



Licensing Sub Committee

Agenda

**Tuesday, 14 March 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel**

Contact for further enquiries:

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



Public Information

Viewing or Participating in Committee Meetings

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

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

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A Guide to Licensing Sub Committee

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

Public Engagement

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

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 14 March 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. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 19 - 38)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 17th and 31 January 2023.

4. ITEMS FOR CONSIDERATION

4.1 Application to consider a premises licence application remitted back to the Licensing Sub-Committee following an appeal for (Oval Cafe) 11-12 The Oval, London E2 9DU (Pages 39 - 140)

Licensing Objectives:

- The prevention of public nuisance



- The prevention of crime and disorder
- Public safety

Representations by:

- Metropolitan Police

Bethnal Green West Ward

4 .2 Application for a new Premise Licence for Eastern Kula UK Ltd, Third Floor 7-9 Fashion Street E1 6PX (Pages 141 - 222)

Licensing Objectives:

- The prevention of Public Nuisance

Representations by:

- Environmental Protection

Spitalfields & Banglatown Ward

4 .3 Application for Review for Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN - TO FOLLOW

Licensing Objectives:

- The Prevention of Crime and Disorder

Representations:

- Metropolitan Police

Bow East Ward

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Tuesday, 28 March 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.43 P.M. ON TUESDAY, 17 JANUARY 2023

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

Members Present in Person:

Councillor Suluk Ahmed
Councillor Asma Begum
Councillor Abdul Wahid

Farzana Chowdhury

Democratic Services Officer (Committees)

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

2. RULES OF PROCEDURE

The Rules of Procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting of the 22nd November and the 13th December were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

**5. APPLICATION FOR A NEW PREMISES LICENCE FOR NOODLE & BEER,
UNIT 6, 31 BELL LANE, E1 7LA - WITHDRAWN**

This application was withdrawn.

**6. APPLICATION FOR A NEW PREMISES LICENCE FOR KILIKYA'S CAFE
BAR AND RESTAURANT UNIT C4 IVORY HOUSE, EAST SMITHFIELD
LONDON E1W 1AT**

The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application by Kemal Seckin Balikel for a new premises licence in respect of Kilikya's Café Bar Restaurant, Unit C4 Ivory House, St. Katharine's Dock, London, E1W ("the Premises"). The application sought the sale by retail of alcohol for consumption on and off the Premises from 12:00 hours to 23:00 hours Monday to Saturday and from 12:00 hours to 22:30 hours on Sundays. The application included an external area as part of the licensed premises and in respect of which a different terminal hour applied. That terminal hour proposed was 21:00 hours Sunday to Thursday and 21:30 hours on Friday and Saturday. The opening hours would be 07:00 hours to 23:00 hours seven days per week.

The application attracted twelve representations. Of those, nine were from residents and the Friends of St. Katharine's Dock (FOSKD) and, in general, opposed the application to a greater or lesser extent. The remainder of the representations were in support of the application.

The Sub-Committee initially had to deal with a debate between the applicant and the representative for FOSKD) as to the time allotted to the parties. Each party who had responded to the notices sent under Reg. 6 of the Licensing Act 2003 (Hearings) Regulations 2005 was permitted an equal amount of time in which to speak. The Sub-Committee determined not to hear from those appearing but who had not returned their notices, given the need to manage time effectively and that there were two other items for determination on the agenda. The Sub-Committee was reminded of its power to ask questions of any person appearing if it wished to do so.

Applicant

Mr. Sutherland addressed the Sub-Committee. He explained that the applicant already held a licence in respect of Units C3 and C4, which had been granted around eleven years earlier. The application really sought to regularise the position and to reflect changes that had occurred since the last licence was granted. The current licence did not include the external area shown to the right of Unit C4 on the plan. The Premises had operated with the benefit of the off-sales provision granted under the Business and Planning Act 2020 during the coronavirus pandemic.

The hours sought in the new application mirrored those of the existing premises licence. Ivory House had its own SIA-staff and the only issue that was really in dispute was the proposal to remove existing condition 6, which required alcohol to be served with a meal.

Residents who made a Representation

Mr. Charalambides addressed the Sub-Committee on behalf of FOSKD (Friends of St Katherines Dock). He told the Sub-Committee that the FOSKD did not object to the application, but just wanted the right conditions in the right place. He told the Sub-Committee that the applicant had ignored the old premises licence and expanded into a shared space without the Sub-Committee's permission. There was a question mark over the capacity of that area, which in the view of FOSKD needed to be dealt with. There was no objection to the Premises operating as a restaurant. For that reason, condition 6 on page 164 was of critical importance. He said the Sub-Committee should make clear that this was not optional, by changing the word "may" to "must." All of the other premises operating under the Licensing Act in this particular area had table service and the supply of alcohol being ancillary to a table meal.

He noted the internal capacity to be twenty-four. With twelve covers to the front external area, this gave rise to the potential for as many as thirty-six intoxicated patrons outside. That was a concern. There was no opposition to the use of the external area for tea and coffee but there was concern about it becoming a bar. Mr. Charalambides suggested a maximum of six covers to the front and twelve to sixteen to the side and that all sales of alcohol should be ancillary to a table meal. He did not agree that the outside use was regulated or lawful.

Mr. Wilshire addressed the Sub-Committee. He said that there had been environmental issues in the past, which had been resolved. There had also been issues of businesses encroaching on to other land. He suggested that granting permission after the event was wrong and that to do so would be legitimising an unlawful position. He made reference to whether the planning permission for the estate allowed the use of the walkways for the purpose used by the applicant. He said that the walkways on both sides were narrow, which gave rise to obstructions for pedestrians and others.

He noted that the landlord might have given permission to the applicant to use the land but raised the question of whether or not the landlord could in fact give permission. Finally, he informed the Sub-Committee that the residents paid for the estate security through their service charges.

During questions, members explored the use of the outside area. Mr. Sutherland stated that there would be no increase in capacity. The photos provided, particularly 2 and 3, demonstrated the use of the area following the variation during the pandemic. The use of that area was effectively regulated as off-sales. There were issues with crime and disorder or noise and neither the police nor Environmental Health had objected to the application. None of the residents made specific reference to any particular problems.

Mr. Sutherland confirmed that his client was not willing to make any concession on the possibility of a table meal condition. It was not required under the current licence. Businesses in the hospitality sector had faced great difficulty during covid and the government at the time had actively encouraged the use of outdoor space, which his client had done. Mr. Sutherland also confirmed that his client was willing, if the application was granted, to surrender the current premises licence.

Mr. Sutherland confirmed the internal capacity at 24, 15 at the front of the Premises, and 20 to the side. This was disputed strongly by Mr. Charalambides. Ultimately, however, Mr. Sutherland noted that whether or not the application is granted, the numbers will not increase.

Conclusion

The parties made concluding remarks. Mr. Wilshire stated that one photo of the area to the right of the Premises showed three tables with eighteen covers, which he said was a huge increase. There were flats above that area and that for the applicant to suggest that there was no noise generated by the Premises in that area was simply not true.

Mr. Charalambides suggested that the applicant's attitude was that if they did not get what they wanted, they'd do it anyway. He asserted again that the use of the external area was in breach of the licence. FOSKD simply wanted the outside area regulated and six covers to the front and sixteen to the side was sufficient. The Premises said that they operated as a restaurant and would do so. What would keep the external area under control would be the imposition of appropriate conditions, namely table service, alcohol being ancillary to table meals, and patrons being seated. The applicant did not want to do that.

Mr. Sutherland disputed that the applicant's attitude was portrayed as Mr. Charalambides had suggested. Simply put, he asserted that they were already operating lawfully. That being so, the reality was that if not granted the business would still be able to operate as it has done. The use of the external area was of critical importance to the survival of the business. The lack of objections from the responsible authorities demonstrated that. The rationale for not requiring table meals before 21:30 hours was simply so that patrons could come and have a drink first before they thought about and decided upon whether or not to have a meal.

It should be noted at the outset that whether or not the use of the external area is a contravention of the current licence is not for the Sub-Committee to determine. Whether or not offences have been committed is a matter for a court to decide. By the same token, whether or not the use of the outside area is or might be in breach of planning control or of the lease is outside of the licensing regime. If the Sub-Committee regularises the position so far as licensable activity is concerned, it does not give the licence holder permission to do anything that may contravene any other legislative or contractual requirement.

The Sub-Committee noted that, in large part, there was no real disagreement in general terms to the application. Moreover, even if someone making representations would prefer the application to be refused, the Premises are already licensed. Whether or not and, if so, to what extent there was a contravention of the existing licence, the Premises would nonetheless continue to operate. The Sub-Committee considered that the new application allowed for greater clarity and regulation and that granting it was a better outcome than refusing the application.

In addition, the operating schedule conditions and the conditions agreed with the responsible authorities addressed the vast majority of any concerns and were appropriate and proportionate to mitigate any impact upon the licensing objectives. The only real issues in dispute between all the parties were whether or not to limit numbers in the external areas and whether or not to agree the applicant's suggested condition that alcohol only need be sold with a meal to persons arriving after 21:30 hours or, instead, to impose a table meal condition.

Ultimately, the Sub-Committee is required to consider the likely impact upon the licensing objective of the prevention of public nuisance and the prevention of crime and disorder. In the first instance, the Sub-Committee shared the concerns of the residents and FOSKD as to the use of the external area and that without appropriate conditions it had the potential to undermine those objectives. There was a possibility of larger numbers congregating in the external areas. The consumption of alcohol without food gave rise to a much greater risk of patrons becoming intoxicated. That in turn gave rise to a greater risk of increased noise disturbance and anti-social behaviour. The current licence prohibited the sale of alcohol without food and there was no evidence before the Sub-Committee that this condition had any impact upon the business.

The Sub-Committee accepted that if the applicant operated as a restaurant and intended to continue to do so, it was entirely appropriate and proportionate to impose conditions that ensured that and to prevent it from becoming a very different type of premises. The Sub-Committee was therefore satisfied that a table meal condition and a condition making clear that vertical drinking was prohibited would help to mitigate any impact upon the licensing objectives.

The Sub-Committee considered the suggestion that the numbers in the external areas be limited. It had some familiarity with the area and accepted that the walkway to the right of the Premises was rather narrow, with some obstructions. However, it did not consider that the reduction suggested on behalf of FOSKD was appropriate or proportionate. The permitted number to the front was feasible and the applicant would be limited to the area bounded by the plans. To the side, however, and given the availability of space and the overall potential for noise from the external areas, the Sub-Committee considered that this area should be limited to twenty patrons at any one time. Finally, the Sub-Committee slightly amended the condition dealing with the consumption of alcohol in the external areas so as to make it clearer and more precise.

Decision

That the application for a New Premises Licence for Kilikya's Café Bar and Restaurant, Unit C4 Ivory House, East Smithfield Street London E1 1AT be **GRANTED** with conditions

The application is therefore granted for the hours sought and with the conditions as set out below:

1. Alcohol sold for consumption off the premises shall only be sold with food and when for delivery shall only be delivered to a residential or business address and not to a public place.
2. All off sales to be in sealed containers.
3. Alcohol may be supplied only by waiter/waitress service to persons seated at tables for consumption by persons so seated. There shall be no vertical drinking permitted on the premises.
4. The sale or supply of alcohol shall be ancillary to a table meal.
5. The permitted hours for the consumption of alcohol in the external areas marked on the plan shall be Sunday to Thursday 12:00 hours to 21:00 hours and Friday and Saturday 12:00 hours to 21:30 hours.
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. 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.

9. 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.
10. No music or amplified sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents.
11. Loudspeakers shall not be located in the entrance lobby, or outside the premise building.
12. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
13. After 21:00 hours, 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.
14. The maximum number of patrons permitted to the front external area shall be limited to twelve at any one time. The maximum number of patrons permitted to the right external area shall be limited to twenty at any one time.
15. This licence shall not take effect until premises licence 145981 has been surrendered to the licensing authority.

7. APPLICATION FOR A NEW PREMISES LICENCE FOR JUNGLE ELECTRIC 467 ROMAN ROAD E3 5LX

The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application by Christopher Tyerman for a premises licence in respect of Jungle Electric, 467 Roman Road, London, E3 ("the Premises"). The application sought the sale of alcohol from 08:00 hours to 22:30 hours Monday to Saturday and from 11:00 hours to 21:00 hours on

Sunday. Regulated entertainment was also sought for the same terminal hours but commencing at 08:00 hours. The opening hours mirrored those for regulated entertainment. The application attracted one objection from a local resident.

Applicant

The Sub-Committee heard from Mr. Steptoe, who explained that he and Mr. Tyerman owned the business. They'd been operating since September 2022 and the Premises operated primarily as a café. That would still be the case. The Premises were small, with about 25 covers inside. The purpose of the application was to allow local musicians to perform, perhaps three or four times per month. Entertainment was now largely deregulated and they wanted to be able to offer patrons a limited choice of alcohol whilst watching. They also wished to extend that to the daytime clientele.

In terms of the music events, this would be controlled by an online application, which recorded the names and addresses of those booking, and would be limited to 50 patrons. Mr. Tyerman had extensive experience of operating licensed premises and within the hospitality sector. A number of conditions had been agreed between the applicant and the police and the Environmental Health Service. They'd reached out to the one resident who objected, but had received no response. The area itself was not residential and they had no desire to upset the local residents.

During questions, the applicant confirmed that they would not be selling cask or draught beers, for example. It would mostly be a limited selection of bottled beers. They were agreeable to operate Challenge 25 rather than Challenge 21 as initially proposed. Members also explored security issues, such as whether SIA-staff would be used. Mr. Steptoe explained that the cost would be prohibitive given the small numbers of patrons. The police were content with the agreed conditions.

The applicant also confirmed that they were amenable to reduce the terminal hour for the sale of alcohol to thirty minutes before closing, which allowed for "drinking-up" time and that they were agreeable to a condition that the records from the ticketing app would be kept for twelve months and made available to the police or local authority officers on request. The Sub-Committee was told that the Premises had given Temporary Event Notices (TENs) as well. The resident making a representation did not attend but the Sub-Committee noted and took account of her representation.

The Sub-Committee noted the modest scope of this application as well as the physical size of the Premises, and the applicant's willingness to agree conditions with the responsible authorities. In addition, the applicant was amenable to further amendments suggested during the course of the hearing. This gave the Sub-Committee confidence that the Premises would not undermine the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee noted that the provision of regulated entertainment was now substantially deregulated in any event. Whilst the Sub-Committee noted the concerns of the resident, there was no information before it that would justify a refusal of the application.

The Sub-Committee did, however, have concerns as to the possibility that noise problems could arise. However, that could be mitigated by the imposition of an additional condition requiring a contact telephone number to be displayed at the Premises. That would facilitate dialogue between the Premise and residents, should it be necessary.

Decision

That the application for a New Premises Licence for Jungle Electric Roman Road, London E3 5LX be **GRANTED** with conditions

The application is therefore granted as sought, subject to the reduced terminal hour for the sale of alcohol which will be 22:00 hours Monday to Saturday and 20:30 hours on Sunday and with the conditions below:

1. Customers will not be permitted to take alcoholic drinks outside the premises
2. During occasional evening opening, no unaccompanied children will be permitted.
3. Loudspeakers shall not be located outside the licensed area of the premises.
4. No music or amplified sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents.
5. No noise generated on the premises, or its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. When the premises is operation after 22:00 hours, all windows and external doors shall be kept closed after 22:00 hours, or at any time, except for the immediate access & egress of persons.
8. 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.

9. 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.
10. 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 visit by a relevant authority or emergency service.
11. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
12. 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.
13. 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 must show the outcome of the person who was intoxicated. 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.
14. When events requiring tickets are held, the premises licence holder or DPS shall retain all records from any ticketing application used for the sale of tickets for at least one year. These records shall contain, at a minimum, the name and address of the purchaser. The records shall be kept on the premises not less than twelve months and shall be made available to police or authorised officers of the local authority as soon as practicable upon written request and, in any event, within 72 hours of such request.

8. TEMPORARY EVENT NOTICE FOR (SHOREDITCH CREATIVITY), 82A COMMERCIAL STREET, LONDON E1 6LY**Consideration**

The Sub-Committee held a hearing to consider an objection raised under section 104 Licensing Act 2003 by the Metropolitan Police to a temporary event notice (given by Mr Giacomo on the 6th January 2023). The dates and times that have been applied for as follows: The sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment 21/01/2023, from 17:00 hours to 21:00 hours, known as Shoreditch Creativity 82a Commercial Street London E1 6LY.

Metropolitan Police

PC Mark Perry addressed the Sub-Committee and raised concerns that this premises was located very close to local residents and previous events at the venue, both when the premises had a license, and in subsequent TEN applications had resulted in local residents suffering from noise nuisance from both music noise from the venue and from those attending from the venue as congregated outside as they made their way home. There were also concerns that this venue when it previously operated as a nightclub was associated with drug use, and violence.

The applicant has not stated how they will prevent crime and disorder, and certain music events such as this would have an increased risk of crime and disorder. The applicant has not stated how they would prevent this from happening, there was no security plan nor mention of SIA security officers or dispersal plan. This was purely an unsuitable location to hold such events as this and asked the Sub-Committee refuse the TEN.

Applicant

Mr Giacomo addressed the Sub-Committee and was aware that there had been complaints previously lodged in December 2022, there was miscommunication, with regards to the time. Mr Giacomo confirmed to the Sub-Committee that he had reduced the event time to 21:00 hours opposed to 22:00 hours. There would be two members of security, and had no issues with violence, and have received positive feedback from members of the public. They wanted to create a space for a new flow of events to showcase fashion shows and pop ups. Mr Giacomo was aware of the previous reputation, but he wanted to be given the opportunity to create a pleasant community in East London.

Mr Giacomo assured the Sub-Committee that they were experienced in a small capacity and were prepared for any scenario and felt that due to the reduced time frame patrons would not be too intoxicated.

DECISION

The application for a Temporary Event Notice is hereby **REFUSED**

REASONS

The Licensing Sub-Committee has considered the application for a Temporary Events Notice, The TEN itself was reasonably modest, being for Seventy-Five people on a Saturday from 17:00hrs to 21:00hrs. The Police objected based on public nuisance and crime and disorder. PC Mark Perry told the Sub-Committee, there have been previous problems with the premises TENS in the last year, had proceeded without objection, and resulted in complaints of noise nuisance. He was of the view the premises was wholly unsuitable for events of this nature.

He also expressed concerns about security. Mr Giacomo addressed the Sub-Committee, he said they had reduced the terminal hour in consequence of the previous complaints, the modest hours meant patrons would not become too intoxicated and if problems arose, they would deal with it. He confirmed it did have security arrangements, notwithstanding the hours it none the less sought the sale of alcohol combined with regulated entertainment.

The fact that the previous TENS has resulted in noise complaints and the police's view that events of this nature were wholly unsuitable for this premises. The Sub-Committee was satisfied that allowing the event to proceed would undermine the licensing objectives of the prevention of public nuisance. The Sub-Committee has therefore decided to issue a counter notice.

9. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
The Shell French Seafood Restaurant Discover Dock East Ground and Basement 3 Discovery Dock East, South Quay Square, London, E14 9RU	14/02/23
Chaiwala 55 Brick Lane E1 6PU	14/02/23
Oval Venues Ltd – Oval Café, 11-12 The Oval.	14/02/23

The meeting ended at 9.55 a.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 31 JANUARY 2023****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present in Person:**

Councillor Peter Golds (Leader of the Conservative Group)
Councillor Saied Ahmed
Councillor Suluk Ahmed

Farzana Chowdhury Democratic Services Officer (Committees)

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

2. RULES OF PROCEDURE

The Rules of Procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a New Premises Licence for Second Home Ltd, 68-80
Hanbury Street, London E1 5JL - WITHDRAWN**

This application was Withdrawn.

**3.2 Application for variation of a Premises Licence for Versuvio Italian Cafe,
Unit 3a, 139 Three Colt Street, London E14 8AP**The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard the oral representations at the meeting in person from the Applicant, and the written representations which were submitted in the agenda pack by residents.

The Sub-Committee considered an application for a variation of a premises licence by the Applicant, Ms Linda Cross, in respect of Vesuvio Italian Café Unit 3a, 139 Three Colt Street London E14 8AP to vary the sale of alcohol for on and off sale, and to add regulated entertainment namely live music. The Applicant was seeking the following:

The applicant has described the nature of the variation as addition of sales of alcohol and addition of live music:

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

Live Music (indoors)

Saturday from 18:00 hours to 21:00 hours

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

Applicant

Ms Linda Cross addressed the Sub-Committee and said that she bought the premises in 2020, the café closed on the 21 March 2020 and reopened for takeaway on the 7th May 2020. Ms Cross explained that she was not eligible at the time for the government schemes to financially support business during the pandemic, however she was eligible in July 2021. The reason

The Sub-Committee took into account the written representations of the objectors, who had previously emailed Committee Services to confirm that although they were not able to attend the hearing but wanted their written representations to stand.

The Sub-Committee noted from those representations that the café is small, with a capacity for 25 covers.

The Sub-Committee noted that the Applicant has 14 tables used outside in the public square, which added to the covers inside, totalled potentially 48 covers.

The Sub-Committee noted the representations that when the café was busy, the general noise level disturbs neighbours.

The Sub-Committee noted the objectors' acknowledgement that the café operator had started to stack away furniture inside the café overnight, which had been an improvement regarding the impact of the café on the public square. The Sub-Committee noted the objectors' concerns that the business leaves three unsightly red and white plastic high chairs outside 24/7, and after closing up, there was usually other clutter from the café left outside e.g. menu boards, rubbish bin, and brooms etc.

The Sub-Committee noted from the objections that the objectors would be amenable, if above was dealt with after closing time, and the proposed music is dealt with as described in the application, i.e. is played inside the cafe on limited occasions and not amplified, and the hours were not over the agreed hours.

The Sub-Committee noted the Applicant saying that the level of sound in relation to music would be at a level comfortable to patrons in the café. The Sub-Committee were assured on the balance of probability, that this would result in a level of noise from live music which would not cause disturbance to nearby residents. The Sub-Committee also noted the Applicant's comment that live music might not even be provided in the Summer.

Paragraphs 2.15 and 2.17 of the Secretary of State's guidance given under S182 of the Licensing Act 2003 points licensing authorities to the need to ensure that any conditions attached with regard to the prevention of public nuisance should be proportionate in upholding that licensing objective.

Therefore, Members made a unanimous decision to Grant the application.

Accordingly, the Sub-Committee unanimously;

Decision

That the application for a variation of a premises license in respect of **Vesuvio** Italian Café, Unit 3a, 139 Three Colt Street, London E14 8AP
be **GRANTED with conditions:** -

Conditions imposed by the Licensing Sub-Committee

1. That live music provided be from no more than one musician at any one time.

2. That live music provided not be provided from any platform.

Conditions Agreed with Licensing Authority

3. 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.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. 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. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. 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. Live and recorded music shall only take place inside the premises and not in any outside areas.

Conditions agreed with Environmental Health

8. 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
9. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.

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

3.3 Application for a variation of a premises licence for (Soda and Friends), Unit 2a, 20 Hopewell Square, London E14 0SY

The Licensing Objectives

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

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

Consideration

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

The Sub-Committee considered an application for a variation of a premises licence by the Applicant, Soda Bars Limited, represented by the Designated Premises Supervisor, Mr Nathan Brown, in respect of Soda and Friends Unit 2a, 20 Hopewell Street Square London E14 0SY to vary the sale of alcohol for on and off sale to add regulated entertainment namely live music The Applicant was seeking the following:

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

Applicant

The Sub-Committee noted from Mr Harris, resident who made the objection, that on Saturday 28th February, the Noise Team had visited the property and confirmed that there was a disturbance and that it was extremely loud hitting ninety decibels.

Paragraphs 2.15 and 2.17 of the Secretary of State's guidance given under S182 of the Licensing Act 2003 points licensing authorities to the need to ensure that any conditions attached with regard to the prevention of public nuisance should be proportionate in upholding that licensing objective.

A condition which is disproportionate for a greater number of hours, can be more proportionate for a shorter number of hours, by being less onerous over a shorter period of time on any given day.

The Sub-Committee took into account the licensing objective of preventing public nuisance.

The Sub-Committee considered that a condition regarding the installation and operation of a sound limiter, would not be disproportionate, if it only applied after 23:00 hours.

The Sub-Committee considered that between the hours of 23:00 hours to 24:00 hours, public nuisance would be caused by transmission of music through the flats and the risk of excessive noise. Therefore, the Sub-Committee decided to refuse regulated entertainment and this to be stopped at 23:00 hours. The Members made a decision to Grant the application with the installation of a sound limiter and for those reasons only.

Accordingly, the Sub-Committee unanimously;

Decisison

That the application for a variation of a premises license in respect of Soda and Friends Unit 2a, 20 Hopewell Street Square London E14 0SY

be **GRANTED** with conditions: -

Conditions imposed by the Licensing Sub-Committee

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. The noise limiter shall be operated from 23:00 hours to 00:00 hours, whenever any music is being played during that hour.

Conditions offered by the Applicant

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

Conditions agreed with the Licensing Authority

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. (To replace condition 3 of Annex 2 on the current premises)

7. 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.
8. 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.
9. Alcohol shall only be delivered to a residential or business address and not to a public place or vehicle.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Extended to:
Broadwick Venues Oval Studios 29-32 The Oval London E2 9DT	14/02/23
The Shell French Seafood Restaurant Discovery Dock, 3 Discovery East, South East Quay Square, London E14 9RY	14/02/23

The meeting ended at 8.10 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee

Agenda Item 4.1

Committee : Licensing Sub-Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 To reconsider a Premises Licence application remitted back to the LSC following an appeal for (Oval Cafe) 11-12 The Oval, London E2 9DU Ward affected: Bethnal Green West
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1.0 Summary

Applicant: **Illumination Venues Limited**

Name and Address of Premises: **Oval Cafe**
11- 12 The Oval
London
E2 9DU

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

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

Representations: **Met Police**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 	<input type="checkbox"/>	Mohshin Ali 020 7364 5498

3.0 Background

- 3.1 This is an application for a premises licence for (Oval Cafe) 11-12 The Oval, London E2 9DU which has been remitted back to the Licensing Sub Committee by the Court for reconsideration following an appeal.
- 3.2 The application was brought to the Licensing Sub Committee on 22nd February 2022 following representations made by the Police. A copy of the original premises licence application form is enclosed as **Appendix 1**.
- 3.3 The licensable activities and timings that were applied for are as follows:

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

- *Monday to Wednesday, from 12:00 hrs to 00:00 hrs (midnight)*
- *Thursday to Saturday, from 12:00 hrs to 04:00 hrs the following day*
- *Sunday, from 12:00 hrs to 02:00 hrs the following day*

The provision of late night refreshment - Indoors

- *Monday to Wednesday, from 23:00 hrs to 00:00 hrs (midnight)*
- *Thursday to Saturday, from 23:00 hrs to 05:00 hrs the following day*
- *Sunday, from 23:00 hrs to 02:00 hrs the following day*

The provision of regulated entertainment – Indoors

(Recorded music)

- *Thursday, from 23:00 hrs to 04:00 hrs the following day*
- *Friday and Saturday, from 23:00 hrs to 06:00 hrs the following day*
- *Sunday, from 23:00 hrs to 02:00 hrs the following day*

Non-standard timings

- *New Year's Eve, above licensable activities from 08:00 hrs to 03:00 hrs on New Year's Day.*

The opening hours of the premises

- *Monday to Wednesday, from 08:00 hrs to 00:30 hrs the following day*
- *Thursday, from 08:00 hrs to 04:00 hrs the following day*
- *Friday and Saturday, from 08:00 hrs to 06:00 hrs the following day*
- *Sunday, from 08:00 hrs to 02:00 hrs the following day*

- 3.4 A licence existed prior to the application of which had lapsed following liquidation of the company. The previous licence has been included for members information (Please see **Appendix 2**).
- 3.5 Members granted the application with a variation on reduction of hours for the timings below, the full decision can be found in **Appendix 3**.

Sale of Alcohol (On Sales only)

Monday to Thursday from 12:00 hours to 23:30 hours

Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
Sunday from 12:00 hours to 22:30 hours

The Provision of Late Night Refreshments (indoors)

Monday to Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Provision of Regulated Entertainment – indoors (Recorded Music)

Monday to Thursday from 12:00 hours to 23:30 hours
Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
Sunday from 12:00 hours to 22:30 hours

Non-standard timings

New Years Eve, above licensable activities from 08:00 hours to 03:00 hours to 03:00 hours on New Year's Day.

Opening Hours

Monday to Thursday from 00:00 hours to 00:00 hours (midnight)
Friday and Saturday from 08:00 hours to 00:30 hours (the following day)
Sunday from 08:00 hours to 23:00 hours

4.0 A copy of the licence granted following the decision is detail in **Appendix 4**.

5.0 Location and Nature of the premises

5.1 The site plan of the venue is included as **Appendix 5**.

5.2 Maps and photos showing the vicinity are included as **Appendix 6**.

5.3 Details of the nearest licensed venues are included as **Appendix 7**.

6.0 Licensing Policy and Government Advice

6.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2018. It was last revised in November 2021.

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

6.3 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.

- 6.4 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.

7.0 Consideration

- 7.1 This application is to be reconsidered following a consent order made by the Magistrates Court to remit this matter back to the Licensing sub Committee for specific reconsideration as to the permitted hours for the carrying on of licensable activity. The Sub Committee is not able to reconsider any other aspect of the licence.

A copy of the consent order is detailed in **Appendix 8**

A copy of the representations by the Police are detailed in **Appendix 9**

8.0 Licensing Officer Comments

- 8.1 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.
- 8.2 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 8.3 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)
- 8.4 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.
- 8.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.6 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.

- 8.7 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)
- 8.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.9 In **Appendices 10 - 16** 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.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	A copy of the application
Appendix 2	A copy of the old lapsed licence
Appendix 3	Licensing Sub Committee decision
Appendix 4	Premises Licence Issued
Appendix 5	Site Plan
Appendix 6	Maps of the surrounding area
Appendix 7	Other licensed venues in the area
Appendix 8	Consent Order
Appendix 9	Representation of Police Licensing
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Licensing Officer comments on public safety
Appendix 15	Planning
Appendix 16	Licensing Policy relating to hours of trading

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Appendix 1

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

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

Applying as an individual

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

Applicant Business

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

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.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 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 Limited 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.

Events Space and Cafe

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded 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.

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

New Year's Eve from 08:00 hours to 03:00 hours on New Year's Day.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

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

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

- Indoors Outdoors Both

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

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

State any seasonal variations

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

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

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

New Year's Eve from 08:00 hours to 03:00 hours on New Year's Day.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

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 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.

New Year's Eve from 08:00 hours to 03:00 hours on New Year's Day.

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

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Continued from previous page...

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.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

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

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

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

New Year's Eve from 08:00 hours to 03:00 hours on New Year's Day.

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

The previous Premises Licence in respect of these premises (26838) lapsed and therefore this application mirrors the previous Premises Licence.

b) The prevention of crime and disorder

1. The premises will be seated only and supervised by a floor manager at all times and with a S.I.A supervisor after 21:00 until close.

2. A CCTV camera system covering both internal and external to the premise is to be installed.

a. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.

b. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.

c. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

d. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.

3. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.

At times when this premises operates with the (Pickle Factory), 14 The Oval, London E2 9DT then following Pickle Factory Conditions shall apply.

a. Any private hire shall be internally risk assessed in advance.

b. Cab service shall be offered to all guests leaving the building.

c. Deliveries shall take place Monday to Saturday, from 08:00 hours to 19:00 hours and Sundays, from 09:00 hours to 12:00 hours.

d. SIA staff shall be deployed in a pattern and numbers agreed by the DPS and the Police.

e. Toilets shall be checked at least every 30 minutes at peak times to detect and discourage drug use during events. Records of these checks shall be kept.

f. A barricade is to be used outside the entrance to the venue when events are on to facilitate the effective queuing of

Continued from previous page...

people wishing to gain entry.

g. All members of Management and Staff shall be briefed in 'Challenge 25' and 'Don't Do Drunk' Policies with the related paperwork acknowledged and signed. This also applies to all new starters and trial shift applicants.

h. An incident book shall be kept and maintained every day the premises is open.

i). The book shall contain the names and SIA numbers of security staff, their time on duty and time off duty.

ii). The book shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.

iii). The book shall be signed off by the duty manager at the end of each day.

i. To be a member of the local "pub watch" and to send representatives to all meetings.

j. All flat surfaces in the toilet areas shall be removed or covered over to prevent and deter drug use. Toilet seat covers shall be removed from all toilets.

k. All security shall wear their identification badges and high visibility tabards clearly marked "Security".

l. A joint strategy between the Oval and the Pickle Factory for managing customers arriving and leaving their respective venues shall be completed and agreed by Police.

m. Prominent notices will be placed throughout the venue asking customers to mind their property and report any suspicious incidents.

n. Safety checks will be carried out monthly prior to opening and all incidents will be recorded in a log book which will be available for inspection by authorised officers.

o. Floor staff will be allocated tasks around the venue to be completed every 15 minutes to ensure no trip hazards are present.

p. All sweeps of the venue will be recorded in a nightly log.

q. Prominent signs will be displayed to ensure guests are quiet leaving the venue.

r. Front of house staff will monitor guests entering or leaving the venue to ensure moderate behaviour.

s. Bottling out from premises will be forbidden between the hours of 22:00:09:00

t. A challenge 25 policy shall be in operation. A log shall be kept of all challenges made by staff.

c) Public safety

Please see b), d) and e).

d) The prevention of public nuisance

4. Deliveries shall be only from 08:00hrs to 19:00hrs Monday to Saturday.

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

6. A Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses.

a. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder.

b. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant.

c. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.

e) The protection of children from harm

7. A 'Challenge 21' policy will be operated at the premises.

8. The café shall be strictly adults only after 18:00hrs.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

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

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

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="OVA002-1-4"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Appendix 2

(Oval Cafe)
11-12 The Oval
London
E2 9DU

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 21st November 2014

- **2nd September 2015, amended via variation**
- **18th April 2018, amended via variation**



Part A - Format of premises licence

Premises licence number

26838

Part 1 - Premises details

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

(Oval Cafe)
11-12 The Oval

Post town

London

Post code

E2 9DU

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol (on and off sales)

- Monday to Wednesday, from 12:00hrs to 00:00hrs (midnight)
- Thursday to Saturday, from 12:00hrs to 04:00hrs the following day
- Sunday, from 12:00 hrs to 02:00 hrs the following day

The provision of regulated entertainment – Indoors

Recorded Music

- Thursday, from 23:00hrs to 04:00hrs the following day
- Friday and Saturday, from 23:00 hrs to 06:00 hrs the following day
- Sunday, from 23:00 hrs to 02:00 hrs the following day

The provision of late night refreshment

- Monday to Wednesday, from 23:00hrs to 00:00hrs (midnight)
- Thursday to Saturday, from 23:00hrs to 05:00hrs the following day
- Sunday, from 23:00 hrs to 02:00 hrs the following day

Non-standard timings

- New Year's Eve from 08:00hrs to 03:00 hours on New Year's Day

The opening hours of the premises

- Monday to Wednesday, from 08:00hrs to 00:30hrs (the following day)
- Thursday, from 08:00hrs to 04:00hrs the following day
- Friday and Saturday, from 08:00hrs to 06:00hrs the following day
- Sunday, from 08:00 hrs to 02:00 hrs the following day

Non-standard timings

- New Year's Eve, from 08:00hrs to 03:30hrs on New Year's Day

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

Oval Office Limited
11-12 The Oval
Bethnal Green
London
E2 9DT

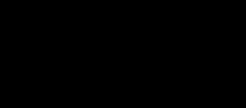


**Registered number of holder, for example company number, charity number
(where applicable)**

08501795

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

Sofia Cobelli



**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. 16/00580/LAPER
Issuing Authority: London Borough of Bromley

Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

that these measures are available.

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. A 'Challenge 21' policy will be operated at the premises;
2. Deliveries shall be only from 08:00hrs to 19:00hrs Monday to Saturday;
3. The café shall be strictly adults only after 18:00hrs;
4. A CCTV camera system covering both internal and external to the premise is to be installed.
 - a. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
 - b. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - c. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
 - d. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.
5. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.

Conditions added (18th April 2018) following a full variation

6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
7. A Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses.
 - a. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic

consultant and access shall only be by persons authorised by the Premises Licence Holder.

- b. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant.
 - c. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
8. The premises will be seated only and supervised by a floor manager at all times and with a S.I.A supervisor after 21:00 until close.
- 9. At times when this premises operates with the (Pickle Factory), 14 The Oval, London E2 9DT then following Pickle Factory Conditions shall apply.**
- a. Any private hire shall be internally risk assessed in advance.
 - b. Cab service shall be offered to all guests leaving the building.
 - c. Deliveries shall take place Monday to Saturday, from 08:00 hours to 19:00 hours and Sundays, from 09:00 hours to 12:00 hours.
 - d. SIA staff shall be deployed in a pattern and numbers agreed by the DPS and the Police.
 - e. Toilets shall be checked at least every 30 minutes at peak times to detect and discourage drug use during events. Records of these checks shall be kept.
 - f. A barricade is to be used outside the entrance to the venue when events are on to facilitate the effective queuing of people wishing to gain entry.
 - g. All members of Management and Staff shall be briefed in 'Challenge 25' and 'Don't Do Drunk' Policies with the related paperwork acknowledged and signed. This also applies to all new starters and trial shift applicants.
 - h. An incident book shall be kept and maintained every day the premises is open.
 - i. The book shall contain the names and SIA numbers of security staff, their time on duty and time off duty.

- ii. The book shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.
 - iii. The book shall be signed off by the duty manager at the end of each day.
- i. To be a member of the local “pub watch” and to send representatives to all meetings.
 - j. All flat surfaces in the toilet areas shall be removed or covered over to prevent and deter drug use. Toilet seat covers shall be removed from all toilets.
 - k. All security shall wear their identification badges and high visibility tabards clearly marked “Security”.
 - l. A joint strategy between the Oval and the Pickle Factory for managing customers arriving and leaving their respective venues shall be completed and agreed by Police.
 - m. Prominent notices will be placed throughout the venue asking customers to mind their property and report any suspicious incidents.
 - n. Safety checks will be carried out monthly prior to opening and all incidents will be recorded in a log book which will be available for inspection by authorised officers.
 - o. Floor staff will be allocated tasks around the venue to be completed every 15 minutes to ensure no trip hazards are present.
 - p. All sweeps of the venue will be recorded in a nightly log.
 - q. Prominent signs will be displayed to ensure guests are quiet leaving the venue.
 - r. Front of house staff will monitor guests entering or leaving the venue to ensure moderate behaviour.
 - s. Bottling out from premises will be forbidden between the hours of 22:00:09:00
 - t. A challenge 25 policy shall be in operation. A log shall be kept of all challenges made by staff.

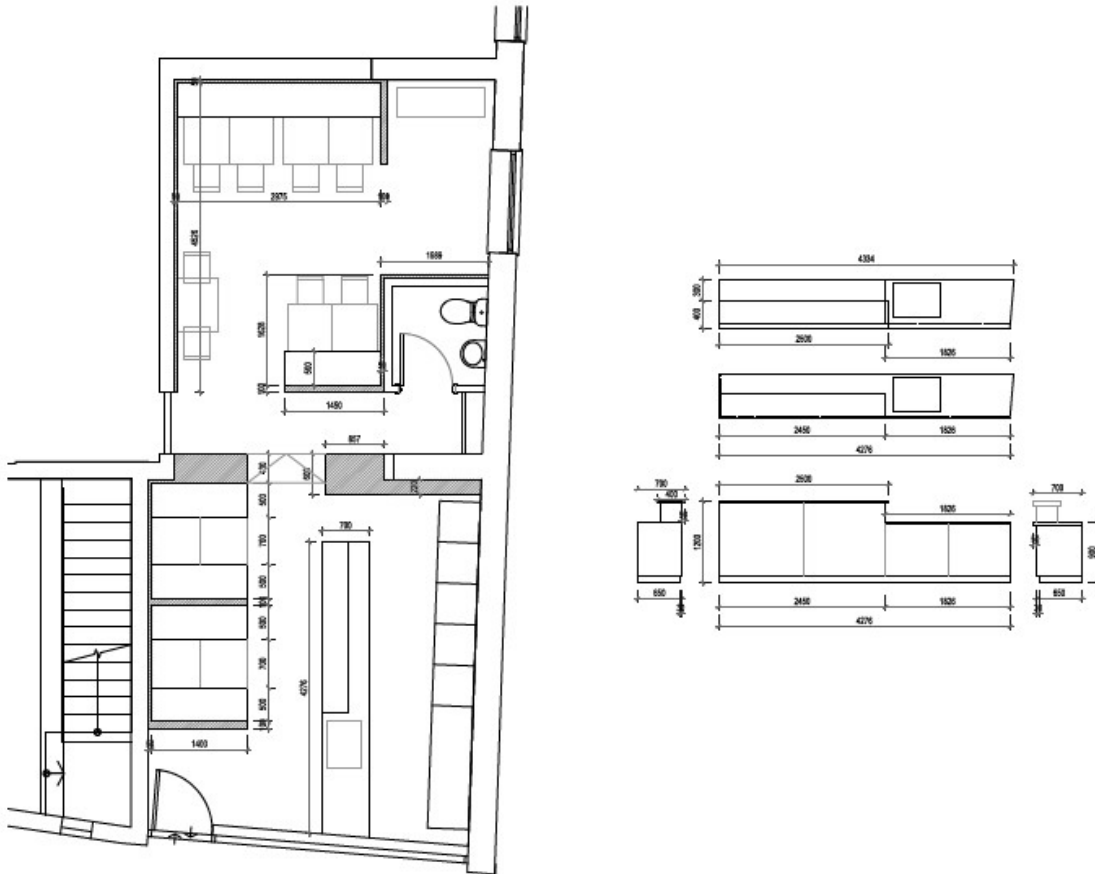
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

5th March 2018 - Ground floor



Part B - Premises licence summary

Premises licence number

26838

Premises details

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

(Oval Cafe)
11-12 The Oval

Post town

London

Post code

E2 9DU

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol (on and off sales)

- Monday to Wednesday, from 12:00hrs to 00:00hrs (midnight)
- Thursday to Saturday, from 12:00hrs to 04:00hrs the following day
- Sunday, from 12:00 hrs to 02:00 hrs the following day

The opening hours of the premises

<p>The provision of regulated entertainment – Indoors</p> <p><u>Recorded Music</u></p> <ul style="list-style-type: none">• Thursday, from 23:00hrs to 04:00hrs the following day• Friday and Saturday, from 23:00 hrs to 06:00 hrs the following day• Sunday, from 23:00 hrs to 02:00 hrs the following day <p>The provision of late night refreshment</p> <ul style="list-style-type: none">• Monday to Wednesday, from 23:00hrs to 00:00hrs (midnight)• Thursday to Saturday, from 23:00hrs to 05:00hrs the following day• Sunday, from 23:00 hrs to 02:00 hrs the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none">• New Year’s Eve from 08:00hrs to 03:00 hours on New Year’s Day
<ul style="list-style-type: none">• Monday to Wednesday, from 08:00hrs to 00:30hrs (the following day)• Thursday, from 08:00hrs to 04:00hrs the following day• Friday and Saturday, from 08:00hrs to 06:00hrs the following day• Sunday, from 08:00 hrs to 02:00 hrs the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none">• New Year’s Eve, from 08:00hrs to 03:30hrs on New Year’s Day

Name, (registered) address of holder of premises licence

Oval Office Limited
11-12 The Oval
Bethnal Green
London E2 9DT

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)

08501795

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

Sofia Cobelli

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

The café shall be strictly adults only after 18:00hrs

Appendix 3

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 22 FEBRUARY 2022****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Shad Chowdhury (Member)

Councillor Rajib Ahmed (Member)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)The minutes of the meetings held on 11th and 25th January were agreed and approved as a correct record.**4. ITEMS FOR CONSIDERATION****4.1 Application for a New Premises Licence for (Oval Cafe) 11-12 The Oval,
London E2 9DU****The Licensing Objectives**

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

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

Consideration

The Sub-Committee considered an application for a new premises licence in respect of Oval Café, 11-12 The Oval, London E2 9DU (“the Premises”). The application sought to permit the sale of alcohol and the provision of regulated entertainment by way of recorded music and the provision of late night refreshments. The application attracted objections from the Metropolitan Police relating to the licensing objectives of the prevention of crime and disorder, promoting public safety and preventing public nuisance.

The Sub-Committee noted that the premises did previously have a licence which had lapsed due to an administrative error.

The Sub-Committee noted a comment by the police during the meeting that whilst their concerns arose from crime and disorder in the area, the police accepted that there was no evidence of that being linked to the Oval Café.

The Sub-Committee noted comment by the police that their concerns were based upon professional opinion. However, decisions of the Licensing Sub-Committee must be based upon evidence, and in the absence of direct evidence linking the Oval Cafe to crime and disorder, public nuisance, and issues of public safety, the Sub-Committee was satisfied that granting the application would not undermine the above licensing objectives.

The Sub-Committee appreciated that the police had concerns about the applicant regarding separate premises. However, those premises were not the subject of this application, which had to be considered on its own merits.

In light of the concerns raised by the police in relation to the area generally, the Sub-Committee considered it reasonable and proportionate to include as conditions of the premises licence, those set out below, in addition to the conditions which are in any event mandatory.

The Sub-Committee could not grant the full range of hours sought for the sale of alcohol and the provision of late night refreshment, because the terminal hour for licensable activities cannot be the same as the time for closing to the public, otherwise issues can arise with late orders when closing the premises to the public.

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

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new Premises Licence for Oval Café, 11-12 The Oval, London E2 9DU be **GRANTED with amendments and conditions.**

Sale of Alcohol (On Sales only)

Monday to Thursday from 12:00 hours to 23:30 hours

Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
Sunday from 12:00 hours to 22:30 hours

The Provision of Late Night Refreshments (indoors)

Monday to Thursday from 23:00 hours to 23:30 hours
Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Provision of Regulated Entertainment – indoors (Recorded Music)

Monday to Thursday from 12:00 hours to 23:30 hours
Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
Sunday from 12:00 hours to 22:30 hours

Non-standard timings

New Years Eve, above licensable activities from 08:00 hours to 03:00 hours
to 03:00 hours on New Year's Day.

Opening Hours

Monday to Thursday from 00:00 hours to 00:00 hours (midnight)
Friday and Saturday from 08:00 hours to 00:30 hours (the following day)
Sunday from 08:00 hours to 23:00 hours

Conditions

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

4. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. The premises will be serve only seated patrons, and the premises shall be supervised by a floor manager and an S.I.A accredited door supervisor after 21:00hrs until the premises close to the public.
6. That an incident report book be kept to record all incidents of crime and disorder associated with the premises.
7. Deliveries shall be only from 08:00hrs to 19:00hrs Monday to Saturday.
8. The café shall be strictly adults only after 18:00hrs.
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. A Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses.
 - a. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder.
 - b. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant.
 - c. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
11. At times when this premises operates with the (Pickle Factory), 14 The Oval, London E2 9DT, then following Pickle Factory Conditions shall apply.
 - a. Any private hire shall be internally risk assessed in advance.
 - b. Cab service shall be offered to all guests leaving the building.
 - c. Deliveries shall take place Monday to Saturday, from 08:00 hours to 19:00 hours and Sundays, from 09:00 hours to 12:00 hours.
 - d. SIA accredited staff shall be deployed in a pattern and numbers agreed by the DPS and the Police.
 - e. Toilets shall be checked at least every 30 minutes at peak times to detect and discourage drug use during events. Records of these checks shall be kept.

- f. A barricade is to be used outside the entrance to the venue when events are on to facilitate the effective queuing of people wishing to gain entry.
- g. All members of Management and Staff shall be briefed as to the operation of 'Challenge 25' and 'Don't Do Drunk' Policies, with the related paperwork acknowledged and signed. This also applies to all new starters and trial shift applicants.
- h. An incident book shall be kept and maintained every day the premises is open.
- i). The incident book shall contain the names and numbers of SIA accredited security staff, their time on duty and time off duty.
- ii). The incident book shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.
- iii). The incident book shall be signed off by the duty manager at the end of each day.
- i. To be a member of the local "pub watch" and to send representatives to all related meetings.
- j. All flat surfaces in the toilet areas shall be removed or covered over to prevent and deter drug use. Toilet seat covers shall be removed from all toilets.
- k. All security staff shall wear their identification badges and high visibility tabards clearly marked "Security".
- l. A joint strategy between the Oval and the Pickle Factory for managing customers arriving and leaving their respective venues shall be completed and agreed by Police.
- m. Prominent notices will be placed throughout the venue asking customers to mind their property and report any suspicious incidents.
- n. Safety checks will be carried out monthly prior to opening and all incidents will be recorded in a log book which will be available for inspection by authorised officers.
- o. Floor staff will be allocated tasks around the venue to be completed every 15 minutes to ensure no trip hazards are present.
- p. All sweeps of the venue will be recorded in a nightly log.
- q. Prominent signs will be displayed to ensure guests are quiet leaving the venue.

r. Front of house staff will monitor guests entering or leaving the venue to ensure moderate behaviour.

s. Bottling out from premises will be forbidden between 22:00hrs and the following morning at 09:00hrs

t. A Challenge 25 policy shall be in operation. A log shall be kept of all challenges made by staff.

4.2 Application for a New Premise Licence for Gopuff, 89 Hemming Street, London, E1 5BW

The Licensing Objectives

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

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

Consideration

The Sub-Committee considered an application for a new premises licence in respect of Gopuff, 89 Hemming Street, London E1 5BW ("the Premises"). The application sought to permit the sale of alcohol (off sales) Monday to Sunday 24 hours per day. The application attracted objections from some thirty local residents. These were predominantly concerned with the licensing objectives of the prevention of public nuisance and, to a lesser extent, the prevention of crime and disorder.

The Sub-Committee noted the concerns of local residents about increased noise nuisance particularly late at night, issues of additional delivery traffic in the area, and more congestion. The Sub-Committee also noted residents' concerns about the existing levels of noise nuisance and anti-social behaviour in the area impacting the quality of life of local residents, and the additional noise disturbance likely to result from the 24-hour supply of alcohol. The Sub-Committee also noted, however, that some of the issues complained of, such as road traffic contraventions or drug users loitering in the area, were not linked to the Premises and were not within the control of the Premises. The fact that the Premises would not be open to the public would not attract people to the area seeking to buy alcohol from the Premises.

The Sub-Committee welcomed the efforts made by the Applicant in offering robust conditions, and also agreeing to a condition to restrict the timings for

the delivery of goods to the premises. It was also noted that all delivery drivers will be employed directly by the company, which gave Members assurance that the Applicant would have direct control regarding delivery drivers compliance with licence conditions relating to deliveries and the conduct of delivery drivers.

The Sub-Committee appreciated the concerns expressed by residents. However, the Sub-Committee recognised that as the premises were already providing a delivery service in respect of non-alcoholic products, an aspect of the business which is outside the scope of licensing regulation, the Sub-Committee's powers in relation to residents' concerns were limited to the proposed supply of alcohol. A refusal of the application would not prevent the Applicant from operating its existing deliveries of non-alcoholic products and refusal would, in any event, not be proportionate.

The Sub-Committee was particularly concerned with the potential impact of the operation of the Premises outside of framework hours and late into the evening and the early hours. The area itself is mostly residential and there are no other late-night premises in the immediate vicinity. There were only three licensed premises nearby; one was under the railway bridge, which was adjacent to the Premises, and closed at 21:00 hours, and two were in Dunbridge Street, which was on the other side of the railway bridge. Of those, one was a 24-hour petrol station. The impact of those premises upon the residents of Hemming Street was thus limited to an extent.

However, the proximity of these Premises to residential properties did, in the Sub-Committee's view, give rise to a greater risk of noise disturbance late at night. Some of the residents made specific reference to drivers congregating outside the business. Although a condition was offered up in that regard, it would not affect any drivers finishing their shift who then decided to remain in the area. There was also the possibility of drivers and riders playing music on their mobile phones and other devices whilst outside and upon leaving the Premises. The Sub-Committee also noted the concerns regarding traffic congestion and considered that at the later hours there was further risk of noise disturbance to residents such as from drivers sounding their horns. Whilst the Sub-Committee accepted that the Premises carry on non-licensable activity (subject to planning permission) outside of the framework hours, it considered there to be a real risk that orders placed late at night were predominantly going to be for alcohol and that the availability of alcohol risked increasing the number of orders placed later in the evening and thus lead to more delivery driver and rider traffic to and from the Premises late at night with an inevitable impact upon the local residents.

The Sub-Committee had regard to paragraphs 10.13 to 10.15 of the Statutory Guidance, which addresses hours for trading and which notes that "Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities." Obviously, such decisions must be based on the merits of individual applications. Further, paragraph 10.15 is clear that whilst shops, supermarkets and stores should normally be free to sell alcohol throughout their hours of trading, this can be restricted where there are good

reasons for doing so based on the licensing objectives. The Sub-Committee also had regard to section 14 of the Statement of Licensing Policy, in particular paragraphs 14.8-14.10.

The Sub-Committee considered that as far as its powers would permit, its decision would seek to mitigate the likely impact upon residents of the addition of alcohol to the range of products delivered by the Applicant, with particular regard to the licensing objective of preventing public nuisance, for the reasons set out above. The Sub-Committee therefore felt that whilst it was appropriate to grant the application, it was also appropriate and proportionate to reduce the hours permitted for licensable activity to the Council's framework hours.

Therefore, Members made a decision and the decision was by a majority vote. Members granted the application with amendments and conditions.

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a New Premises Licence for Gopuff, 89 Hemming Street, London E1 5BW be **GRANTED with amendments and conditions.**

Sale of Alcohol (off sales only)

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

Hours premises are open

Monday to Sunday from 00:00 hours – 24:00 hours (24 hours a day)

Conditions

1. All staff will be fully trained in their responsibilities with particular regard to the promotion of the licensing objectives regarding the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
2. Members of the public shall not be allowed on the premises at any time.
3. The licence and premises are to fulfil internet generated sales for delivery and no direct sales shall take place to the general public from the site.
4. A CCTV system is in operation for the warehouse, to provide security and identify any person or persons causing or likely to be causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All existing security

measures will remain in operation. All staff will be fully trained in the operation of the CCTV system to ensure it is operational during all the hours of trade. Images will be made available to the police or authorised licensing officer from the Council on request.

5. A Challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not appear to be at least 25 years old. They will be required to prove that they are at least 18 years of age, by way of photographic ID, either a passport or driving licence. The card used for purchase will also be checked against the ID provided. If there is any doubt by staff as to the age of the person or persons taking delivery, then the delivery of alcohol will not be made, and a full refund will be issued. Postal/ carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 years of age or over when making the purchase.
6. No idling of vehicles that are awaiting access to the premises or waiting to pick up a delivery.
7. Alcohol shall only be delivered to a residential or business address and not to a public place.
8. Only electric or pedal powered vehicles shall be used by delivery drivers/riders delivering products sold from the Premises, to customers.
9. Delivery drivers waiting to collect customers' orders for delivery, shall not be allowed to congregate outside the Premises (save in the event of a fire drill or fire evacuation) and shall be required by the Premises Licence Holder to wait inside the Premises.
10. No deliveries of goods to the premises shall take place between 19:00 hours and 07:00 hours the following day except for fresh bakery delivery.
11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
12. All potential customers must verify on the payment page of the website that they are at least 18 years of age. If the applicant is in any doubt as to the age of the customer, they will only deliver the alcohol if the owner of the card that made the payment is present at the delivery address for the purpose of age verification. Orders will only be despatched to bona fide addresses.
13. All sales of alcohol for delivery must be paid for by credit card, debit card (pre-paid or otherwise) or electronic payment.
14. Details of the order (including the type, amount of alcohol, name and

address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the electronic receipt provided to the customer.

15. All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol.

16. Deliveries only made to those over the age of 18 years.

4.3 Application for Temporary Event Notice for Cabbys Rum Bar, Arch 411 St Pauls Way, London E3 4AG

This application was withdrawn by the Applicant prior to the meeting.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 9.10 p.m.

Appendix 4



**Lic No:
144705**

(Oval Cafe)
11-12 The Oval
London
E2 9DU

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 22nd February 2022

OFFICE USE	Receipt No: 238859	Paid: £315.00	Date: 14/12/2021
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Part A - Format of premises licence

Premises licence number

144705

Part 1 - Premises details

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

(Oval Cafe)
11-12 The Oval

Post town
London

Post code
E2 9DU

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
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Monday to Thursday from 12:00 hours to 23:30 hours
- Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
- Sunday from 12:00 hours to 22:30 hours

The provision of late night refreshment - Indoors

- Monday to Thursday from 23:00 hours to 23:30 hours
- Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Provision of regulated entertainment – indoors

(Recorded Music)

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

Non-standard timings

- New Year's Eve, above licensable activities from 08:00 hours to 03:00 hours to 03:00 hours on New Year's Day.

The opening hours of the premises

- Monday to Thursday from 00:00 hours to 00:00 hours (midnight)
- Friday and Saturday from 08:00 hours to 00:30 hours (the following day)
- Sunday from 08:00 hours to 23:00 hours

Non-standard timings

- New Year's Eve, above licensable activities from 08:00 hours to 03:00 hours to 03:00 hours on New Year's Day.

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

Illumination Venues Limited
71 Fanshaw Street
London
N1 6LA

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

11979158

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

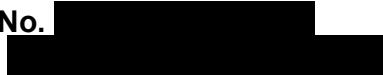
Ross Melinn



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.

Issuing Authority:



Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula —

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

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

1. 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. The premises will be serve only seated patrons, and the premises shall be supervised by a floor manager and an S.I.A accredited door supervisor after 21:00hrs until the premises close to the public.
6. That an incident report book be kept to record all incidents of crime and disorder associated with the premises.
7. Deliveries shall be only from 08:00hrs to 19:00hrs Monday to Saturday.
8. The café shall be strictly adults only after 18:00hrs.

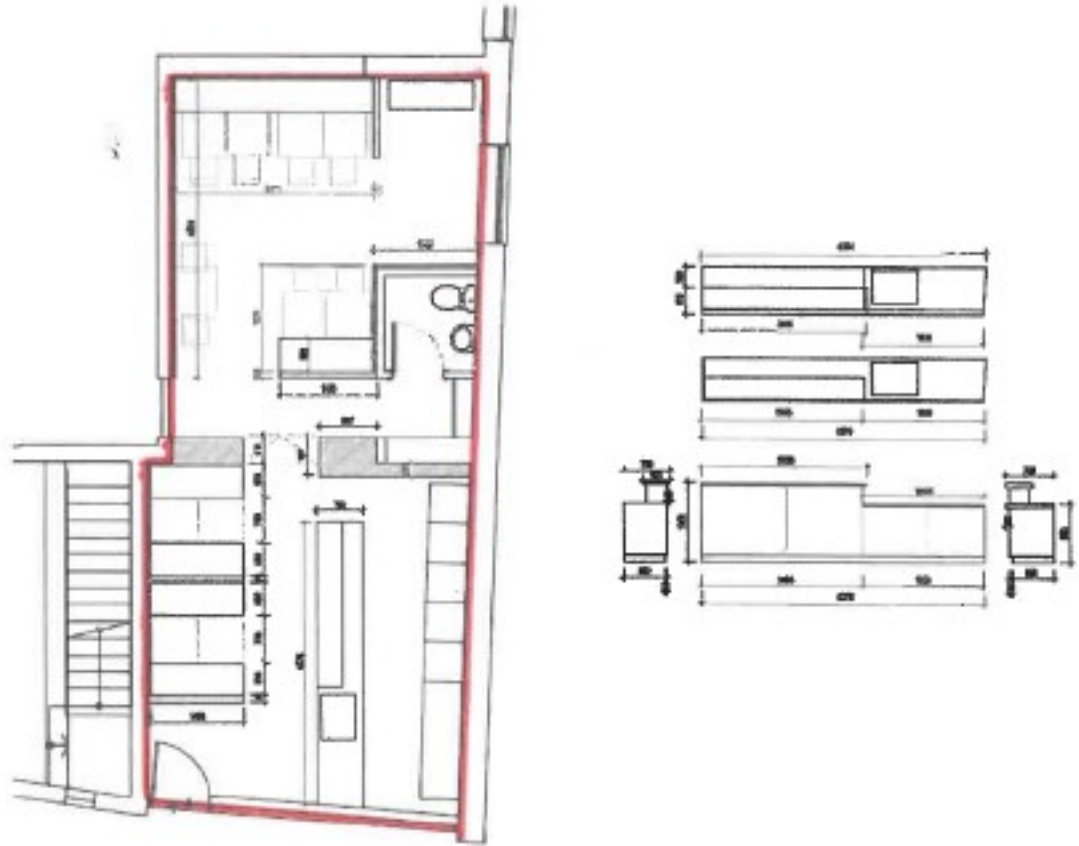
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. A Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses.
 - a. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder.
 - b. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant.
 - c. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
11. At times when this premises operates with the (Pickle Factory), 14 The Oval, London E2 9DT, then following Pickle Factory Conditions shall apply.
 - a. Any private hire shall be internally risk assessed in advance.
 - b. Cab service shall be offered to all guests leaving the building.
 - c. Deliveries shall take place Monday to Saturday, from 08:00 hours to 19:00 hours and Sundays, from 09:00 hours to 12:00 hours.
 - d. SIA accredited staff shall be deployed in a pattern and numbers agreed by the DPS and the Police.
 - e. Toilets shall be checked at least every 30 minutes at peak times to detect and discourage drug use during events. Records of these checks shall be kept.
 - f. A barricade is to be used outside the entrance to the venue when events are on to facilitate the effective queuing of people wishing to gain entry.
 - g. All members of Management and Staff shall be briefed as to the operation of 'Challenge 25' and 'Don't Do Drunk' Policies, with the related paperwork acknowledged and signed. This also applies to all new starters and trial shift applicants.
 - h. An incident book shall be kept and maintained every day the premises is open.

- i). The incident book shall contain the names and numbers of SIA accredited security staff, their time on duty and time off duty.
- ii). The incident book shall also record any refusals of entry, refusals of sale of alcohol and any incidents of disorder, incidents of crime or other incidents of note.
- iii). The incident book shall be signed off by the duty manager at the end of each day.
- i. To be a member of the local “pub watch” and to send representatives to all related meetings.
- j. All flat surfaces in the toilet areas shall be removed or covered over to prevent and deter drug use. Toilet seat covers shall be removed from all toilets.
- k. All security staff shall wear their identification badges and high visibility tabards clearly marked “Security”.
- l. A joint strategy between the Oval and the Pickle Factory for managing customers arriving and leaving their respective venues shall be completed and agreed by Police.
- m. Prominent notices will be placed throughout the venue asking customers to mind their property and report any suspicious incidents.
- n. Safety checks will be carried out monthly prior to opening and all incidents will be recorded in a log book which will be available for inspection by authorised officers.
- o. Floor staff will be allocated tasks around the venue to be completed every 15 minutes to ensure no trip hazards are present.
- p. All sweeps of the venue will be recorded in a nightly log.
- q. Prominent signs will be displayed to ensure guests are quiet leaving the venue.
- r. Front of house staff will monitor guests entering or leaving the venue to ensure moderate behaviour.
- s. Bottling out from premises will be forbidden between 22:00hrs and the following morning at 09:00hrs
- t. A Challenge 25 policy shall be in operation. A log shall be kept of all challenges made by staff.

Annex 4 - Plans

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

14th December 2021 - Ground floor



Part B - Premises licence summary

Premises licence number

144705

Premises details

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

(Oval Cafe)
11-12 The Oval

Post town
London

Post code
E2 9DU

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
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on sales only)

- Monday to Thursday from 12:00 hours to 23:30 hours
- Friday and Saturday from 12:00 hours to 00:00 hours (midnight)
- Sunday from 12:00 hours to 22:30 hours

The provision of late night refreshment - Indoors

- Monday to Thursday from 23:00 hours to 23:30 hours
- Friday and Saturday from 23:00 hours to 00:00 hours (midnight)

The Provision of regulated entertainment – indoors
(Recorded Music)

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

Non-standard timings

- New Year's Eve, above licensable activities from 08:00 hours to 03:00 hours on New Year's Day.

The opening hours of the premises

- Monday to Thursday from 00:00 hours to 00:00 hours (midnight)
- Friday and Saturday from 08:00 hours to 00:30 hours (the following day)
- Sunday from 08:00 hours to 23:00 hours

Non-standard timings

- New Year's Eve, above licensable activities from 08:00 hours to 03:00 hours on New Year's Day.

Name, (registered) address of holder of premises licence

Illumination Venues Limited
71 Fanshaw Street
London N1 6LA

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)

11979158

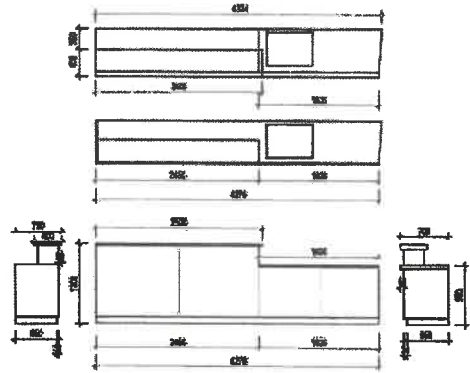
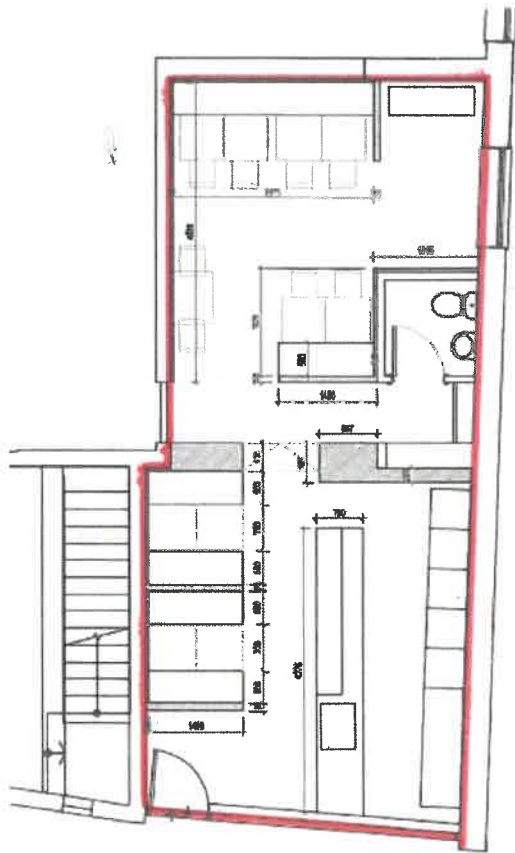
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ross Melinn

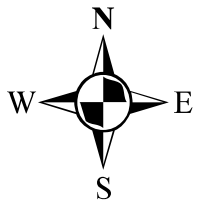
State whether access to the premises by children is restricted or prohibited

The café shall be strictly adults only after 18:00hrs

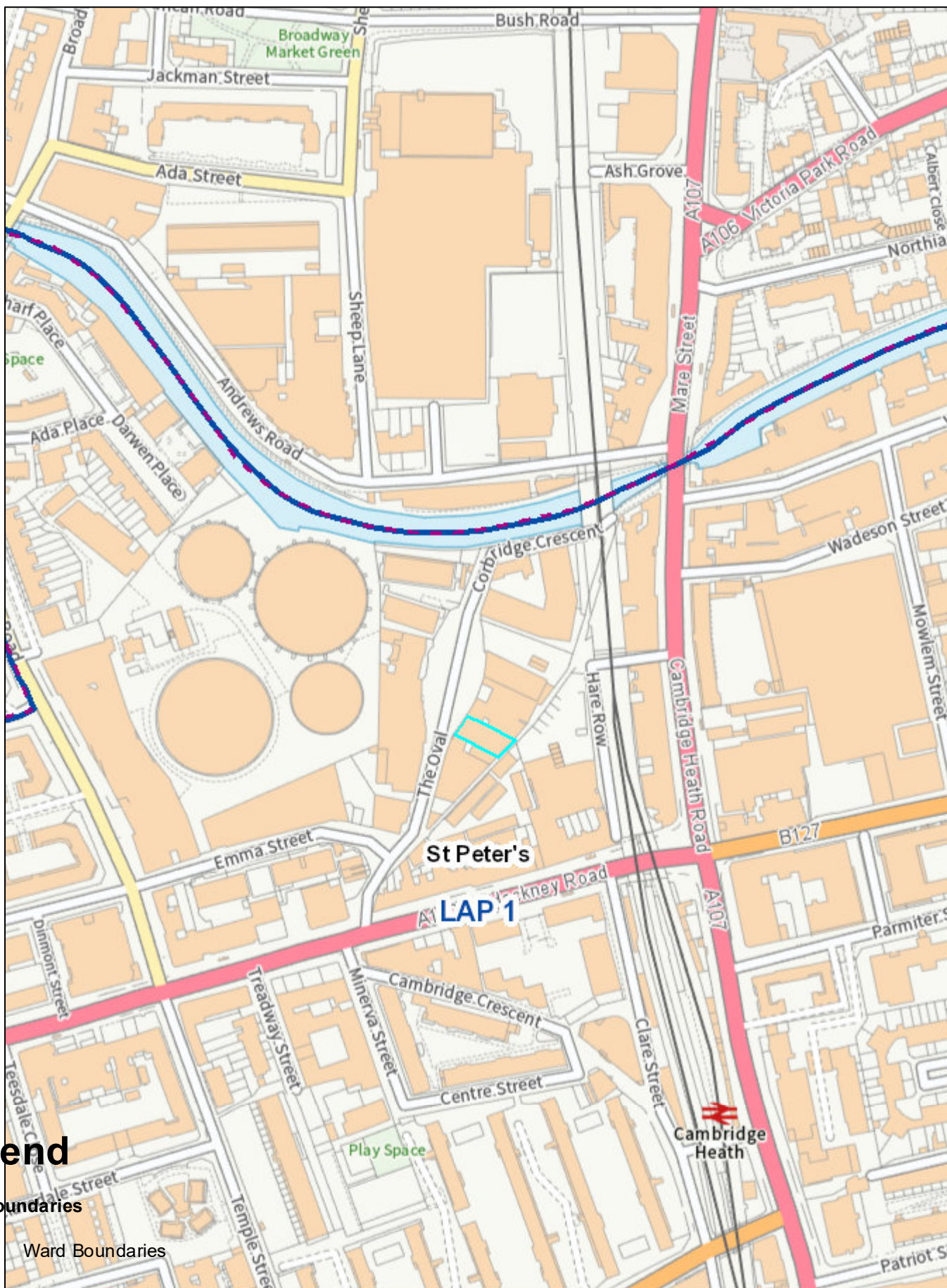
Appendix 5



Appendix 6



11-12 The Oval



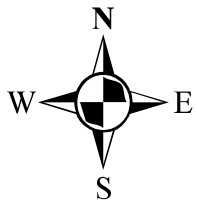
Legend

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries



11-12 The Oval

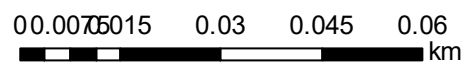


LAP 1

St Peter's

Legend

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



Appendix 7

Name and address	Licensable activities and hours	Opening hours
(Pickle Factory) 14 The Oval London E2 9DT	<p>The sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> • Monday to Wednesday, from 12:00 hours to 23:00 hours • Thursday, from 12:00 hours to 03:30 hours the following day • Friday, from 12:00 hours to 05:00 hours the following day • Saturday, from 08:00 hours to 05:00 hours the following day • Sunday, from 08:00 hours to 02:00 hours the following day <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Thursday from 23:00 hours to 02:00 hours the following day • Friday, from 23:00 hours to 03:00 hours the following day • Saturday, from 23:00 hours to 03:00 hours the following day <p>The provision of regulated entertainment - Indoors <u>(Films)</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 12:00 hours to 23:00 hours • Thursday and Friday, from 12:00 hours to midnight • Saturday and Sunday, from 08:00 hours to midnight <p><u>(Live Music)</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 12:00 hours to 23:00 hours • Tuesday and Wednesday, from 12:00 hours to 23:00 hours • Thursday, from 12:00 hours to 02:00 hours the following day • Friday, from 12:00 hours to 06:00 hours the following day • Saturday, from 08:00 hours to 06:00 hours the following day <p><u>(Recorded Music)</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 12:00 hours to 23:00 hours • Thursday, from 12:00 hours to 03:30 hours the following day 	<p>Monday to Wednesday, from 12:00 hours to 00:00 hours (midnight)</p> <p>Thursday, from 12:00 hours to 04:00 hours the following day</p> <p>Friday, from 12:00 hours to 06:00 hours the following day</p> <p>Saturday, from 08:00 hours to 06:00 hours the following day</p> <p>Sunday, from 08:00 hours to 02:00 hours the following day</p> <p><u>Non-standard timings</u> New Year's Eve & New Year's Day 08:00 to 03:00 hours the following day Bank Holidays Mondays, weekend Service 08:00 hours to 00:30 hours</p>

11-12 The Oval - Nearest licences

	<ul style="list-style-type: none"> • Friday, from 12:00 hours to 06:00 hours the following day • Saturday, from 08:00 hours to 06:00 hours the following day • Sunday, from 00:00 hours to 02:00 hours the following day <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • New Year's Eve & New Year's Day until 02:30 • Bank Holidays Mondays, weekend Service 08:00 hours to 00:00 hours 	
<p>(Alltaster Kitchen) The Kitchens 29-30 The Oval London E2 9DT</p>	<p><u>The Sale of Alcohol (Off the Premises Only)</u> Monday to Sunday from 08:00 to 00:00 hours (midnight) From the end of permitted hours on New Years' to start of permitted hours on New Years' Day.</p> <p><u>Provision of Late Night Refreshments</u> Monday to Sunday from 23:00 to 00:00 hours (midnight) From the end of permitted hours on New Years' to start of permitted hours on New Years' Day.</p>	<p>Monday to Sunday from 08:00 to 00:30 hours From the end of permitted hours on New Years' to start of permitted hours on New Years' Day</p>
<p>(Oval Space) 29 –32 The Oval London E2 9DT</p>	<p><u>The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight) • Thursday from 18:00hrs to 02:00hrs (the following day) • Friday to Sunday, from 12:00hrs to 00:00hrs (midnight) <p><u>The provision of regulated entertainment</u> <u>Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors).</u> <u>Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors).</u> <u>Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)</u></p> <ul style="list-style-type: none"> • Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight) 	<p>Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)</p> <p>Thursday from 09:00hrs to 02:30hrs (the following day)</p> <p><u>Non-standard timings</u> On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).</p>

11-12 The Oval - Nearest licences

	<ul style="list-style-type: none"> Thursday from 09:00hrs to 02:00hrs (the following day) <p><u>Live music, recorded music – indoors and outdoors</u></p> <ul style="list-style-type: none"> Friday to Wednesday, from 12:00hours to 00:00hrs (midnight) Thursday from 09:00hrs to 02:00hrs (the following day) <p>The provision of late night refreshment – Indoors and outdoors</p> <ul style="list-style-type: none"> Monday to Sunday, from 23:00hrs to 00:00hrs (midnight) <p>Note: “All outdoor events to cease at 21:00hrs”.</p> <p><u>Non-standard timings</u> On 44 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 04:00 hours (the following day), the provision of regulated entertainment shall extend until 04:00 hours (the following day), and the provision of late night refreshments shall extend until 03:00 hours (the following day).</p>	
<p>Cocktail Mania Ltd Containerville Unit 59 38-40 The Oval E2 9DT</p>	<p><u>Supply of Alcohol Off sales only</u></p> <p>Monday to Sunday from 12:00 hours to 23:00 hours - Click and Collect (by members of the public) Monday to Sunday from 12:00 hours to 00:00hrs (midnight) – (Delivery only)</p>	<p>Monday to Sunday from 12:00 hours to 00:00 hours (Midnight)</p>
<p>(Uncharted Wines) Studio 56, Containerville Studios 40 The Oval London E2 9DT</p>	<p><u>Sale of alcohol (off sales)</u> Monday – Friday 10:00 hours – 17:00 hours</p>	<p>Monday – Friday 10:00 hours – 17:00 hours</p>

Appendix 8

Case No: 012200541440

IN THE THAMES MAGISTRATES COURT

IN THE MATTER OF THE LICENSING ACT 2003

BETWEEN:

Oval Venues Limited

Appellant

-and

London Borough of Tower Hamlets

Respondent

CONSENT ORDER

UPON the hearing of an application for the grant of a premises licence in relation to premises at Oval Café, 11-12 The Oval, London E2 9DU by the Licensing Sub-Committee of the Respondent Authority on 22nd February 2022, and the Decision Notice being dated 22nd February 2022, when the application for a premises licence was granted in part with reduced hours, the Appellant issued an Appeal against this decision.

The parties entered into negotiations to settle the matter

As a consequence of these negotiations

IT IS AGREED BETWEEN THE PARTIES THAT THE APPEAL RELATING TO APPLICATION FOR THE PREMISES LICENCE SHALL BE DISPOSED OF AS FOLLOWS: -

1. That the matter be remitted to the Licensing Sub-Committee of the Respondent Authority for a fresh hearing of the said application.
2. That the Respondent shall issue the licence without the need for any further appearance before the Respondent Authority

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 9



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Stoke Newington Police Station
33 Stoke Newington High Street

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

10th January 2022

Dear Sir,

Central East Police Licensing formally object to the application for a premises License for OVAL CAFÉ, THE OVAL E2 9DT on the following grounds. Crime and disorder and public safety and public nuisance. The venue is located in the ward of ST PETER'S. During the months of November and December 2021. There were two hundred and eighteen (218) and two hundred and twenty four (224) reported offences. A brief summary of some recorded offences are:

November –

Violence against the person, fifty two (52)

Robbery, twelve (12)

Public order offences, eight (8)

Drugs, thirteen (13)

Theft, forty four (44)

Sex offences four (4)

December –

Violence against the person, fifty two (52)

Robbery, five (5)

Public order offences, twenty one (21)

Drugs, thirteen (13)

Theft, sixty five (65)

Sex offences, six (6)

The application describes the venues role as an EVENT SPACE/CAFÉ. Police believe that this venue is an extension of the two current premises operated by the same owners in the vicinity. One of which was taken to review recently after concerns were raised by police regarding the poor management in regards to crime and disorder and public safety.

The result of the review is currently under appeal by the owners.

Following serious concerns Police had about the running of OVAL PLACE, at 32 THE OVAL, including high levels of drugs use, and violence as well as poor management practises, which resulted in a review of Oval Space.

Police have identified that some the bad practices that were raised at the review for OVAL SPACE are still occurring and believe they will be repeated at the new venue, given it is run by the same management. Police wish to prevent this from occurring until effective standard operating procedures are in place and can be demonstrated to be working effectively and safely.

Approving this application would in effect add another nightclub in THE OVAL. Potentially leading to an increase in crime and disorder in the area, please see crime stats data above. Police have witnessed an increase in unlicensed music events in the locality, as these illegal event organisers look to capitalise on the large number of clubbers in the area. Number 7, a building very near this venue in The OVAL E2 9DT is known to police in relation to squatters and unlicensed music events. The latest unlicensed music event being New Year's Eve 2021. By having this license re-instated and active it will in the Police's opinion lead to an increase in these illegal events, certainly until the unused premises are occupied and secured, a process which could take years.

With the above factors being taken into account police believe that expanding the night time economy in this locality without first establishing sound and effective working practices will only encourage an undesirable audience to the area and exacerbate criminal behaviour. This will lead to the undermining of the licensing objectives of Crime and Disorder, Public Nuisance and public safety.

Police believe that granting of a licence will have an adverse effect on the above licensing objectives.

Kind Regards

Barry LEBAN PC1485CE



PC1485CE LEBAN
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 2nd Floor Shoreditch Police Station

Appendix 10

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 11

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 12

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

Updated April 2018

Crime and disorder

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

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

Appendix 13

Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

Smuggled goods

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

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

Olympic Park – Football Ground

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

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

Appendix 14

Public Safety

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

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

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

Appendix 15

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 16

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

Agenda Item 4.2

Committee: Licensing Sub Committee	Date	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Eastern Kula UK Ltd, Third Floor 7-9 Fashion Street E1 6PX Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant:	Eastern Kula UK Ltd
Name and Address of Premises:	Eastern Kula Third Floor 7-9 Fashion Street London E1 6PX
Licence sought:	Licensing Act 2003 Provision of Late-Night Refreshments
Objectors:	Environmental Health

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Lavine Miller-Johnson
020 7364 2665

3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Eastern Kula UK Ltd, Third Floor 7-9 Fashion Street E1 6PX. This premises falls within the Brick Lane Cumulative Impact Area.
- 3.2 The applicant has described the premises as: Yoga and Wellness studio with ancillary cafe, lounge, restaurant and workspace on the third floor and terrace. The provision of licensable activities shall at all times remain ancillary to the main use of the building as a yoga and wellness studio.
- 3.3 Licensable activities are limited to the third-floor level. Ground floor plans are provided for reference only.
- 3.4 A copy of the application is shown in **Appendix 1**.
- 3.5 The hours applied for are as follows:

Provision of Regulated Entertainment- Films (indoors)

Monday to Thursday from 08:00 hours to 23:30 hours

Friday to Saturday from 08:00 hours 00:00 hours (midnight)

Sundays from 08:00 hours to 22:30 hours

Non-Standard Timings

From the end of the permitted hours on New Years' Eve to the start of permitted hours on New Year's Day.

Provision of Late-Night Refreshments (indoors & outdoors)

Monday to Thursday from 23:00 hours to 23:30 hours

Friday to Saturday from 23:00 hours 00:00 hours (midnight)

Sundays from 08:00 hours to 22:30 hours (**standard hours**)

Non-Standard Timings

From the end of the permitted hours on New Years' Eve to the start of permitted hours on New Year's Day.

Sales of Alcohol

Monday to Thursday from 08:00 hours to 23:30 hours

Friday to Saturday from 08:00 hours 00:00 hours (midnight)

Sundays from 08:00 hours to 22:30 hours

Non-Standard Timings

From the end of the permitted hours on New Years' Eve to the start of permitted hours on New Year's Day.

Opening times

Monday to Thursday from 08:00 hours to 00:00 (midnight)

Friday to Saturday from 08:00 hours 00:30 hours

Sundays from 08:00 hours to 23:00 hours

Non-Standard Timings

From the end of the permitted hours on New Years' Eve to the start of permitted hours on New Year's Day.

4.0 Location and Nature of the premises

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

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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 – **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
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
 - Crime and Disorder
 - ASB
 - Public Safety

- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

1. The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio.
2. Food and suitable beverages other than alcohol, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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,
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. 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. 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.

8.0 Conditions Agreed/Requested by Responsible Authority

Licensing Authority conditions agreed- See Appendix 8

1. The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio
2. There shall be no “vertical drinking” of alcohol at the premises.
3. The sale and consumption of alcohol shall be by seated persons only.
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. There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.
6. The provision of late night refreshment shall be for consumption on the premises only and not for deliveries or takeaways.

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 9 – 14** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Photograph of the premises
Appendix 5	Other licensed venues in the area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representations from EH
Appendix 8	Agreed conditions with Licensing Authority
Appendix 9	Licensing Officer comments on public nuisance
Appendix 10	S182 advice on public nuisance
Appendix 11	ASB leaving the premises
Appendix 12	Cumulative Impact Area
Appendix 13	Licensing Policy relating to hours of trading
Appendix 14	Planning

Appendix 1

Application for a premises licence to be granted 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 Eastern Kula UK Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Third Floor 7-9 Fashion Street			
Post town	London	Postcode	E1 6PX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£Band C - Unrated

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					

Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name Eastern Kula UK Ltd
Address 16 Great Queen Street, Covent Garden, London, United Kingdom, WC2B 5AH
Registered number (where applicable) 13468605
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
Yoga and wellness studio with ancillary café, lounge, restaurant and workspace on third floor and terrace. The provision of licensable activities shall at all times remain ancillary to the main use of the building as a yoga and wellness studio.

Note: Licensable activities are limited to the third floor level. Ground to second floor plans are provided for reference only.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed						
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	0800	2330			
Tue	0800	2330			
Wed	0800	2330	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur	0800	2330			
Fri	0800	0000			
Sat	0800	0000	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6) From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.		
Sun	0800	2230			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
			<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 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)	
Thur				
Fri			<u>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</u> (please read guidance note 6)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>		
				Outdoors <input type="checkbox"/>		
				Both <input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed					State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)	
Thur				
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a 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 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	2330			
Tue	2300	2330	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	2300	2330			
Thur	2300	2330	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 6) From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.		
Fri	2300	0000			
Sat	2300	0000			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	0800	2330			
Tue	0800	2330			
Wed	0800	2330			
Thur	0800	2330			
Fri	0800	0000			
Sat	0800	0000			
Sun	0800	2230			
			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 6) From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Nicholas Edward Gilkinson	
Date of birth [REDACTED]	
Address 10 Mirabel Road, Fulham	
Postcode	[REDACTED]
Personal licence number (if known) TBC	
Issuing licensing authority (if known) TBC	

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 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0800	0000	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</p>
Tue	0800	0000	
Wed	0800	0000	
Thur	0800	0000	
Fri	0800	0030	
Sat	0800	0030	
Sun	0800	2300	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please refer to the attached schedule of conditions for the promotion of all four licensing objectives.

b) The prevention of crime and disorder

Please refer to a) above

c) Public safety

Please refer to a) above

d) The prevention of public nuisance

Please refer to a) above

e) The protection of children from harm

Please refer to a) above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable (postal applications only) **[Electronic Submission - LA to serve RA's]**
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]
- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>Thomas and Thomas</i>
Date	21/12/2022
Capacity	Applicant's Solicitors

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). 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 14) JS/HM/AC/EAS.8.1 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell

alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please 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 or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

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

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

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

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

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

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

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

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

**Application for a Premises Licence
Third Floor, 7-9 Fashion Street E1 6PX**

Proposed Licensable Activities:

	Sale of Alcohol (on sales) Late Night Refreshment Films (including display of yoga related screenings)	Opening Hours
Sunday	08:00 – 22:30	08:00 – 23:00
Monday to Thursday	08:00 – 23:30	08:00 – 00:00
Friday & Saturday	08:00 – 00:00	08:00 – 00:30

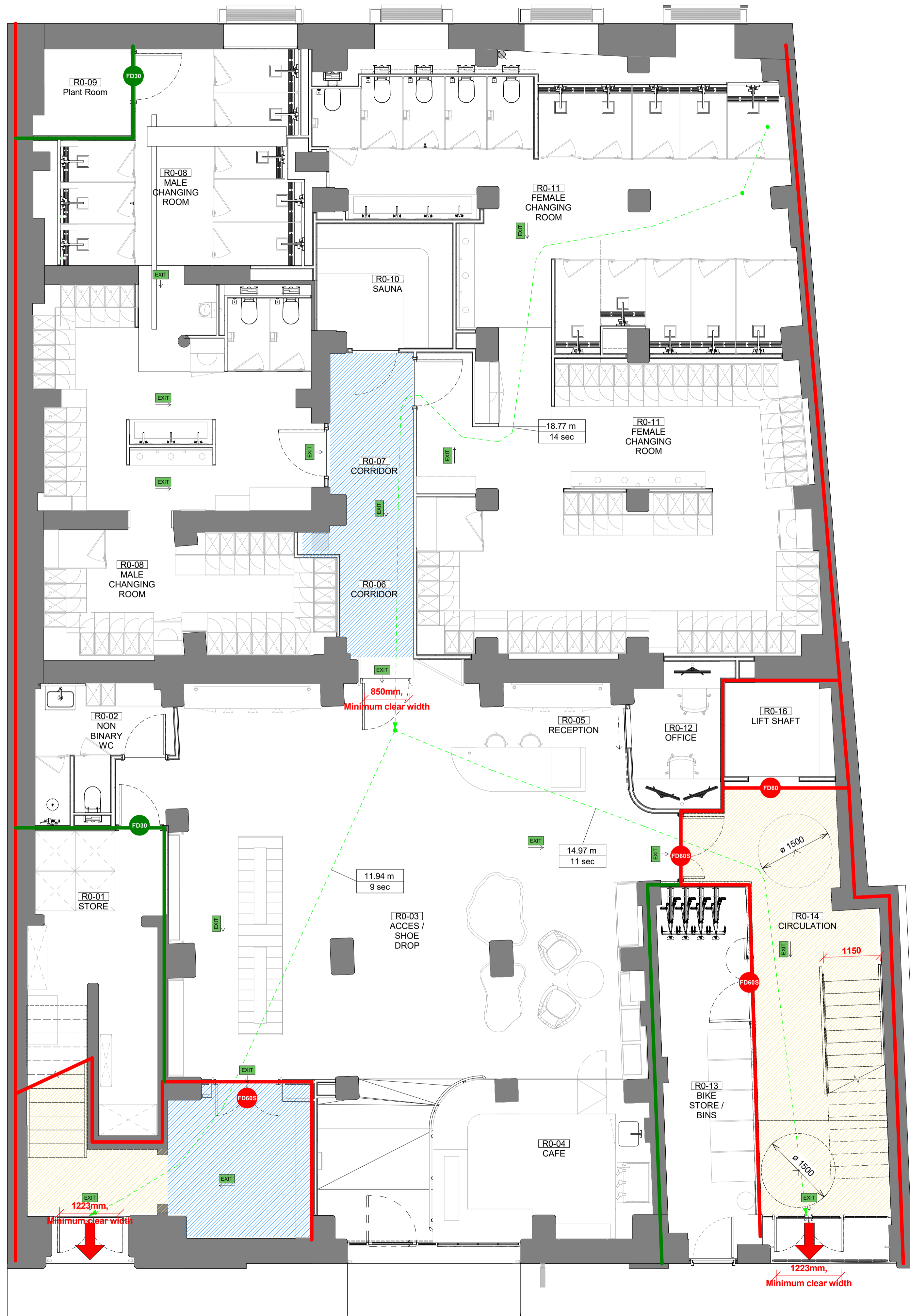
From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

Proposed Conditions:

1. The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio.
2. Food and suitable beverages other than alcohol, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises (or immediately contactable) at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
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,
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
 7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 8. 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. 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.

Appendix 2



FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
- SPACE FREE FROM FIRE LOAD AND KEPT STERILE
- EXISTING STEEL BEAMS TO BE PROTECTED 60 MINUTES FIRE RATED
- 30 MINUTES FIRE RESISTANCE
- 60 MINUTES FIRE RESISTANCE
- 90 MINUTES FIRE RESISTANCE
- 120 MINUTES FIRE RESISTANCE
- 240 MINUTES FIRE RESISTANCE
- FIRE CAVITY BARRIER: 30MINS INTEGRITY / 15MINS INSULATION
- FIRE CURTAIN TO PROVIDE 60 MINS FIRE RESISTANCE AND SMOKE PROTECTION
- FD30 FD30 FIRE DOOR
- FD30S FD30S FIRE DOOR
- FD60 FD60 FIRE DOOR
- FD60S FD60S FIRE DOOR
- EXIT EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
 REFERENCE NO: 65206494
 DATE: 18/08/22-REV3
 REPORT BY: SWECO

NOTES:
 - ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.
 - L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
 - FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
 - Frame, Beams or Columns,
 - Loadbearing walls,
 - Floors,
 - Roofs which form part of any escape route, or provide essential stability to the external wall construction,
 - External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. Near cavity barriers to be provided at slab level if external walls are constructed with cavities.

ISSUE	DESCRIPTION	DRWN	CHKD	DATE
C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22



DRAWING STAGE: **Construction**

CLIENT: **Kula Yoga**

SITE ADDRESS: 7-9 Fashion Street, London, E1 6PX

PROJECT DIRECTOR: WAYNE JUDGE | PROJECT MANAGER: MATTHEW PRESCOTT

PROJECT DESIGNER: MARK SHEERMAN | PROJECT SITE MANAGER: --

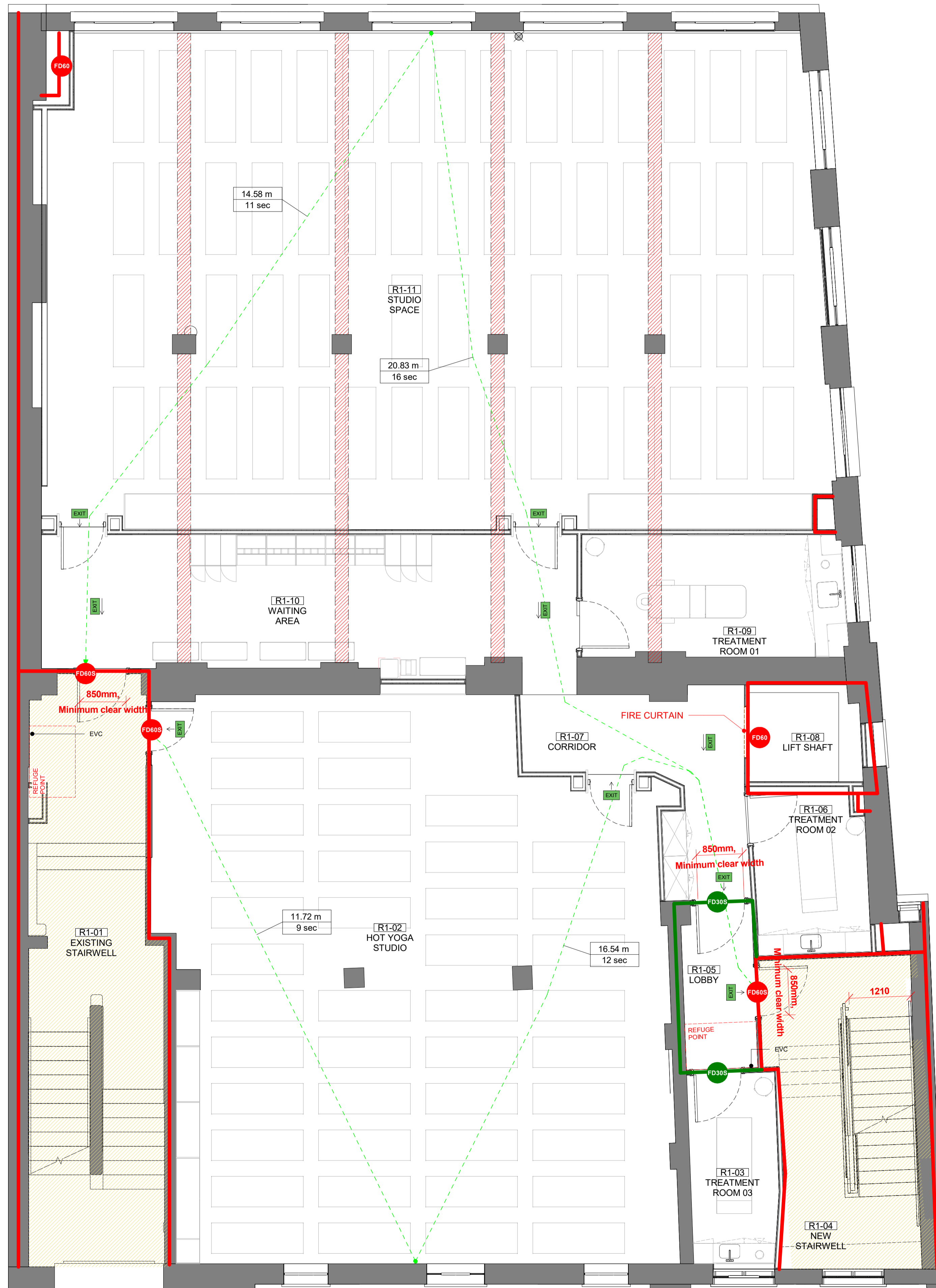
DRAWING TITLE: **GROUND FLOOR - FIRE STRATEGY**

OKTRA NO.	SCALE	STATUS	REVISION
62131	As indicated @ A1	S2	C04

DRAWING NO.: **62131—OKT—V1—00—DR—I—0700**

6 St Cross Street
 London
 EC1N 8UB
 +44 (0)207 553 9500
 oktra.co.uk

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 DO NOT SCALE FROM DRAWING. CONTRACTORS MUST CHECK ALL DIMENSIONS, LEVELS AND SERVICES PRIOR TO COMMENCEMENT OF ANY WORKS. OKTRA LTD MUST BE NOTIFIED OF ANY DISCREPANCIES.



FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
- SPACE FREE FROM FIRE LOAD AND KEPT STERILE
- EXISTING STEEL BEAMS TO BE PROTECTED 60 MINUTES FIRE RATED
- 30 MINUTES FIRE RESISTANCE
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- FIRE CURTAIN TO PROVIDE 60 MINS FIRE RESISTANCE AND SMOKE PROTECTION
- FD30 FIRE DOOR
- FD30S FIRE DOOR
- FD60 FIRE DOOR
- FD60S FIRE DOOR
- EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
 REFERENCE NO: 65206494
 DATE: 18/08/22-REV3
 REPORT BY: SWECO

NOTES:
 - ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.
 - L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
 - FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
 - Frame, Beams or Columns,
 - Loadbearing walls,
 - Floors,
 - Roofs which form part of any escape route, or provide essential stability to the external wall construction,
 - External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

ISSUE	DESCRIPTION	DRWN	CHKD	DATE
C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22



DRAWING STAGE: **Construction**

CLIENT: **Kula Yoga**

SITE ADDRESS: 7-9 Fashion Street, London, E1 6PX

PROJECT DIRECTOR: WAYNE JUDGE	PROJECT MANAGER: MATTHEW PRESCOTT
PROJECT DESIGNER: MARK SHEERMAN	PROJECT SITE MANAGER: --

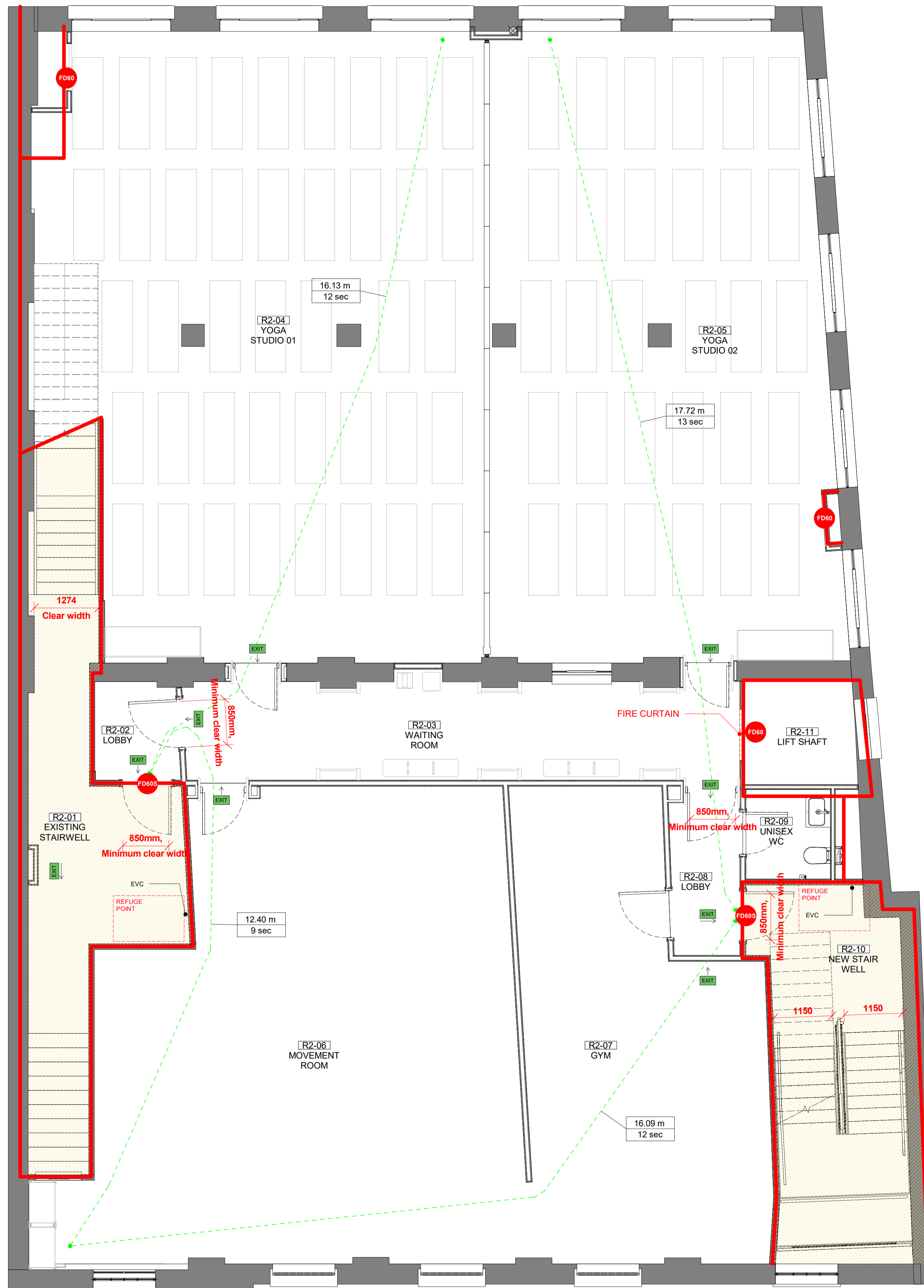
DRAWING TITLE: **FIRST FLOOR - FIRE STRATEGY**

OKTRA NO.	SCALE	STATUS	REVISION
62131	As indicated @ A1	S2	C04

DRAWING NO.: **62131—OKT—V1—01—DR—I—0701**

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FIRE STRATEGY LEGEND

Symbols shown are not to scale - some symbols may not appear on the layout plan

- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
- SPACE FREE FROM FIRE LOAD AND KEPT STERILE
- EXISTING STEEL BEAMS TO BE PROTECTED 60 MINUTES FIRE RATED
- 30 MINUTES FIRE RESISTANCE
- 60 MINUTES FIRE RESISTANCE
- 90 MINUTES FIRE RESISTANCE
- 120 MINUTES FIRE RESISTANCE
- 240 MINUTES FIRE RESISTANCE
- FIRE CAVITY BARRIER: 30MINS INTEGRITY / 15MINS INSULATION
- FIRE CURTAIN TO PROVIDE 60 MINS FIRE RESISTANCE AND SMOKE PROTECTION
- FD30 FIRE DOOR
- FD30S FIRE DOOR
- FD60 FIRE DOOR
- FD60S FIRE DOOR
- EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
 REFERENCE NO: 65206494
 DATE: 18/08/22-REV3
 REPORT BY: SWECO

NOTES:
 - ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.
 - L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
 - FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
 - Frame, Beams or Columns,
 - Loadbearing walls,
 - Floors,
 - Roofs which form part of any escape route, or provide essential stability to the external wall construction,
 - External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

ISSUE	DESCRIPTION	DRWN	CHKD	DATE
C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22



DRAWING STAGE: **Construction**

CLIENT: **Kula Yoga**

SITE ADDRESS: 7-9 Fashion Street, London, E1 6PX

PROJECT DIRECTOR: WAYNE JUDGE | PROJECT MANAGER: MATTHEW PRESCOTT
 PROJECT DESIGNER: MARK SHEERMAN | PROJECT SITE MANAGER: --

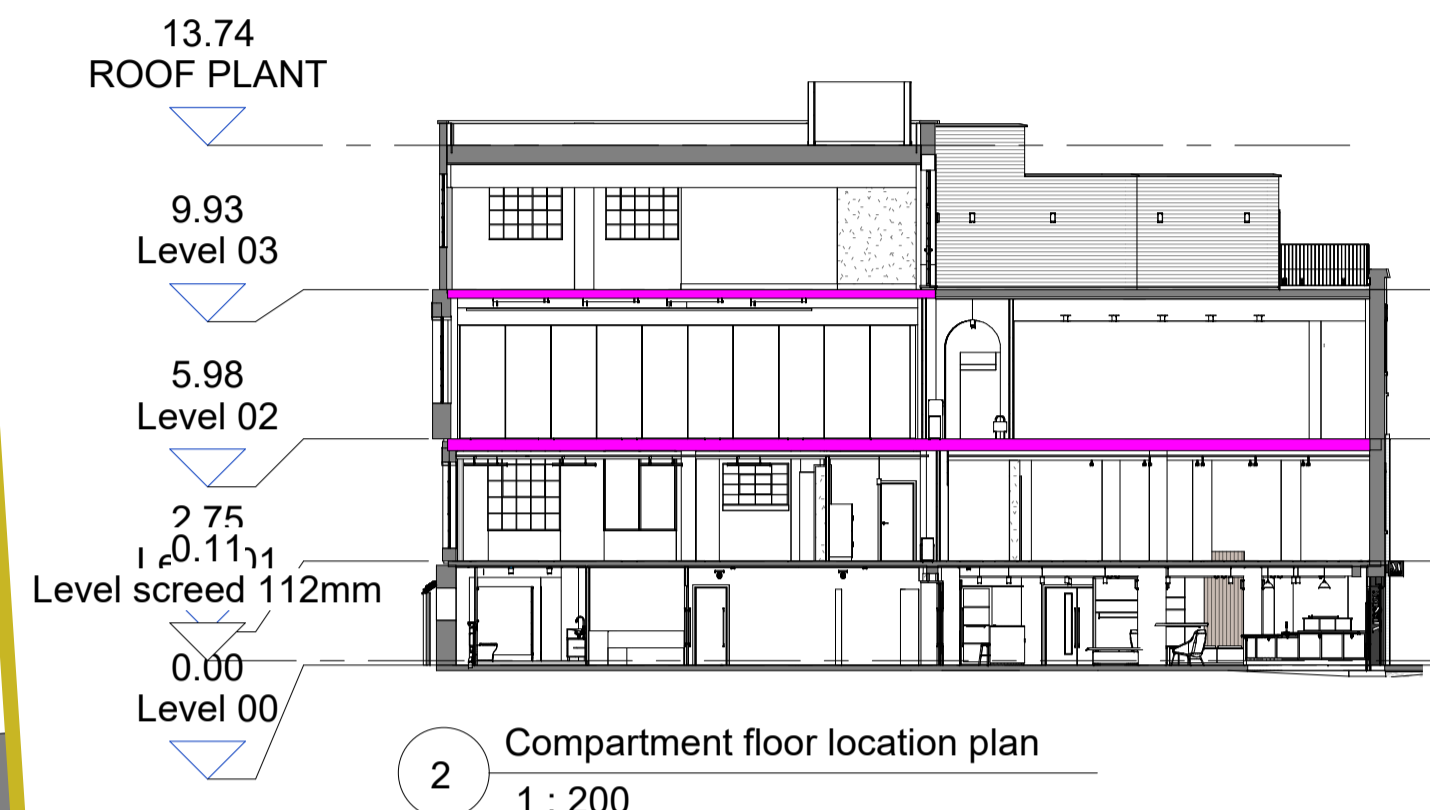
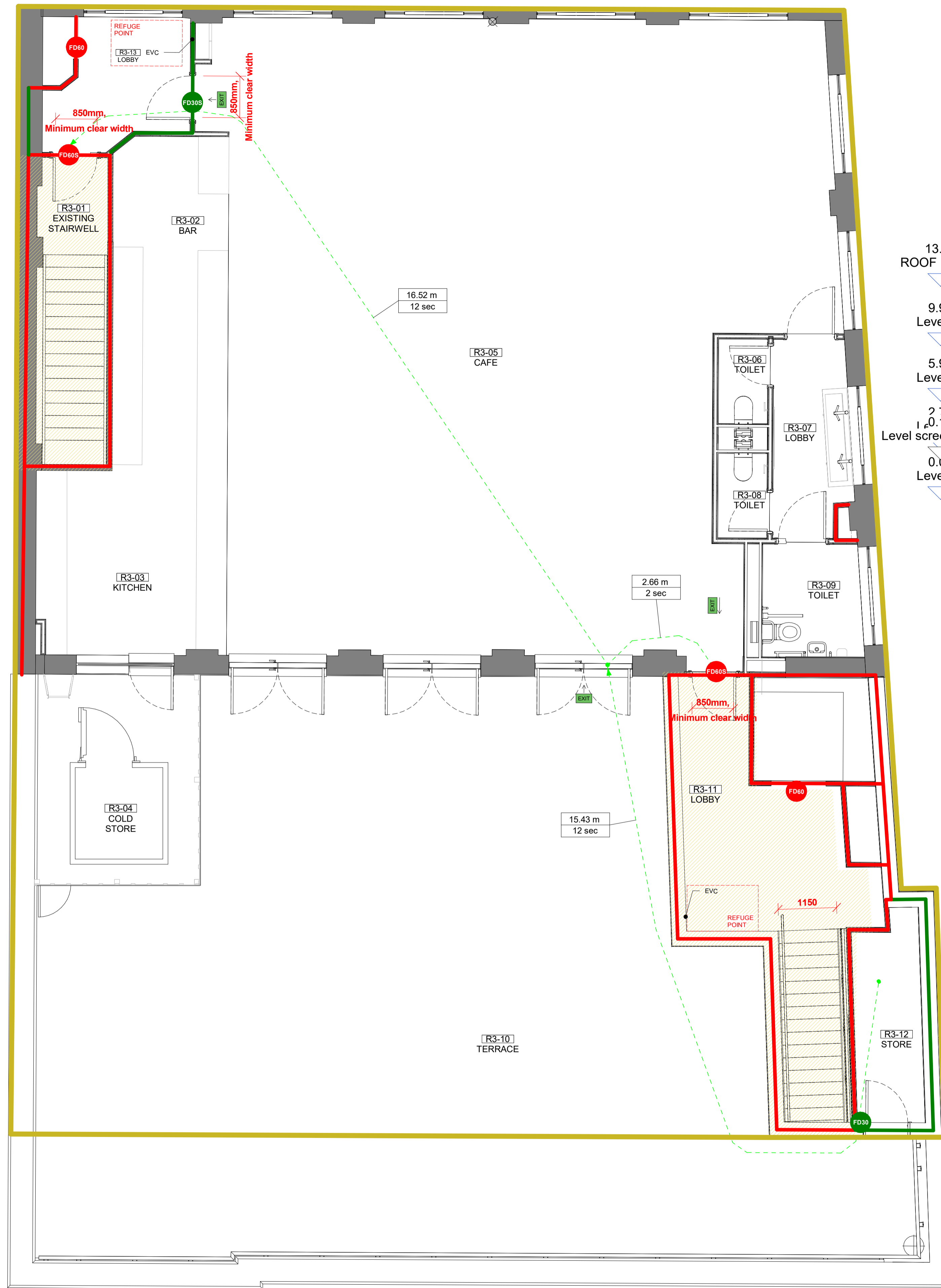
DRAWING TITLE: **SECOND FLOOR - FIRE STRATEGY**

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FIRE STRATEGY LEGEND

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- PROTECTED STAIRCASE
- FIRE FIGHTING SHAFT
- 60MIN COMPARTMENT FLOOR
- SPACE FREE FROM FIRE LOAD AND KEPT STERILE
- EXISTING STEEL BEAMS TO BE PROTECTED 60 MINUTES FIRE RATED
- 30 MINUTES FIRE RESISTANCE
- 60 MINUTES FIRE RESISTANCE
- 90 MINUTES FIRE RESISTANCE
- 120 MINUTES FIRE RESISTANCE
- 240 MINUTES FIRE RESISTANCE
- FIRE CAVITY BARRIER: 30MINS INTEGRITY / 15MINS INSULATION
- FIRE CURTAIN TO PROVIDE 60 MINS FIRE RESISTANCE AND SMOKE PROTECTION
- FD30 FIRE DOOR
- FD30S FIRE DOOR
- FD60 FIRE DOOR
- FD60S FIRE DOOR
- EMERGENCY ESCAPE SIGNAGE
- FIRE ESCAPE EXIT ROUTE
- TRAVEL DISTANCE (M)
- REFUGE POINT POSITION 900x1400mm

FIRE LAYOUTS PRODUCED IN CONJUNCTION WITH FIRE CONSULTANTS REPORT
 REFERENCE NO: 65206494
 DATE: 18/08/22-REV3
 REPORT BY: SWECO

NOTES:
 - ALL FIRE RATED DOORS TO HAVE SELF CLOSING DEVICE EXCEPT IN RISER DOORS OR MARKED OTHERWISE.
 - L1 LEVEL OF FIRE ALARM COVERAGE REQUIRED.
 - FOR EMERGENCY LIGHT PLEASE REFER TO SUBCONTRACTOR DRAWINGS

All elements of structure are required to be provided with a minimum of 60-minutes fire resistance. Elements of structure will include:
 - Frame, Beams or Columns,
 - Loadbearing walls,
 - Floors,
 - Roofs which form part of any escape route, or provide essential stability to the external wall construction,
 - External walls, if structural (from the inside of the building).

A 60-minute compartment floor is required between the restaurant floor (level 3) and floors below. New cavity barriers to be provided at slab level if external walls are constructed with cavities.

ISSUE	DESCRIPTION	DRWN	CHKD	DATE
C05	EXTERNAL WALL AMENDED	ML	MB	05/12/22
C04	ISSUE FOR CONSTRUCTION	ML	MB	11/11/22
C03	ISSUED FOR CONTRACT	ML	MB	24/10/22
C02	ISSUED FOR CONTRACT	ML	MB	14/10/22
C01	ISSUED FOR COMMENTS	ML	MB	01/09/22



DRAWING STAGE: **Construction**

CLIENT: **Kula Yoga**

SITE ADDRESS: 7-9 Fashion Street, London, E1 6PX

PROJECT DIRECTOR: WAYNE JUDGE | PROJECT MANAGER: MATTHEW PRESCOTT

PROJECT DESIGNER: MARK SHEERMAN | PROJECT SITE MANAGER: --

DRAWING TITLE: **THIRD FLOOR - FIRE STRATEGY**

OKTRA NO.	SCALE	STATUS	REVISION
62131	As indicated @ A1	S2	C05

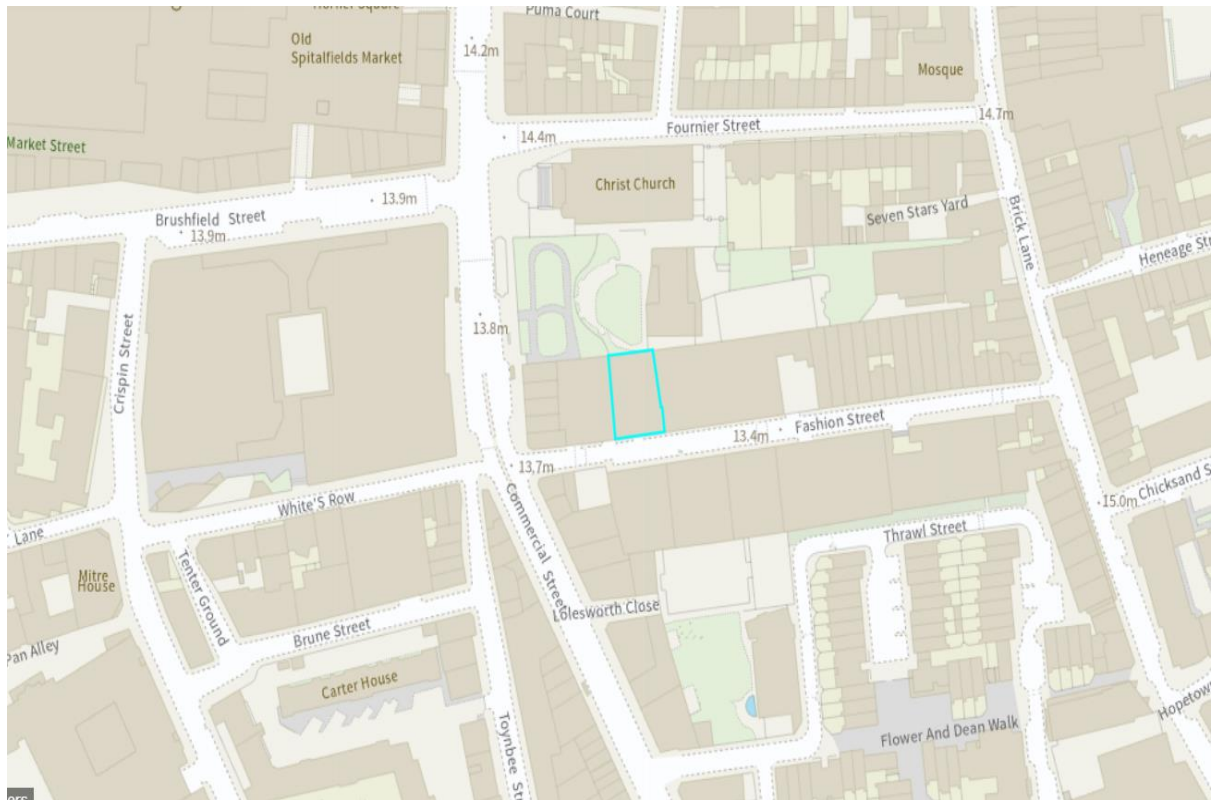
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Appendix 3

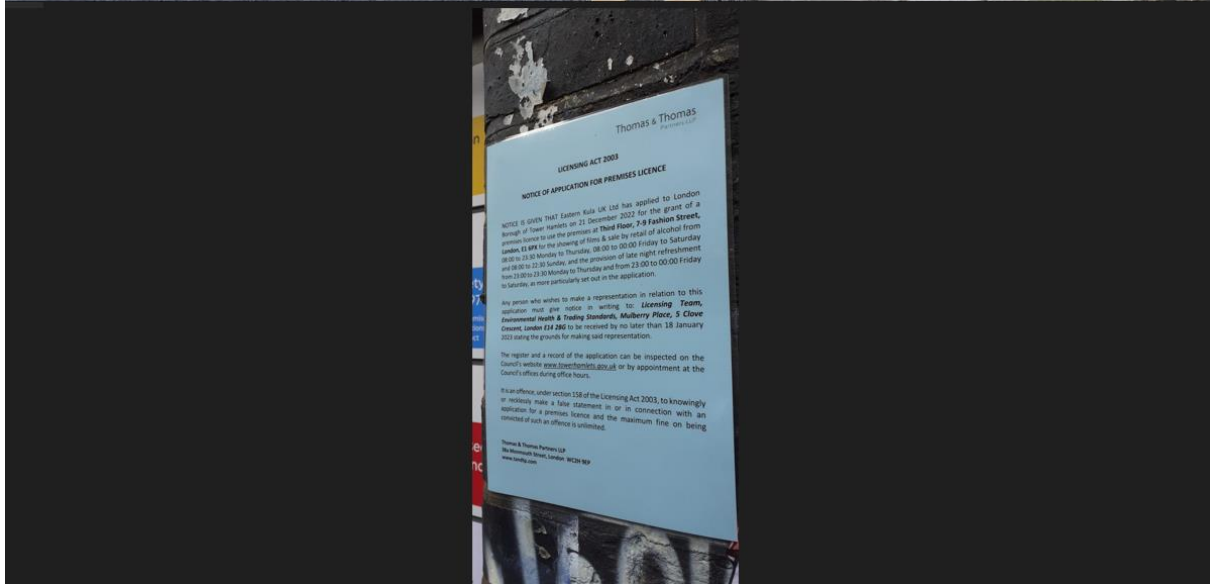
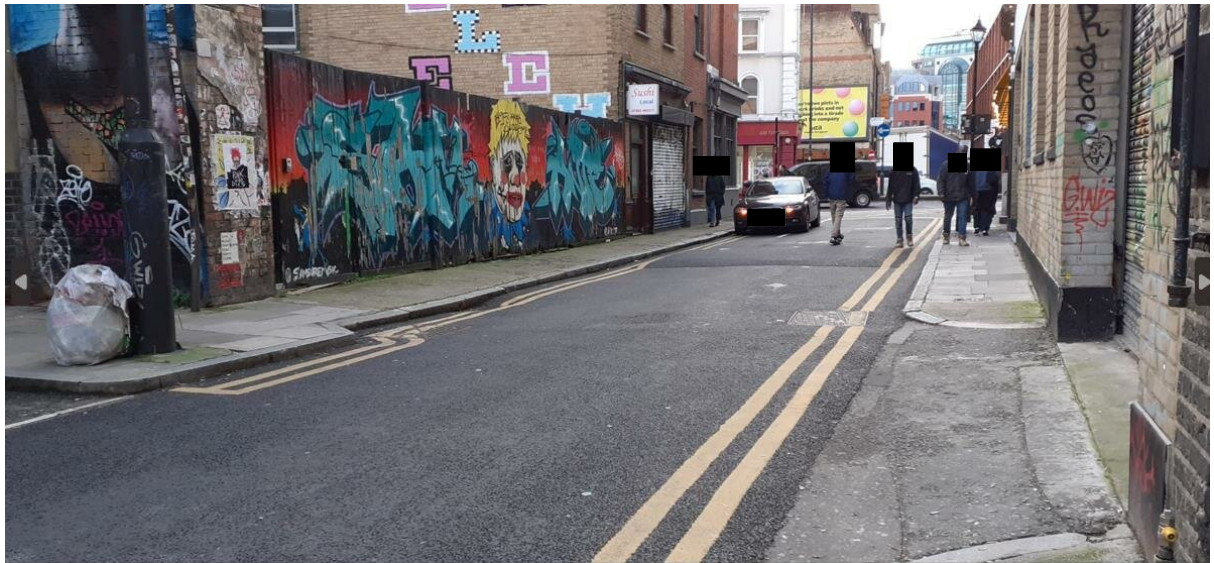
7-9 Fashion Street Map of local area



Appendix 4

7-9 Fashion Street Images





Appendix 5

Premises name and address	Licensable Activities and Hours	Opening Hours
(Chez Elles) 45 Brick Lane London E1 6PU	(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am 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, 11 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).	There are no restrictions on the hours during which this premises is open to the public
(Cost Price) 41 Brick Lane London E1 6PU	<u>The sale by retail of alcohol (off sales only)</u> <ul style="list-style-type: none"> • Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) • Friday and Saturday, from 11:00hrs to 01:00hrs (the following day) 	Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
Seven Stars) Basement and Ground Floor 49 Brick Lane	The sale by retail of alcohol Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 00 hrs the following morning Sunday 10 00 hrs to midnight Late Night Refreshment Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 02 00 hrs the following morning Sunday until midnight <i>The provision of regulated entertainment</i> Live Music and the Provision of Facilities for Making Music (Karaoke only) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 19 00 hrs to 02 00 hrs the following morning Sunday 19 00 hrs to midnight	Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 30 hrs the following morning Sunday 10 00 hrs to 00 30 hrs the following morning

	<p>Recorded Music Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hrs to 02:00 hrs the following morning Sunday 11 00 hrs to midnight</p> <p>On sales</p>	
(Morley's) 60 - 62 Brick Lane London E1 6RF	<p>The provision of late light refreshment</p> <ul style="list-style-type: none"> Monday to Thursday, from 23:00 hours to 23:30 hours Friday and Saturday, from 23:00 hours to 00:00 hours (midnight) 	<ul style="list-style-type: none"> Monday to Thursday, from 11:00 hours to 00:00 hours (midnight) Friday and Saturday, from 11:00 hours to 00:30 hours (the following day) Sunday, from 11:00 hours to 23:00 hours
(Best One) 20 Brick Lane London E1 6RF	<p>For the Supply of Alcohol, Monday to Thursday from 08 00 hrs to midnight Friday and Saturday from 08 00 hrs to 01 00 hrs the following day Sunday from 09 00 hrs until 23 00 hrs</p> <p>Off sales</p>	<p>Monday to Thursday from 08 00 hrs to midnight Friday and Saturday from 08 00 hrs to 01 00 hrs the following day Sunday from 09 00 hrs until 23 00 hrs</p>
75 Commercial Street London E1 6BD	<p>The sale by retail of alcohol (On Sale Only)</p> <p>Monday to Sunday 12:00 – 22:30</p>	<p>Monday to Sunday 11:30 to 23:00</p>
Milroys 76 Commercial Street London E1 6LY	<p><u>Regulated entertainment.</u> (Live music and recorded music only). Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p> <p><u>Sale of alcohol by retail.</u> Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p>	<p>Sunday to Thursday 11:00 hours - midnight Friday & Saturday 11:00 hours – 01:00 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

Lavine Miller-Johnson

From: Nicola Cadzow
Sent: 09 January 2023 11:13
To: Licensin Lavine Miller-Johnson
Cc: 'MARK.J. [REDACTED]' Amy Catlin
Subject: 156061 - New premises licence application Eastern Kula UK Third Floor 7-9 Fashion Street, London E1 6PX

Dear Licensing,

I have considered the new premise licence application for Eastern Kula UK Third Floor 7-9 Fashion Street, London E1 6PX and the potential impact of public nuisance and measures to prevent noise generated from within the premises and the external area, which could cause disturbance to people in the vicinity, with particular consideration that the premises is in Brick Lane Cumulative Impact Zone.

Whilst the premises is proposing to operate within framework hours, the application indicates use of the third floor external terrace whilst premises is in operation, being 23:30 hours Monday to Thursday, Midnight Friday and Saturday and 22:30 hours n Sundays. 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 for use of the terrace area, considering that the premises is in Brick Lane Cumulative Impact Zone

Noise Sensitive premises: residential premises in close proximity to the premise.

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, particularly with use of the external terrace area.

CONCLUSION

Environmental Protection **does not** support the application Eastern Kula UK Third Floor 7-9 Fashion Street, London E1 6PX for the following reasons:-

- The applicant has not provided sufficient information in the operating schedule to show how they will promote the licensing objective for the prevention of public nuisance, for use of the terrace area.
- The premise is in Brick Lane Cumulative Impact Zone

If the committee are minded to grant the 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. All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
3. The external area shall not be used after 21:00 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 5 persons at any one time.

Kind regards

Nicola Cadzow

Appendix 8

Lavine Miller-Johnson

From: Mohshin Ali
Sent: 24 February 2023 11:09
To: Lavine Miller-Johnson
Cc: Jack Spiegler
Subject: RE: 7-9 Fashion Street [EAS.8.1]

Dear Lavine,

The Licensing Authority (RA) now withdraws its representation as the applicant has agreed to the conditions below:

1. ***The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio***
2. ***There shall be no “vertical drinking” of alcohol at the premises.***
3. ***The sale and consumption of alcohol shall be by seated persons only.***
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. ***There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.***
6. ***The provision of late night refreshment shall be for consumption on the premises only and not for deliveries or takeaways.***

Thanks

Mohshin Ali


Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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From: Jack Spiegler 
Sent: 24 February 2023 11:04
To: Mohshin Ali <Mohshin.Ali@towerhamlets.gov.uk>

Cc: Lavine Miller-Johnson [REDACTED]

Subject: Re: 7-9 Fashion Street [EAS.8.1]

Dear Mohshin

Thank you for your email below and for bearing with me.

I confirm that the applicant agrees the conditions below.

I would be grateful if you could please confirm withdrawal of your representation

Thanks and kind regards

Jack

Jack Spiegler
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

M: [REDACTED]

W: <https://www.tandtp.com/home.html>

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From: Mohshin Ali <[REDACTED]>
Date: Wednesday, 15 February 2023 at 16:30
To: Jack Spiegler <[REDACTED]>
Cc: Lavine Miller-Johnson <[REDACTED]>
Subject: RE: 7-9 Fashion Street [EAS.8.1]

Dear Jack,

The Licensing Authority is in a position to withdraw the representation if your client can agree to the following conditions:

1. *The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio (already offered in the application)*
2. *There shall be no "vertical drinking" of alcohol at the premises. (already agreed)*
3. *The sale and consumption of alcohol shall be by seated persons only. (slightly amended requested)*

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. (already agreed)*
5. *There shall be no more than 50 customers within the internal licensed areas of the premises at any one time. (already agreed)*
6. *The provision of late night refreshment shall be for consumption on the premises only and not for deliveries or takeaways. (additional condition requested)*

Thanks

Mohshin Ali

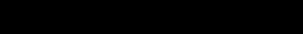

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From: Jack Spiegler 
Sent: 15 February 2023 11:43
To: Mohshin Ali < >
Subject: Re: 7-9 Fashion Street [EAS.8.1]

Hi Mohshin

Thanks very much for getting back to me.

The applicant will agree to conditions 2, 3 and 4 in your email below if the LA is in a position to withdraw.

The applicant's originally proposed condition 1 in the operating schedule is proposed instead of your condition 1 below, as follows:

"The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio"

The applicant submits that this is stricter condition than your proposed condition 1 as it more tightly controls the use and is more likely to ensure the premises does not add to cumulative impact.

The applicant could agree your condition 2 as condition 5 duplicates this.

If the representation needs to be maintained then the applicant reserves its position in respect of these extra conditions and will make submissions to the LSC accordingly.

Please feel free to call if easier to chat through

Thanks again

Best wishes

Jack

Jack Spiegler
Thomas & Thomas Partners LLP

On 15 Feb 2023, at 11:17, Mohshin Ali [REDACTED] wrote:

Dear Jack,

To clarify, is your client agreeing to the following conditions:

Original conditions requested by LA:

1. *The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
2. *There shall be no "vertical drinking" of alcohol at the premises*
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.*

Additional conditions offered by applicant:

4. *There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.*
5. *The consumption of alcohol shall be by seated persons only.*

Plan is also to be updated.

I will need to pass this through management and get back to you.

Kind regards,

Mohshin Ali
Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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From: Jack Spiegler [REDACTED]
Sent: 10 February 2023 17:00
To: Mohshin Ali [REDACTED]
Subject: Re: 7-9 Fashion Street [EAS.8.1]

Hi Mohshin

Thank you for your email.

Would it help if the following additional conditions were offered by the applicant:

1. There shall be no more than 50 customers within the internal licensed areas of the premises at any one time.
2. There shall be no “vertical drinking” of alcohol at the premises
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.

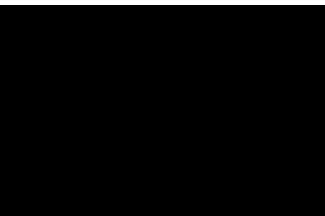
I can arrange for the licensed area plan to be updated if that assists.

Thank you and kind regards

Jack

Jack Spiegler
Partner

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38a Monmouth Street
London WC2H 9EP



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From: Mohshin Ali [REDACTED]
Date: Friday, 10 February 2023 at 10:49
To: Jack Spiegler [REDACTED]
Subject: RE: 7-9 Fashion Street [EAS.8.1]

Dear Jack,

What is the capacity of the premises?
Has your client accepted the other two requested conditions?

1. *There shall be no "vertical drinking" of alcohol at the premises*
2. *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.*

Also, the plan of the premises submitted by the applicant does not show the following:

1. *the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and*

Thanks

Mohshin Ali
Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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From: Jack Spiegler <[REDACTED]>
Sent: 10 February 2023 06:19
To: Mohshin Ali <[REDACTED]> Lavine Miller-Johnson <[REDACTED]>
>
Subject: Re: 7-9 Fashion Street [EAS.8.1]

Dear Mohshin

Thank you for getting back to me.

The original application proposed the following, which is specifically relevant to the policy and demonstrates that the premises will not add to cumulative impact:

1. Framework hours
2. A condition ensuring the premises is not alcohol led: *"The provision of licensable activities shall at all times remain ancillary to the main use of the premises building as a yoga and wellness studio"*.
3. A comprehensive operating schedule of conditions to promote the licensing objectives.

I need to take instructions would it help if the following additional condition was imposed too:

1. The consumption of alcohol shall be by seated persons only.

The building is primarily a yoga and wellness studio, which I am sure the underlying reasons for the Brick Lane policy is not aimed at targeting!?

There are also no resident objections and we may be able to agree conditions with Nicola so I'm hoping that we don't need to incur the Licensing Sub-Committee's time on this.

Thanks very much for your consideration

Kind regards

Jack

From: Mohshin Ali [REDACTED]

Date: Thursday, 9 February 2023 at 18:24

To: Jack Spiegler <[REDACTED]> Lavine Miller-Johnson <[REDACTED]>

Subject: RE: 7-9 Fashion Street

Dear Jack,

Thank you for your email.

The applicant would need to demonstrate to the sub-committee that the addition of this premises licence will not cumulatively add to the negative impact of the area and the licensing objectives. If the applicant can show how they will meet the exemption below, the Licensing Authority can review the representation.

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

1. *Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;*
 1. *Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,*
 2. *Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),**and,*
 3. *Have arrangements to prevent vertical drinking, for example fully seated venues;*
2. *Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments),*
3. *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:

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

As it stands, the application will need to be decided by the Licensing sub-committee.

Kind regards,

Mohshin Ali

Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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

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Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the link below:

<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

From: Jack Spiegler <[REDACTED]>
Sent: 08 February 2023 14:05
To: Lavine Miller-Johnson <[REDACTED]>; Mohshin Ali <[REDACTED]>
Subject: 7-9 Fashion Street

Dear Mohshin

I hope that you are well.

I have been in touch with Nicola and Lavine about the above application.

Are you free for a quick chat about your representation? I am just trying to explore whether there was any possibility this application could be granted under delegated powers.

Please feel free to call my mobile below any time or suggest a time and I will call you.

Thank you and kind regards

Jack

Jack Spiegler
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street

London WC2H 9EP



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Appendix 9

Prevention of Public Nuisance

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

Appendix 10

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

Updated December 2022

Public nuisance

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

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

Appendix 11

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

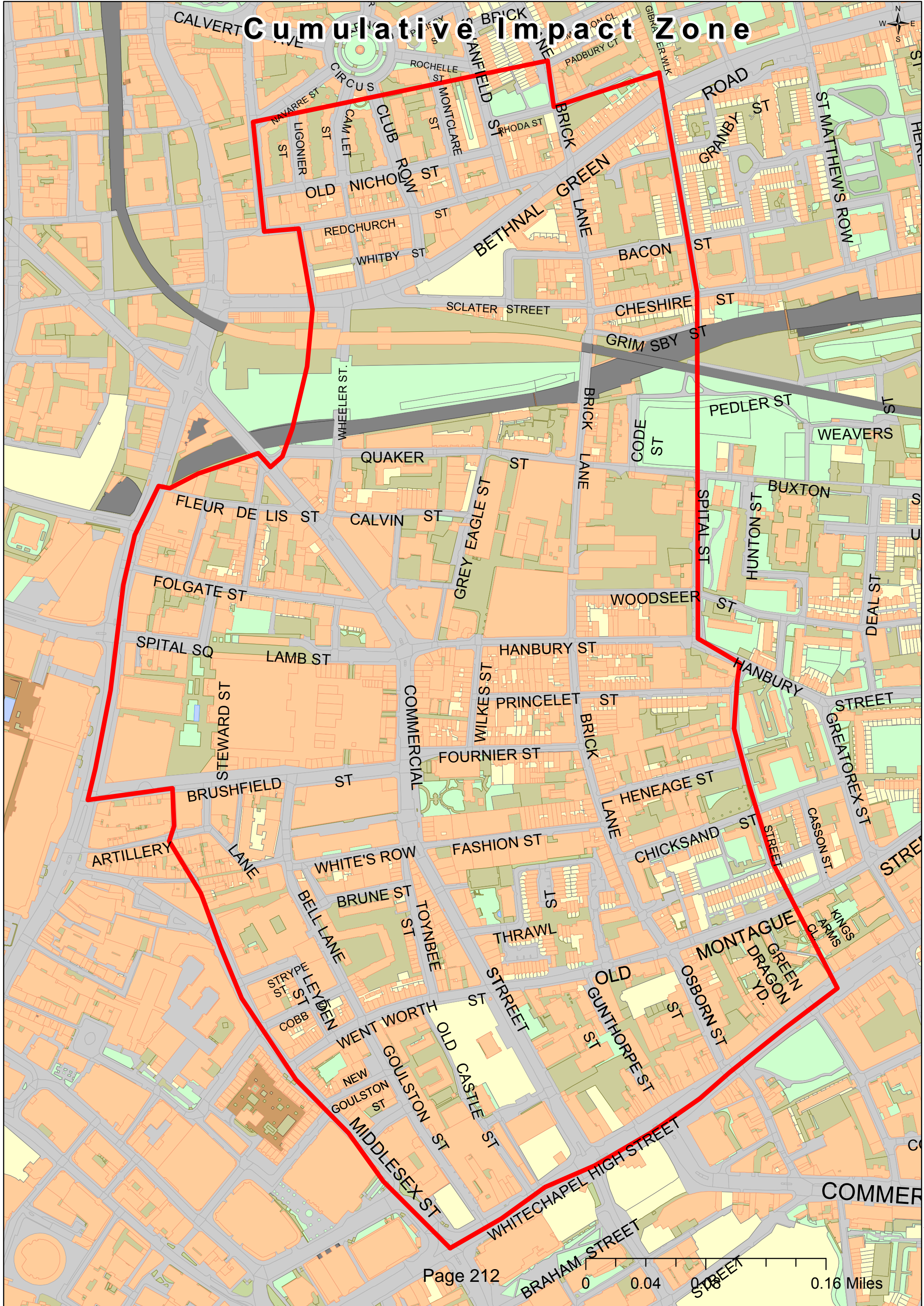
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The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

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

Appendix 12

Cumulative Impact Zone



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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

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

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

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

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

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

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

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

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

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

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

Figure One

Brick Lane area:

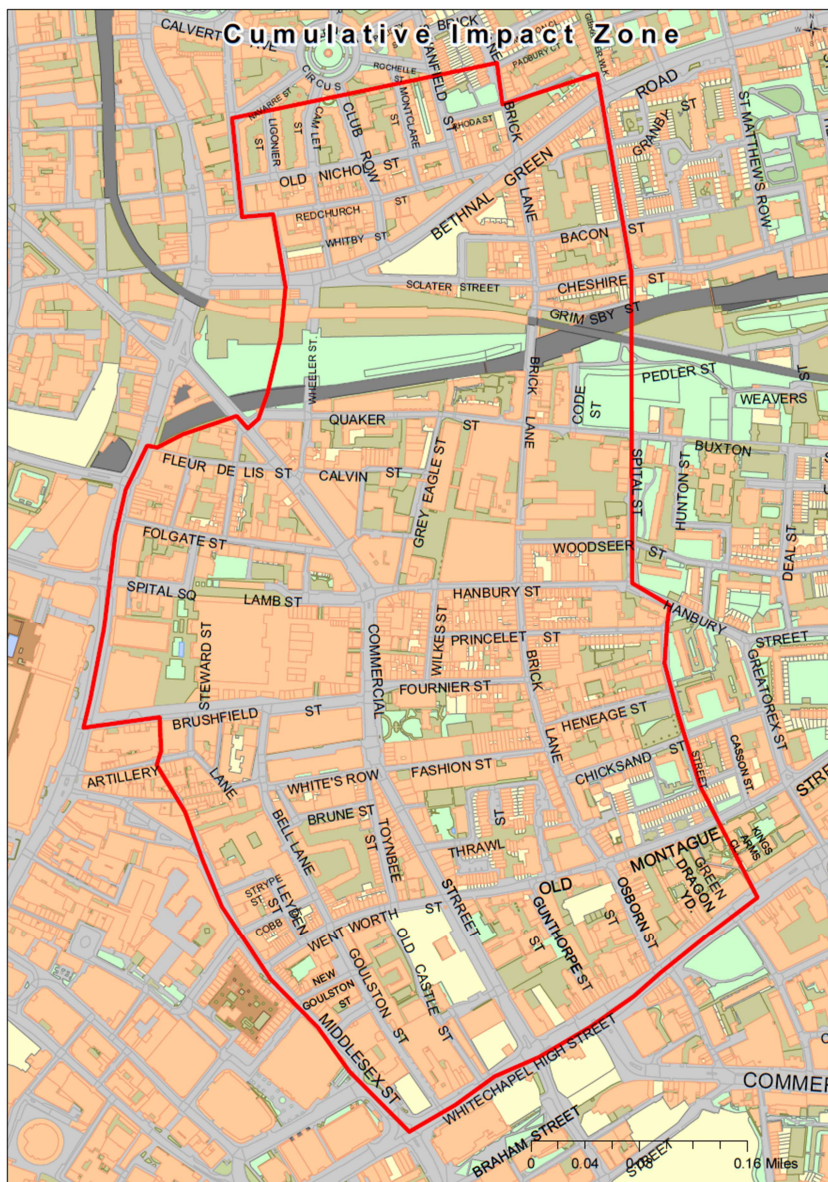
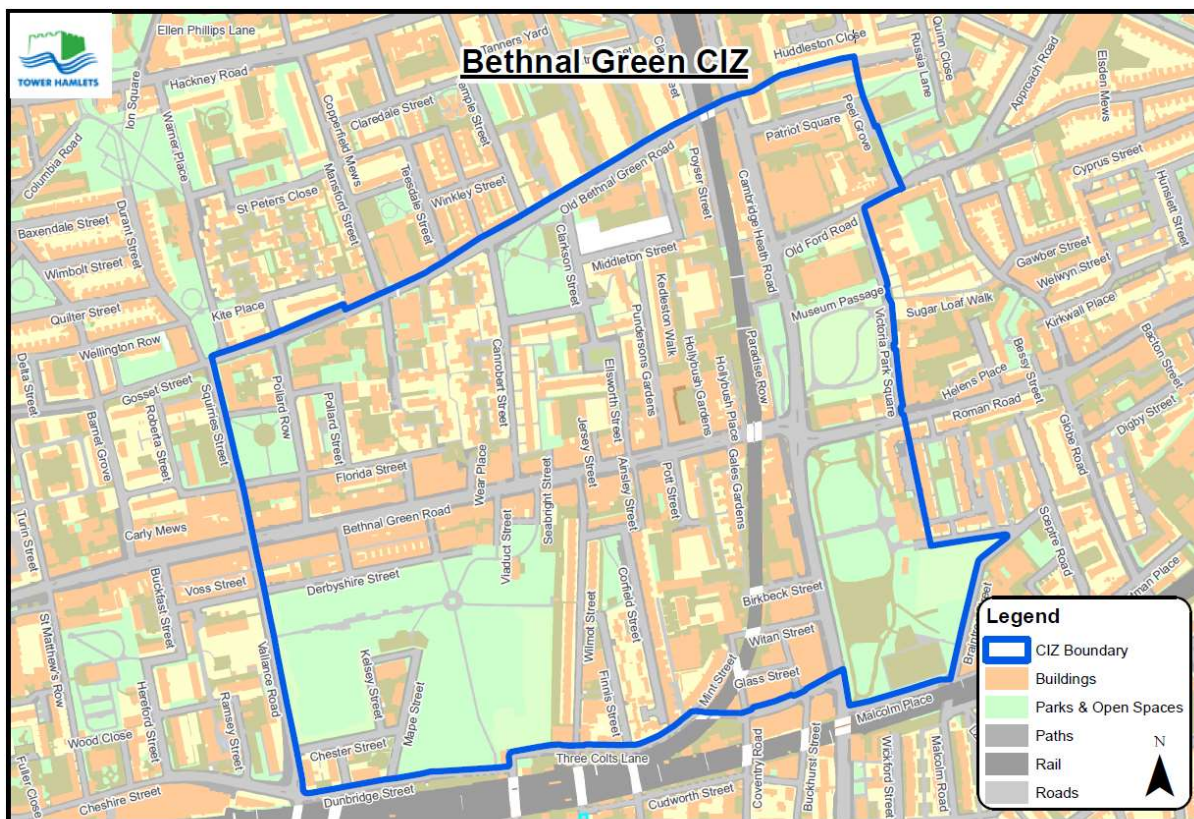


Figure Two:

Bethnal Green Area



Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 14

Planning

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

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