 hrs to 23:30 hrs*
- *Friday and Saturday, from 07:00 hrs to 00:30 hrs the following day*
- *Sunday, from 07:00 hrs to 22:30 hrs*

4.0 Location and Nature of the premises

4.1 Maps of the venue are included as **Appendix 3**.

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

4.3 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018 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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Ross Harris - (**Appendix 7**)
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning Department
 - Health and Safety
 - Environmental Health Noise Team
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objective(s), particularly the prevention of public nuisance and the prevention of crime and disorder.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If

there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

7.1 The following are conditions are contained within the existing premises licence:

“Annex 2 - Conditions consistent with the operating Schedule

1. *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
2. *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises, by the police or an authorised officer, at all times whilst the premises is open.*
3. *The premises shall install and maintain a comprehensive CCTV system. 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 14 days with date and time stamping.*
4. *All sales of alcohol for consumption off the premises shall be in sealed containers only.*
5. *Delivery of alcohol will be labelled as containing alcohol and Challenge 25 will be operated upon delivery.*
6. *Notices shall be prominently displayed requesting patrons to respect the needs of local residents and businesses when using the external area.*
7. *All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.*
8. *No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.*
9. *No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.*

10. *No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.*
11. *The external area shall not be used after 22:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 5 persons at any one time.*
12. *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance”.*

The following are offered by the applicant on the application form

13. *No open alcoholic containers shall leave the premises.*
14. *All employees will sign declaration of awareness of social and legal responsibilities regarding sale of alcohol.*
15. *There shall be no external speakers.*

8.0 Conditions in consultation with the responsible authorities/other person

8.1 The following conditions have been agreed with the Licensing Authority (RA) - (See **Appendix 8).**

1. *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*

(To replace condition 3 of Annex 2 on the current premises)

2. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
3. *When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.*

4. *Alcohol shall only be delivered to a residential or business address and not to a public place or vehicle.*

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.

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>

- 9.2 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.
- 9.3 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 (See 6.2). 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.

9.4 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)

- 9.5 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.
- 9.6 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.7 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.
- 9.8 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)
- 9.9 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 10.0 In **Appendices 9 - 12** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

11.0 **Legal Comments**

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

12.0 **Finance Comments**

- 12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Maps of the venue
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Home Office concerning relevant, vexatious and frivolous representations
Appendix 7	Representation of Ross Harris
Appendix 8	Agreed conditions with Licensing Authority (RA)
Appendix 9	Licensing Officer comments on noise while the premise is in use
Appendix 10	Licensing Officer comments on access/egress problems
Appendix 11	Planning
Appendix 12	Licensing Policy relating to hours of trading

Appendix 1



**Lic No:
129577**

**Soda and Friends
Unit 2a
20 Hopewell Street
London
E14 0SY**

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 Trading Standards & Environmental Health

Date: 4th September 2020

OFFICE USE	Receipt No:	Paid:	Date:
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Part A - Format of premises licence

Premises licence number

129577

Part 1 - Premises details

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

(Soda & Friends)
Unit 2a
20 Hopewell Street

Post town

London

Post code

E14 0SY

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol (on and off sales)

The times the licence authorises the carrying out of licensable activities

Monday to Saturday 07:00hours – 23:00 hours

Sunday 07:00 hours – 22:30 hours

The opening hours of the premises

Monday to Saturday 07:00hours – 23:00 hours

Sunday 07:00 hours – 22:30 hours

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

On and off sales

Part 2

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

Soda Bars Limited

[Redacted address and contact information]

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

Company Number: 11910139

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

Nathan Brown

[Redacted address and telephone number]

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

Personal Licence Number: [Redacted]
Issuing authority: [Redacted]

Annex 1 - Mandatory conditions

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

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

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

1.

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

$$\mathbf{P = D + (D \times V)}$$
 where —
 - (i) **P** is the permitted price

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

Annex 2 - Conditions consistent with the operating Schedule

1. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises, by the police or an authorised officer, at all times whilst the premises is open.
3. The premises shall install and maintain a comprehensive CCTV system. 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 14 days with date and time stamping.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only.
5. Delivery of alcohol will be labelled as containing alcohol and Challenge 25 will be operated upon delivery.
6. Notices shall be prominently displayed requesting patrons to respect the needs of local residents and businesses when using the external area.
7. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
9. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
10. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.
11. The external area shall not be used after 22:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 5 persons at any one time.



Part B - Premises licence summary

Premises licence number

129577

Premises details

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

**(Soda & Friends)
Unit 2a
20 Hopewell Street**

Post town

London

Post code

E14 0SY

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol (on & off sales)

The times the licence authorises the carrying out of licensable activities

Monday to Saturday 07:00 – 23:00 hours
Sunday 07:00 – 22:30 hours

The opening hours of the premises

Monday to Saturday 07:00 – 23:00 hours
Sunday 07:00 – 22:30 hours

Name, (registered) address of holder of premises licence

Soda Bars Limited


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

On and off sales

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

11910139

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

Nathan Brown

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 **Soda Bars Ltd** (Insert name(s) of applicant)

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

Premises Licence number

129577

Part 1 – Premises details

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

Unit 2a
Hopewell Square
London City Island

Post town
London

Post code
E14 0sy

Telephone number at premises (if any)

Non-domestic rateable value of premises

£
50,000

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

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

Please tick yes

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

Day		Month		Year	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

Yes

No

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

Adding addition 1hr trade on Friday and Saturday evenings, from 11pm – midnight, provision of alcohol

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

--

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)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 5)	Both		
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	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 5)	Both		
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						

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
			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)		

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	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	0000			
Sat	0700	0000			
Sun	0700	2230			
			State any seasonal variations for playing recorded music (please read guidance note 6)		
			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)		

G

Performances of dance Standard days and timings (please read		Will the performance of dance take place indoors or outdoors or both – please tick [Y]	Indoors	

guidance note 8)			(please read guidance note 4)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
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		
Day	Start	Finish			
Mon			Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 5)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
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	
				Both	<input checked="" type="checkbox"/>
Mon	0700	2300	Please give further details here (please read guidance note 5) Background music only		
Tue	0700	2300			
Wed	0700	2300	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	0700	2300			
Fri	0700	0000	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	0700	0000			
Sun	0700	2230			

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	
				Both	<input checked="" type="checkbox"/>
Mon	0700	2300	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	0700	2300			
Wed	0700	2300	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	0700	2300			
Fri	0700	0000			
Sat	0700	0000			
Sun	0700	2230			

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)

L

Hours premises are open to the public

Standard timings (please read guidance note 8)

Day	Start	Finish
Mon	0700	2330
Tue	0700	2330
Wed	0700	2330
Thur	0700	2330
Fri	0700	0030
Sat	0700	0030
Sun	0700	2230

State any seasonal variation (please read guidance note 6)

Note: 30min drinking up time

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)

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

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)

Visitor management plan in operation, enforcing table service inside and supervision of guests outside
Implementation of Challenge 25
Local delivery will be labelled as containing alcohol and challenge 25 procedures implemented on delivery of goods. A refusal of delivery book will be kept and maintained

b) The prevention of crime and disorder

CCTV system installed and operational 24hrs a day, with recordings kept for a minimum of 14 days
Incident book maintained onsite for any instances of disturbance
no open containers allowed to leave the premises
no food or drink allowed to be brought onto the premises other than that served by the bar

c) Public safety

Restricted number of patrons to number of available seats and up to 15 standing
Complimentary drinking water offered to every guest
Annual PAC testing of appliances and electrics
All employees will sign declaration of awareness of social and legal responsibilities regarding sale of alcohol
Fire safety procedures in good working order and again signed declaration of awareness by all employees
First Aid boxes available with log book

d) The prevention of public nuisance

Management will ensure that staff patrol indoors and outdoors
prominent signage will remind guests to leave quietly and respectfully
management will ensure that outdoor premises are kept litter free and all empty glassware is collected immediately within reason
no external speakers

e) The protection of children from harm

Challenge 25 implemented, with all staff signing declaration of awareness
 Local delivery will also operate Challenge 25, with refusal book kept and maintained

CHECKLIST:

Please tick yes

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

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	
Capacity	

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)

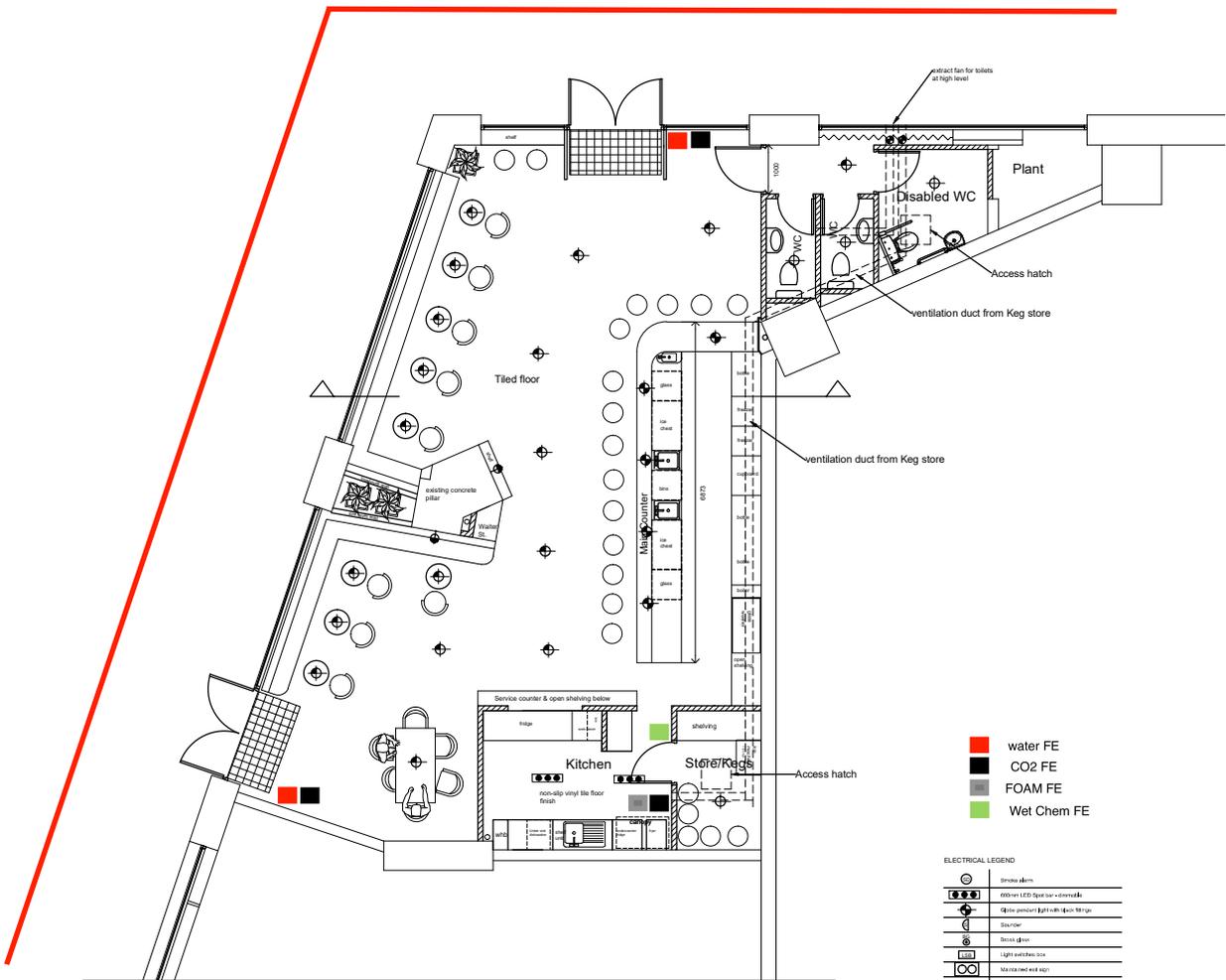
Post town	Post code
Telephone number (if any)	

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

Notes for Guidance

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

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



- water FE
- CO2 FE
- FOAM FE
- Wet Chem FE

ELECTRICAL LEGEND

	Smoke alarm
	400mm x 1 LED spot light - 400mm x 400mm
	LED panel light with 4pin MR16
	Staircase
	Break glass
	Light switch box
	Mantel light (M.L.)
	Emergency light
	LED strip lighting (L.S.L.) on downrun
	Recessed spot light (R.S.L.)
	Double socket outlet (D.S.O.)
	Ceiling mounted heater (C.M.H.)
	Extract fan

Rev:	Date:

Robert Brown
 Architectural Solutions Ltd
 12 Derrymoney Road,
 Baggin,
 Lisbellaw
 BT94 5DH
 Tel: 028 66 387749

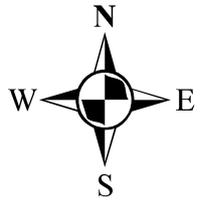
Job Title:
 Internal alterations
 At Soda Bar, Block B Unit 1, London City Island
 For: Nate Brown

Drwg Title:
 Proposed lighting layout

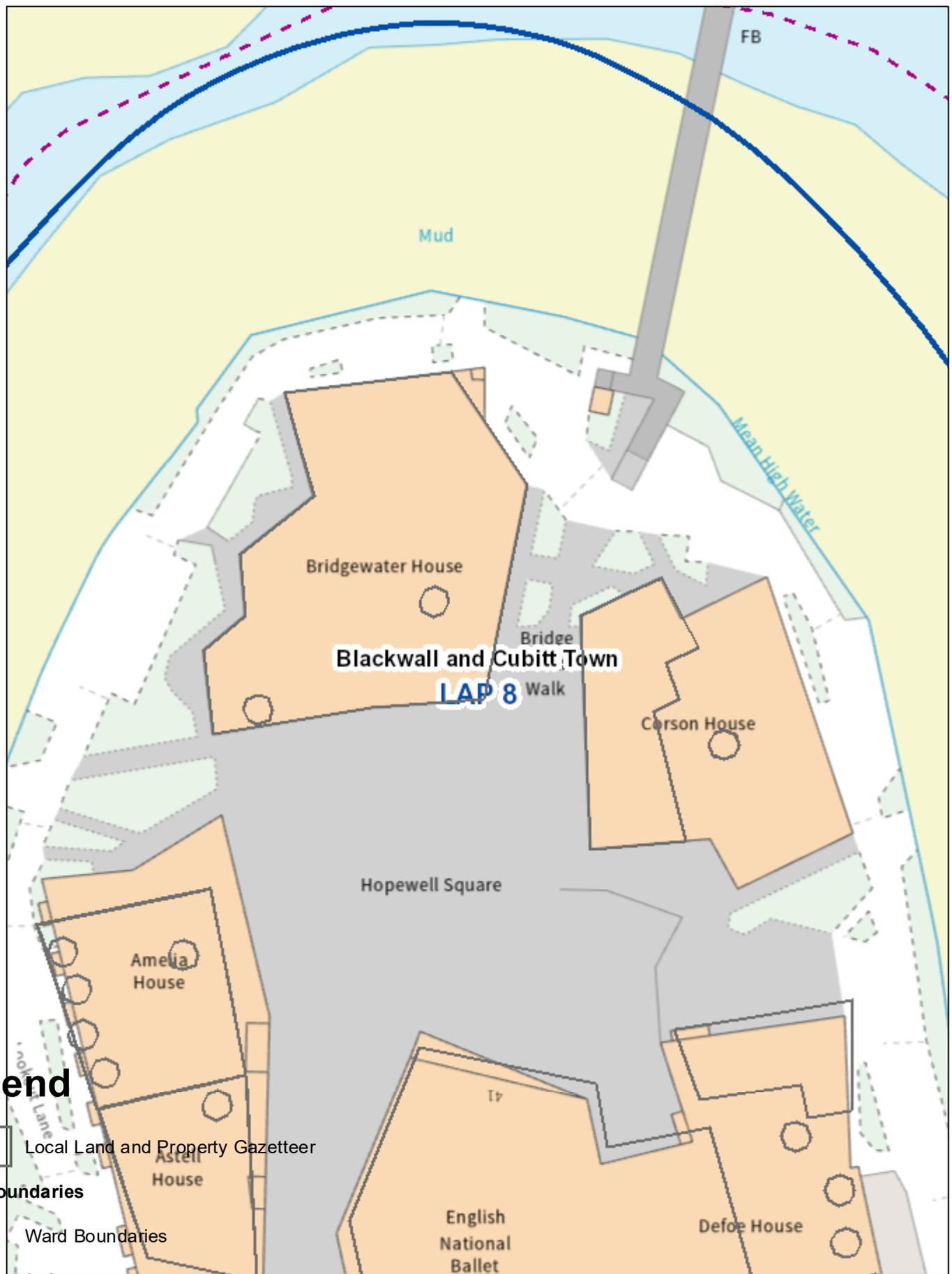
Job No. 2097	Drwg. No. P-03
Date: June 21	Scale: 1:100
Revisions	Drawn by: RB

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Appendix 3

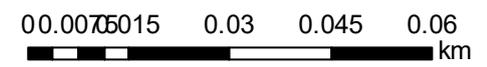


Map1



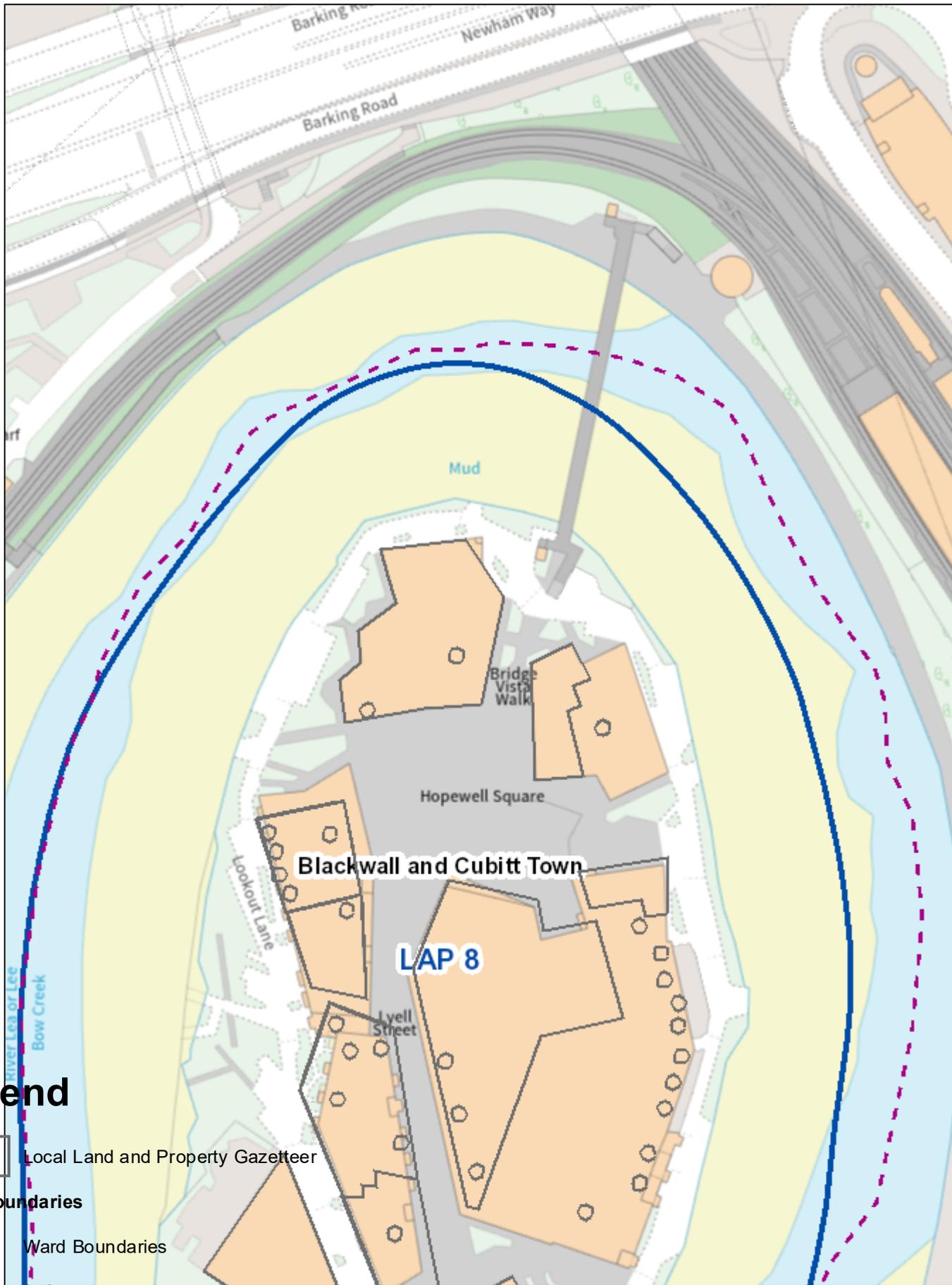
Legend

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





Map 1

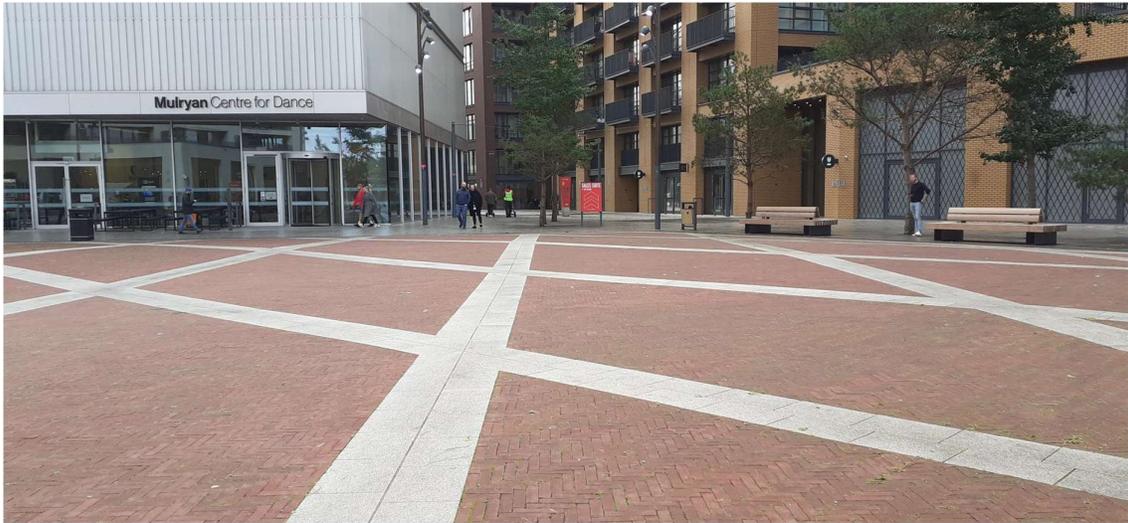


Legend

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

Appendix 4

Soda and Friends, Unit 2a, 20 Hopewell Street, London E14 0SY– Premises Pictures



Soda and Friends, Unit 2a, 20 Hopewell Street, London E14 0SY– Premises Pictures



Appendix 5

Nearest licences: Soda and Friends, Unit 2a, 20 Hopewell Street, London E14 0SY

Name and address	Licensable activities and hours	Opening hours
<p>English National Ballet 41 Hopewell Square London E14 0SY</p>	<p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> From 08:00 hours to 00:00 hours <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> From 23:00 hours to 00:00 hours <p>The provision of regulated entertainment consisting of – Plays, Films, sporting events, live & recorded music</p> <ul style="list-style-type: none"> From 08:00 hours to 00:00 hours 	<p>From 00:00 hours to 00:00 hours</p>
<p>The Espresso Room Unit 3 50 Hopewell Street London E14 0SY</p>	<p><u>Sale of Alcohol</u> (on & off sales)</p> <ul style="list-style-type: none"> Monday – Saturday 07:00 hours – 23:00 hours Sunday 07:00 hours – 22:00 hours <p><u>Provision of Regulated Entertainment:</u></p> <p>Films (indoors) – Monday – Sunday 12:00 hours – 22:00 hours</p> <p>Live Music (indoors) - Monday – Saturday 12:00 hours– 22:30 hours / Sunday 12:00 hours – 21:00 hours</p> <p>Recorded Music (indoors) - Monday – Saturday 07:30 hours – 23:00 hours / Sunday 09:00 hours – 22:00 hours</p> <p>Indoor sporting events – Monday – Sunday 11:00 hours – 22:30 hours</p>	<p>Monday to Wednesday 07:00 hours – 23:00 hours</p> <p>Thursday – Friday 07:00 hours – 00:00 hours (midnight)</p> <p>Saturday 08:00 hours – 00:00 hours (midnight)</p> <p>Sunday 08:00 hours – 23:00 hours</p>
<p>(Sainsbury's Supermarkets Ltd) 55 Hopewell Square London City Island London E14 0SY</p>	<p>The sale by retail of alcohol (off sales only)</p> <ul style="list-style-type: none"> Monday to Sunday from 06:00 hours to 24:00 hours (Midnight). 	<p>Monday to Sunday from 00:00 to 24:00 hours (24hrs)</p>
<p>(The Espresso Room Limited) English National Ballet 41 Hopewell Square London E14 0SY</p>	<p><u>Sale of alcohol (on and off sales)</u> Monday to Saturday 10:00 hours – 23:00 hours Sunday 10:00 hours – 17:00 hours</p> <p><u>Provision of Regulated entertainment consisting of Recorded Music</u> Monday to Saturday 07:00 hours – 23:00 hours Sunday 09:00 hours – 17:00 hours</p>	<p>Monday to Saturday 07:00 hours – 23:30 hours Sunday 09:00 hours – 17:30 hours</p>

Nearest licences: Soda and Friends, Unit 2a, 20 Hopewell Street, London E14 0SY

<p>(Hopewell Pop-Up) Hopewell Square London E14 0SY</p>	<p><u>Sale of alcohol (On and off sales)</u> Monday – Sunday 10:00 hours – 22:00 hours</p> <p><u>Provision of regulated entertainment:</u> Films Monday – Sunday 12:00 hours – 22:00 hours Live Music Monday – Sunday 12:00 hours – 21:00 hours Recorded Music Monday – Sunday 10:00 hours – 22:00 hours</p>	<p>Monday – Sunday 09:00 hours – 23:00 hours</p>
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Appendix 6

Section 182 Advice by the Home Office Updated on December 2022

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 7

Mohshin Ali

From: Ross Harris [REDACTED]
Sent: 31 October 2022 19:00
To: Mohshin Ali
Subject: Re: "Soda & Friends" License Extension Concerns - Unit 2a, 20 Hopewell Street, London E14 0SY

Hi Mohshin, I hope you are well. Below is my new representation.

My name is Ross Harris and I would like to make a representation against a license extension at Soda & Friends on London City Island. We live above the bar although we did not choose to - we moved in in January 2020, the bar opened around 6 months ago. We were told when we moved in that there were no specific plans for the commercial unit (by staff at Ballymore) however today we were told it was always planned / designed to be a bar or restaurant. If we knew this back then it definitely would have affected our decision to live here.

For the last few months we have been plagued by noise disturbances from Soda & Friends, whether it is egregiously loud music or the literal scraping of tables and chairs across the floor which is audible in our apartment. Music can be controlled and the level adjusted but the fact that we can hear chairs being dragged across the floor is extremely concerning and brings into question of the quality of soundproofing (if any) and who is liable to fix this (Soda & Friends or the landlord Ballymore).

We have contacted the concierge / security team who deal with complaints pretty much every weekend for the past 6-8 weeks, whether its via email or phone (or last week in person as our complaints were seemingly being ignored). We eventually also spoke directly with Soda & Friends, who although they apologised for the disturbances have made absolutely no effort in taking down the volume of music. This weekend they were granted a temporary license till 1am knowing full well their late night music (which is more like a nightclub than a 'cocktail bar') would affect us. They also told us that Ballymore had not made them aware of any of our complaints which is extremely concerning and is why we are contacting the council now.

The Lockdown Room (the bar opposite our building) opened shortly after lockdown. When they first opened, if they ever made noise after 11pm the security team shut them down very swiftly, as per their license. For the past few weeks Soda & Friends have had their doors open till 11.30/40 on various evenings (both weekdays and weekends) with music blaring...their excuse being that they wanted to provide music for customers finishing their drinks.

The main issues we are currently dealing with are;

- Level of music playing in the bar which feeds directly into our apartment (unfortunately one of their ceiling mounted speakers is directly under our bed).
- Extremely poor or non-existent soundproofing between the commercial unit and our apartment.
- The installation of their ceiling speaker system which is completely counterintuitive and is unfortunately designed to send most of the noise upwards.

The bar are refusing to take any responsibility for the soundproofing and we learnt from the Residential Services Manager at LCI today that unless they have signed a specific contract, the soundproofing is completely their issue. We don't care who is to blame, it just needs to be fixed.

At this point we dread staying home at the weekend especially - and unfortunately my partner and I both often work from home on weekends, both early and late depending on our schedule. We did not purchase an apartment in Soho or Covent Garden, this is a residential area in Canning Town and we don't believe we should have to endure this week in week out.

The bar is applying to extend their hours of service, hours of playing recorded music and they want to add live music 7 days a week. I work in the live entertainment industry and I know how loud this can be, especially without a professional sound engineer which I can't imagine they have.

Please let me know the next steps.

Thank you,
Ross Harris & Clara Backlund

[REDACTED]

Appendix 8

Mohshin Ali

From: Nate - Soda & Friends [REDACTED] >
Sent: 24 October 2022 15:01
To: Lavine Miller-Johnson
Cc: Mohshin Ali
Subject: Re: Variation application - Soda Bar Ltd unit 2a 20 Hopewell St London E14 0SY

Good afternoon Lavine,

Yes, we can accept those conditions

Many thanks

Nate

On Thu, 29 Sep 2022 at 12:54, Lavine Miller-Johnson [REDACTED] > wrote:

Dear Soda Bar Ltd,

Further to your application for a variation of the premises licence, I have no objections. However I would ask that the following condition be imposed in order to further prevent crime and disorder and public nuisance.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. **(To replace condition 3 of Annex 2 on the current premises)**
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

4. Alcohol shall only be delivered to a residential or business address and not to a public place *or vehicle*.

On acceptance of the above, I will withdraw my representation.

Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety

Environmental Health and Trading Standards

Place Directorate

2nd Floor, Mulberry Place

[5 Clove Crescent](#)

London

[E14 2BG](#)

[REDACTED]

www.towerhamlets.gov.uk  licensing@towerhamlets.gov.uk

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Sent on the trot

Appendix 9

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 10

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 11

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 12

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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