



# Licensing Sub Committee

## Agenda

**Tuesday, 25 April 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, 25 April 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)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on the 17<sup>th</sup> and 31<sup>st</sup> January, 14<sup>th</sup>, 22<sup>nd</sup> 28<sup>th</sup> February and 14<sup>th</sup> and 29<sup>th</sup> March 2023.

### **4. ITEMS FOR CONSIDERATION**

#### **4.1 Application for a new Premise Licence for YeYe London 58 Wentworth Street E1 7AL (Pages 19 - 94)**

Licensing Objectives:

- The Prevention of Public Nuisance



Representations:

- Licensing Authority

**Ward: Spitalfields & Banglatown**

**4 .2 Application for a new premises licence to consider for Belles Beauty Bar, 105 Burdett Road, London E3 4JN (Pages 95 - 184)**

Licensing Objectives:

- Crime and disorder
- Public nuisance
- Protection of children from harm.

Representations:

- Residents

Ward: Mile End

**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, 9 May 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

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

## **1. Interpretation**

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

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

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

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

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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



## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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**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 licencing 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 7<sup>th</sup> 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 28<sup>th</sup> 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.

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

The meeting ended at 8.10 p.m.

Chair, Councillor Suluk Ahmed  
Licensing Sub Committee

**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 22<sup>nd</sup> November and the 13<sup>th</sup> 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 6<sup>th</sup> 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.

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

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 6.34 P.M. ON TUESDAY, 14 FEBRUARY 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Suluk Ahmed  
Councillor Gulam Kibria Choudhury  
Councillor Peter Golds

**Officers Present in Person:**

Nicola Cadzow	(Environmental Health Officer)
Kathy Driver	(Principal Licensing Officer)
Ibrahim Hussain	(Licensing Officer)
Jonathan Melnick	(Principal Lawyer-Enforcement)
David Knight	(Democratic Services Officer, Committees, Governance)

**1. DECLARATIONS OF INTEREST**

There were no Declarations of Interest received at this meeting.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application for a Premises Licence for (Broadwick Venues) Oval Studios, 29 - 32 The Oval, London E2 9DT**

The Sub-Committee considered an application by Broadwick Venues Ltd. for a new premises licence for Broadwick Venues, Oval Studios, 29-32 The Oval, London, E2 9DT ("the Premises"). The application originally sought authorisation for the sale by retail of alcohol (on and off the Premises), late night-refreshment, and various forms of regulated entertainment. The starting times varied but the proposed terminal hour for all licensable activity was 01:30 hours every day, with non-standard timings for Christmas Eve and New Year's Eve.

Representations against the application were received from the Metropolitan Police, the Licensing Authority, and the Environmental Health Service as well as ten residents. The representations predominantly referred to the licensing objectives of the prevention of crime and disorder and the prevention of public

nuisance. The Sub-Committee was informed that as a result of engagement between the applicant and those making representations, some of the representations had been withdrawn, including that of the police. This engagement had resulted in a reduction in the permitted hours for licensable activity to:

Monday to Wednesday	07:00 hours to 23:30 hours
Thursday to Saturday	07:00 hours to 01:00 hours
Sunday	07:00 hours to 22:30 hours

Late-night refreshment, however, would be provided from 23:00 hours to 00:00 hours Monday to Wednesday and from 23:00 hours to 01:30 hours Thursday to Saturday.

The proposed modified opening times would be from 06:00 hours every day and closing thirty minutes after the cessation of licensable activity. A considerable number of conditions had been proposed which were acceptable to some of those making representations and the Sub-Committee had been provided with those in advance of the hearing.

### **Applicant**

Mr. Whur addressed the Sub-Committee on behalf of the applicant. He explained that there was no connection between the former operator and the applicant. The applicant held a number of licences in different areas, including some within this Borough. There had never been issues with the regulatory authorities in respect of the other venues. The two operators were very different and the representations had been taken on board, which had resulted in the applicant reducing the hours and offering a considerable number of conditions that could be imposed on the licence if granted.

This point was emphasised by the operator, who said it was his view that the Premises had been run completely inappropriately by the old operator. Mr. Whur drew the Sub-Committee's attention to the proposed conditions, most of which were not objected to. The most important in his view was condition 26, which prohibited events whereby tickets were sold to the public. He told the Sub-Committee that he had sought to agree conditions with the Environmental Health Officer. Two conditions were agreed. The general principle of two others (Ms. Cadzow's conditions 4 and 5 on Page 91) were agreed and it was a matter of the precise wording, and in respect of the use of the terrace area, the only issue was the cut-off time. Ms. Cadzow sought 21:00 hours, the applicant sought to use it to 22:30 hours.

Mr. Whur urged the Sub-Committee to consider the significant differences between this and the other operator and that there would not be any negative impact. The representations against the application were, in general, due to the previous operator and their operation at later hours as well as some of the other issues that had arisen.



**Objectors**

Kathy Driver addressed the Sub-Committee on behalf of the Licensing Authority. Her main concern was the history of the Premises. The previous operator had also sought to operate as a multi-purpose event space but was forced to use it for club events in order to generate revenue.

Ms. Driver referred to a photo in her representation at Page 94, of a large crowd of people outside the Premises, on the Oval itself. The Licensing Authority wanted to avoid future occurrences, given the capacity for up to 900 patrons. She noted that the Authority had not seen key documentation such as the Alcohol Management Plan or the Venue Operating Plan. It was not clear how security would be assessed for each event.

Ms Driver referred to the security and stewards and reminded the Sub-Committee that the previous operator had these. They used to illegally close off the road, which also added to the disturbance. She remained concerned that similar issues would arise and that local residents would experience further noise disturbance and public nuisance.

Ms. Driver also queried the maximum capacity of the terrace, which was proposed to hold as many as 150 people to 22:30 hours. This too gave rise to a risk of disturbance and these issues had not, in her view, been addressed by the applicant. The tubes tended to stop running around midnight and the use of taxis or other vehicles to leave the Premises would also give rise to public nuisance.

Ms. Driver also suggested that there ought to be no off-sales of alcohol. She noted that proposed condition 12 dealt in part with this. Nicola Cadzow from Environmental Health spoke briefly to her representation. She noted the conditions offered and the reduction in hours. She addressed the Sub-Committee in respect of the three disputed conditions. She was amenable to agree to 21:30 hours for the use of the terrace but maintained that 150 people on the terrace until 22:30 hours was far too late. In respect of the noise limiter condition, she considered that the proposed amendment by the applicant was not strong enough given that it meant that the operator would determine what sound levels were reasonable.

Several of the residents who had made representations also addressed the Sub-Committee. Ms. Colvin said that she had been disturbed most weekends and that sleep deprivation led to health impacts. She was concerned that there would be noise every evening. She suggested that alcohol combined with music would most likely give rise to problems, particularly when there could be some 700 people coming and going from the Premises. She referred to the Premises as not having suitable sound-insulation.

Mr. Robinson noted that the application was similar to the last application that had been granted. He noted that the police representation had been withdrawn and considered it would have been helpful to have heard from the police as to why they had done so. He could not see what was going to be different with this application compared to the last licence. The main problem

was people leaving late at night given that that this was a residential area and noted the venue's capacity to hold around 900 people.

Mr. Shaw told the Sub-Committee he lived in Hackney. Sound travelled and he had been affected by the operation of the Premises. He referred to the space outside having been taken over by the previous operator and that he had been threatened by security when he challenged them over their closing off the road. He told the Sub-Committee that the venue treated the area as part of their space. He considered that dispersal policies were ineffective because they didn't deal with the problems that tend to arise as people disperse from a venue. The terrace ought only to be used for small numbers of people. Having heard the applicant, his concerns were not assuaged. He suggested that this type of venue was simply not suited to the area.

Ms. Satikova told the Committee that the flats in the Empress Works building faced the venue and from 20:00 hours the vibration from the Premises could be felt in the flats. She referred to difficulties in getting the noise assessed by the Council.

Finally, the Sub-Committee heard from Mr. Fernandez. He noted that most of his concerns had been addressed by others. He too referred to the problems with vibration and that this was likely to be a problem even if a noise limiter was to be installed.

### **Decision**

The Sub-Committee explored and discussed the issues raised. Some of the disputed matters were resolved during this. Having heard the concerns about the terrace, the applicant agreed to Ms. Cadzow's compromise proposition of use ceasing at 21:30 hours. The applicant also agreed to the noise limiter condition if the Sub-Committee was minded to grant the application. The Legal Adviser suggested that the responsibility for setting a suitable level ought to rest with the Environmental Health service, which Ms. Cadzow agreed could be done. Similarly, if off-sales of alcohol were to be a particular concern for the Sub-Committee, Mr. Whur confirmed that his client was willing to accept off-sales being excluded.

Ms. Driver was concerned that some of the conditions would be unenforceable as the Licensing Authority would not know what plans and procedures would be in place for any given event. It was suggested by our Legal Adviser that if the application were to be granted, the relevant condition could be modified so as to require the Event Safety Management Plan and the Venue Operating Plan to be provided to and approved by the Licensing Authority, which would give a degree of oversight and control as to how the venue would operate. Ms. Driver confirmed it would assist to a degree, especially if it addressed issues such as queuing and entry.

Members also discussed security arrangements and were told that the applicant had their own security firm. Each event would be risk-assessed. This application engaged the licensing objectives of the prevention of public nuisance and, to a lesser degree, the prevention of crime and disorder. The Sub-Committee recognised that the applicant was unconnected with the

previous operator and was encouraged by the applicant's willingness to try to work with the responsible authorities and the residents both before the hearing and during the course of it. The Sub-Committee noted that some of the representations had been withdrawn in advance of the hearing. Whilst that meant that those specific individuals or bodies were content, the Sub-Committee did not consider that it undermined those representations which remained.

The Sub-Committee took account of what it had been told of other similar premises run by the applicant without problems. However, each application must be determined on its own merits and even similar premises and similar areas will have their own differences which will give rise to different impacts upon the licensing objectives. The Sub-Committee could not presume that a lack of problems elsewhere was more likely than not to lead to a similar outcome here.

The Sub-Committee accepted that many of its concerns and those of residents could be addressed by the imposition of conditions, such as by a restriction on the hours when the terrace area could be used. Whilst some residents expressed concern about noise and vibration from music, the Sub-Committee understood that this could be addressed by the use of a sound limiter, possibly with an appropriate equalising device to mitigate bass noise. The Sub-Committee further understood that if the Premises were not suitably sound-insulated, the noise limiter would likely be set at a much lower level than if the Premises were properly sound-insulated. However, the main area of concern for the Sub-Committee was the potential impact of as many as 900 hundred people, some of whom would very likely be intoxicated, leaving the venue late at night and entering into what is a densely populated residential area. The Sub-Committee considered that nuisance was almost inevitable as a result.

Even if patrons did disperse as quickly and as quietly as possible, there would still be noise from footfall, from voices, and from vehicles such as taxis. It was not clear to the Sub-Committee how that would or could be controlled. If, as had happened in the past, large numbers of patrons gathered on the Oval itself, there would clearly be noise nuisance as security staff tried to move them on. Whilst the Sub-Committee had no doubt that the applicant would not want this to happen and would try to avoid it, it was to some extent out of their control. Further, as people did disperse they would be out of the control of the applicant and the nuisance arising from dispersal would not be limited to the immediate vicinity of the Premises.

The Sub-Committee could also not ignore the previous history. Whilst each application must be considered on its own merits, the track record under previous operators is a relevant consideration, especially where the proposed licensable activities and the operation are so similar. The Sub-Committee noted that there are differences too, such as the condition prohibiting publicly ticketed events and the reduced hours; however, at the heart of this application and the previous operation is the use of the Premises as an event space for as many as 900 people. That previous operation caused serious crime and disorder and intolerable public nuisance to the local residents and

ultimately resulted in the revocation of the licence. The Sub-Committee was not satisfied that this application could be granted without there being a real likelihood of further public nuisance being experienced by the residents on a regular basis from both patrons and others then attracted to the area by the large crowds, such as the nitrous oxide sellers and illegal food vendors. The representations from the residents indicated the problems that they had experienced as a result of the previous operation and the nuisance was not limited to noise from patrons or the venue but included litter and drug-dealing. The Sub-Committee was told that the Premises would not be operating every single night. However, if the application was granted the Premises could operate every night. The Sub-Committee was not given any indication as to how often events finishing at closing time were to be held. Even if the intention now was not to operate daily, that intention could well change in the future.

Ultimately, the Sub-Committee could not be satisfied that the likely impact of public nuisance on the surrounding area as patrons left the Premises could be mitigated, despite the best efforts and intentions of the applicant. The sheer numbers alone meant that impact was inevitable. The Sub-Committee did not consider that there were any further conditions that could be imposed that would address those concerns. The Sub-Committee therefore considered that the only appropriate option to ensure the promotion of the licensing objectives was to refuse the application.

### **3.2 Application for a Premises Licence The Shell French Seafood Restaurant Ltd, ground floor & basement 3 Discovery Dock East South Quay Square London E14 9RU**

The Sub-Committee considered an application by the Shell French Seafood Restaurant Ltd. for a new premises licence to be held in respect of 3 Discovery Dock East, South Quay Square, London, E14 9RU (“the Premises”). The application originally sought authorisation for the sale of alcohol and provision of regulated entertainment from 11:00 hours to midnight Monday to Saturday and from 11:00 hours to 23:00 hours on Sunday. The proposed times at which the Premises would be open to the public mirrored the proposed times for licensable activity.

#### **Objections**

Several representations were received against the application from local residents. These were in the main concerned with the licensing objective of the prevention of public nuisance.

The Sub-Committee heard from the applicant and was told that as a result of the representations the application had been amended. The application now sought licensable activity until 22:00 hours seven days per week and the closing time would be amended to 22:30 hours every day. Some of those making representations had withdrawn their representation as a result. The applicant had not heard from the others.

### **The Applicant**

The applicant confirmed that the Premises would be run as a restaurant and that the music sought would be classical. It would not be dance or rock music. It was further clarified following a question from the Legal Adviser that the music would be played at background level and the Sub-Committee was advised that if so, it would not be licensable during the hours sought. Various conditions had been agreed with the responsible authorities. Two of those making representations, Mr. Polin and Ms. Jacquens, attended online. They confirmed that as a result of the amendments they were satisfied that their concerns as to public nuisance were assuaged.

### **Decision**

The Sub-Committee noted that this application engaged the licensing objective of the prevention of public nuisance. The Sub-Committee noted the representations, many of which appeared to be identical to all intents and purposes, which expressed concern as to the possible nuisance that might arise from a Premises operating to midnight in a residential area. Most had suggested that other restaurants in the area closed at around 22:30 hours and that the applicant should seek to do the same.

In light of the amendments proposed by the applicant along with the agreed conditions, the Sub-Committee was satisfied that the licensing objectives would not be undermined by granting the application. The application is therefore granted with the hours and conditions as set out below. In light of the fact that the Premises did not intend to carry on the provision of recorded music and which is, due to the deregulation provisions, not licensable in these circumstances, the Sub-Committee has excluded it from the scope of the licence.

#### **Sale by retail of alcohol (on-sales only)**

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

#### **Hours the premises are open to the public**

Monday to Sunday 11:00 hours to 22:30 hours

1. The DPS will keep an up to date written record showing the names of all staff members who are authorised to sell alcohol on the premises.
2. Evening events will be pre booked events with numbers carefully controlled along with those who are invited guests only.
3. Any children in the bar area must be accompanied by an adult after 21:00 hours.
4. 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.

5. 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.
6. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue.
  - b) all ejections of patrons.
  - c) any complaints received concerning crime and disorder.
  - d) any incidents of disorder.
  - e) all seizures of drugs or offensive weapons.
  - f) any faults in the CCTV system, searching equipment or scanning equipment.
  - g) any refusal of the sale of alcohol.
  - h) any visit by a relevant authority or emergency service.
7. 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.
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
8. 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. The premises shall only operate as a restaurant where the sale of alcohol is ancillary to the sale of alcohol.
10. 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.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. Loudspeakers shall not be located in the entrance lobby, or outside the premise building.

13. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
14. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

#### 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 eleven of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

<b>Premises</b>	<b>Extended to:</b>
Suvlaki 161 Brick Lane, London E1 6SB	28/02/23
Chicos London Ltd, 28 Osborn St London Aldgate East London, E1 6TD	28/02/23
Sainsbury's 70 Wapping Lane, London E1 2RD	28/02/23
Chaiiwala 55 Brick Lane E1 6PU	28/02/23

The meeting ended at 9.03 p.m.

**Chair, Councillor Suluk Ahmed  
Licensing Sub Committee**

The meeting ended at 9.03 p.m.

**Chair, Councillor Suluk Ahmed  
Licensing Sub Committee**

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**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON WEDNESDAY, 22 FEBRUARY 2023****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members In Attendance Virtually:**

Councillor Peter Golds  
Councillor Amin Rahman

**Officers In Attendance Virtually:**

Corinne Holland (Licensing Officer)  
Jonathan Melnick (Principal Lawyer-Enforcement)  
Farhana Zia (Democratic Services Officer)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Mr James Rankin	3.1	Counsel
PC Mark Perry	3.1	Metropolitan Police
PC Michael Rice	3.1	Metropolitan Police

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Mr Graeme Cushion	3.1	Senior Solicitor
Mr Felix Faulkner	3.1	Solicitor
Mr Nathanael Williams	3.1	Premises Licence Holder
Ms Paige Viaene	3.1	Legal Team

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

### 3. ITEMS FOR CONSIDERATION

#### 3.1 Application for Review under Section 53 A of the Licensing Act 2003 53A Review (Colour Factory), Unit 8a Queens Yard, London E9 5EN

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a Section 53A expedited review hearing for Colour Factory, Unit 8a Queens Yard, London E9 5EN. It was noted that a review under Section 53A could only be triggered by a senior officer of the Metropolitan Police when there had been a serious incident of crime or disorder. Ms Holland explained that today's meeting would be to make an interim decision, followed by a full review hearing within 28 days, from the date of receipt of the application which was made on the 20<sup>th</sup> February 2023.

At the request of the Chair, Mr James Rankin Counsel for the Metropolitan Police explained that at 04:43a.m. on Saturday 11<sup>th</sup> February 2023 a fatal stabbing occurred outside the premises, which both the victim and suspect had attended earlier. Mr Rankin said the premises licence holder, Mr Nathanael Williams, had been exceptionally co-operative in aiding the Police investigation, allowing access to CCTV footage as well as voluntarily closing the premises whilst the investigation was on-going. Mr Rankin said spot-checks of the CCTV undertaken by the police showed patrons were searched before entering the premises. However, there was concern that processes and procedures at the premises could be tightened to promote the licensing objective of prevention of crime and disorder. Mr Rankin said the proposed conditions put forward were agreed with the Premises Licence Holder and would ensure the premises could re-open safely. Mr Rankin then took members through the proposed conditions and acknowledged conditions 7 and 8 were a duplication of conditions 3 and 4.

The Sub-Committee then heard from Mr Graeme Cushion, solicitor for the Premises Licence Holder. Mr Cushion stated his client, Mr Nathanael Williams had operated the premises for the last three years and had an exemplary record in running licensed premises. He said that on behalf of his client he wished to express his sincere condolences to the victim and the family. Mr Cushion stated that upon hearing of the incident, Mr Williams had fully cooperated with the police investigation and had ceased his business partnership with the promoter for the event which took place on the 11<sup>th</sup> February 2023. He said the Premises Licence Holder did not wish to be associated with events which give rise to crime and disorder. Mr Cushion said they had met with the Metropolitan Police's Licensing Team and had come up with a set of proposed conditions that would ensure the safe re-opening and operation of the venue. Mr Cushion said his client had agreed to the proposed conditions.

In response to questions the following was noted;

- Mr Rankin clarified that the weapon used in the fatal stabbing of the victim was not found inside the premises.

The Applicant and the Premises Licence Holder had no concluding remarks to make.

### **Decision**

This is an expedited review interim steps hearing for the premises licence held in respect of the Colour Factory, Unit 8a Queens Yard, London E9 5EN under Section 53 A of the Licensing Act 2003.

The review arose after the tragic fatal stabbing in the early hours of the 11<sup>th</sup> February 2023. The Sub-Committee heard from the Metropolitan Police who referred to the steps that had been taken by the premises such as searches. Although there is no suggestion that the weapon was within the premises at any point, the investigation has indicated some shortcomings in the robustness of the conditions on the premises licence. The premises had been voluntarily closed and wish to re-open. In order to protect the public, the police have asked for a number of conditions to be imposed as interim steps.

The Premises Licence Holder has agreed to the imposition of all these conditions, but the decision is ultimately for the Sub-Committee. Having heard from the parties the Sub-Committee is satisfied that these conditions are necessary as an interim measure. This will allow the premises to re-open and to do so in a way that will ensure the promotion of the licensing objective of the prevention of crime and disorder.

The agreed conditions, with the exception of conditions 7 and 8 which were duplicates of 3 and 4 shall be imposed with immediate effect.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a review under Section 53A of the Licensing Act 2003 for Colour Factory, Unit 8a Queens Yard, London E9 5EN be **GRANTED with additional conditions on the licence.**

1) All SIA Staff to be re-trained on searching customers and their bags prior to the venue re-opening for late night events and documentary proof sent to CE Police Licensing. SIA refresher training to be every 6 months and also documented.

2) The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.

3) The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.

4) When regulated entertainment is taking place past 11pm, all persons entering or re-entering the premises after 8pm shall be searched by a SIA licensed member of staff while monitored by the premises CCTV system. The search shall include a metal detecting search using an arch or wand, followed by a search of the person, and a full bag search.

5) The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.

6) A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

7) A written egress policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

The Egress Policy shall include:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
- Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Detail of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.

8) The premises shall adopt the Central East Police Licensing Drugs Policy.

9) 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:

- all crimes reported to the venue;
- ejections of patrons;
- any complaints received concerning crime and disorder
- all any incidents of disorder;
- all seizures of drugs or offensive weapons;
- any faults in the CCTV system, searching equipment or scanning equipment;
- any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service.
- All entries relating to crime, disorder, ejections, and seizures of drugs and weapons to include a comprehensive account of the incident, actions taken and outcome.

10) Each bar shall keep and maintain a record detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be filled out as soon as practicable and kept behind the bar. Each record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.

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:

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

12) There must be at the premises a lockable drugs box to which no member of staff, save the DPS and security manager shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.

13) The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated "welfare officers" at peak times who will be easily identifiable, to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly

intoxicated and liaising with management/security staff to assist them where necessary. staff training on customer welfare such as “WAVE” and availability of free water to customers. The policy must be written, reviewed yearly, and made available to Police upon request.

14) Where indicated by the event risk assessment, welfare staff will be deployed to the event. The welfare staff will be easily identifiable to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated or otherwise vulnerable and liaising with management/security staff to assist them where necessary. All welfare interventions and outcomes to be logged in the welfare log.

15) Drinking water to made freely throughout the venue, Signage to advertise this information to customers.

16) All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises). This training shall be documented and repeated /refreshed at six-monthly intervals.

17) The venue will conduct a comprehensive in-house risk assessment for all promoted events, The risk assessment shall demonstrate any measures to be put place to mitigate any identified risks, together with the rationale applied. A copy of all risk assessments shall be retained on the premises for 1 year and made available for immediate inspection by police or responsible authorities upon request.

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

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

<b>Premises</b>	<b>Extended to:</b>
Oval Venues Limited Oval Café 11-12 The Oval London E2 9DU	<b>14/03/2023</b>
Eastern Kula 3 <sup>rd</sup> Floor 7-9 Fashion Street London E1 6PX	<b>14/03/2023</b>

The meeting ended at 2.57 p.m.

Chair, Councillor Kamrul Hussain  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.35 P.M. ON TUESDAY, 28 FEBRUARY 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Saied Ahmed  
Councillor Rebaka Sultana  
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. ITEMS FOR CONSIDERATION****3.1 Application for a new Premise Licence for Sainsbury's, 70 Wapping Lane, London E1W 2RD**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

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.

### **Applicant**

The Sub-Committee considered an application for a new premises licence by the Applicant, made through its agent, Robert Botkai, in respect of Sainsbury's 70 Wapping Lane London E1W 2RD. The Applicant has described this a convenience store The Applicant was seeking the following:

#### **Sale of Alcohol (off sales only)**

**Monday – Sunday 07:00 hours – 23:00 hours**

#### **Opening times**

**Monday – Sunday - 24 hours/unrestricted**

***Mr Botkai presented to the Sub-Committee that the Applicant's staff training would focus on implementing Challenge 25, and there would be a tills prompt system. The Sub-Committee noted that there would be no parking on the high street and that there would be an allocated delivery bay.***

***The Sub-Committee noted that there were no objections by any of the responsible authorities, and that conditions proposed by Environmental Protection were agreed with the Applicant. Although residents had expressed concern over increased footfall leading to crime and disorder, the Applicant was aware that this was a special area with a real sense of community, Mr Botkai expressed to the Sub-Committee that a Sainsburys would be beneficial and positive alongside the other existing businesses. The Sub-Committee noted that there was no objection from the police. The Sub-Committee noted the representation which was read out by Mr Botkai in support of the application and a national chain.***

#### **Resident and Business Representation**

***Mr Milton who spoke on behalf of the residents addressed the Sub-Committee that there were concerns with the hours, and the square footage was so small that it accumulates disruption to the local community. The building itself was surrounded by double yellow lines, and there was a reduction on parking. The Community have lost four business in the area, there was a small green where people congregated and caused anti-social behaviour which was a concern. If existing businesses were forced to close the footfall would lessen. Existing businesses are already struggling, and there are two busy bus routes which would cause noise nuisance The Sub-Committee thanked Mr Milton for addressing the hearing and noted their concerns.***

***Mr Patel who has a local business in the area addressed the Sub-Committee with concerns that this particular area was saturated, having a national chain present would introduce more alcohol to the area, there were already four public houses and a restaurant. The demographic in this area were of a younger generation with young children, which would potentially cause public nuisance with the sale of alcohol. Mr Patel explained that a petition had been submitted with a hundred and fifty signatures which included businesses and residents, Wapping operated a bus gate which local businesses have had to comply with. If this application were to be granted a known big chain would be able to pay the rent and rates whilst local businesses shall suffer with the cost-***



*of-living crisis. The Sub-Committee thanked Mr Patel for his contribution and noted the concerns.*

Decision

*The Sub-Committee took into account the fact that the premises are not in a cumulative impact zone, and that therefore, they need only be satisfied that there was no evidence that the application, if granted, would not undermine any of the above licensing objectives. Therefore, representations that granting the application would saturate the area could not be considered relevant, with regard to the Council's Statement of Licensing Policy and the Secretary of State's guidance. On the same basis, the Licensing Sub-Committee does not have the legal remit to factor into its decisions, matters like the impact on the character of the area and the effect on other businesses, which do not directly relate to any of the above four licensing objectives.*

Paragraph 4.6 of the Council's Statement of Licensing Policy says that implementation of that policy must be consistent with those four licensing objectives. Paragraph 9.38 of the Secretary of State's statutory guidance points the Licensing Sub-Committee to determining applications with reference to the licensing objectives and the local authority's Statement of Licensing Policy.

The Sub-Committee found that on the balance of probabilities, there was no evidence that the application, if granted, would undermine any of the licensing objectives.

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

Accordingly, the Sub-Committee unanimously;

**RESOLVED**

That the application for a new premises license in respect of **Sainsbury's 70 Wapping Lane, London E1W 2RD**

be **GRANTED with conditions: -**

**Conditions consistent with the Operating Schedule**

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for

inspection on request.

4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.

5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

6. The system will display, on any recording, the correct time and date of the recording.

7. The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.

#### **Conditions agreed with Environmental Protection**

1. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 07:00 hours on the following day.
2. No deliveries to the premises shall take place between 22:00 hours and 07:00 hours the following day.

### **3.2 Application for a new Premise Licence for Suvlaki, 161 Brick Lane, London E1 6SB**

This is an application for a new Premise Licence for Suvlaki, 161 Brick Lane, London, E1 6SB. This premises falls within the Brick Lane Cumulative Impact Area. The applicant has described the premises as: A restaurant/take-away. The hours applied for are as follows:

Late-Night Refreshments (indoors & outdoors)

**Monday – Wednesday 23:00 – 03:00 hours**

**Thursday – Saturday 23:00 – 04:00 hours**

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

Opening times

**Monday – Wednesday 11:00 – 03:00 hours**

**Thursday – Saturday 11:00 – 04:00 hours**

**Sunday 11:00 – 00:00 hours (midnight)**

Applicant

***Mr Kilic who was the agent representing the Applicant Mr Yalgi explained to the Sub-Committee that there were exemptions if the business were to operate as a registered charity supplying food and that the Applicant has been operating under the authorisation of a charity. Mr Wong Legal Advisor to the Sub-Committee advised that as this was new evidence this information cannot be considered. Mr Kilic insisted that this new information needed to be considered by the Sub-Committee therefore sought an adjournment. The Chair agreed to adjourn the hearing as this new evidence was not submitted in adequate time for the Sub-Committee to consider as part of the application.***

This was adjourned for reasons which appear in the minutes, and therefore, no decision was made regarding this application on this date.

### **3.3 Application for a new Premise Licence for Chicos London Ltd, 28 Osborn Street London E1 6TD**

#### 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

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 virtually from Ms Cadzow Environmental Protection.

The Sub-Committee considered an application for a new premises licence by the Applicant, Chicos London Ltd., in respect of premises at 28 Osborn Street London E11 6TD. These premises fall within the Brick Lane Cumulative Impact Area.

The hours applied for were as follows:

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

***Monday – Sunday from 12:00 – 00:00 hours***

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

***During the month of Ramadan, we may wish to stay open past 00:00 hours for those fasting***

#### **Opening times**

***Monday – Sunday from 12:00 – 00:00 hours***

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

*The month of Ramadan we intend to open from 6pm- 1am*

*The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.*

*The Sub-Committee noted that according to paragraphs 19.7 and 19.8 of the Council's Statement of Licensing Policy, an Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.*

### **Applicant**

The Sub-Committee took into account clarification by the Applicant that the application erroneously sought a licence to provide late night refreshment from 12 noon, and that the Applicant accepted that late night refreshment only applied from 23:00hrs., so clarifying that late night refreshment was sought for one hour up to 0:00hrs., the premises was situated in a popular street, it was straightforward were the premises was situated.

The Sub-Committee noted the Applicant's clarification that the proposed extended opening hours during the month of Ramadan be for two hours from 23:00hrs.

The Sub-Committee noted that the Applicant described the premises as a restaurant serving hot and cold food for consumption off and on the premises with a capacity of up to 50 people, that the application was food-led with food to be sold via delivery apps. such as UberEats, and that the proposed hours did not extend much beyond framework hours.

### **Decision**

The Sub-Committee were satisfied in light of all the above that there were exceptional circumstances, and that granting the application would not add to the cumulative impact of existing licensed premises within the CIZ.

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

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a late night refreshment licence in respect of **Chicos Ltd 28 OSBORN Street London E1 6TD**, with the stipulation that during the month of Ramadan, the non-standard opening hours be until 01:00hrs.,

be **GRANTED with conditions:** -

**Conditions agreed with the Police**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.
4. The premises shall have a dispersal plan to ensure customers leave the premises quickly and do not cause nuisance to residents. This policy is to be written down and reviewed annually, and made available to Police or the local authority upon request.

**Conditions requested by Environmental Protection**

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. 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.
4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

5. No idling of delivery vehicles outside the premises, no drivers shouting or raised voices, nor loud music/radios, whilst the premises are in operation.

6. The premises licence holder will display notices within their premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum whilst waiting outside the premises to collect deliveries.

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

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

<b>Premises</b>	<b>Extended to:</b>
Oval Venues Ltd Oval Café 11-12 The Oval London E2 9DU	14/03/23
Eastern Kula 3 <sup>rd</sup> Floor 7-9 Fashion Street London E1 6PX	14/03/23
Bow Supermarket 163-167 Devons Road, London, E3 3QX	14/03/23
Hamlet Pizza 479 Cambridge Heath Road, E2 9BU	14/02/23
Chaiwala 55 Brick Lane E1 6PU	14/02/23

The meeting ended at 8.26 p.m.

Chair, Councillor Kamrul Hussain  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 14 MARCH 2023**

**COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL**

**Members Present in Person:**

Councillor Peter Golds (Leader of the Conservative Group)  
Councillor Ahmodul Kabir  
Councillor Abdul Wahid

**Members In Attendance Virtually:**

Mr Rankin Counsel  
PC Mark Perry

**Officers Present in Person:**

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 17<sup>th</sup> and 31<sup>st</sup> January 2023 were agreed and approved as a correct record.

**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 - RESOLVED**

This application was resolved before the sub-committee.

**4.2 Application for a new Premise Licence for Eastern Kula UK Ltd, Third Floor 7-9 Fashion Street E1 6PX RESOLVED**

This application was resolved before the sub-committee.

#### **4.3 Application for Review for Colour Factory, Unit 8a Queens Yard, White Post Lane, London, E9 5EN - SUPPLEMENTARY AGENDA ATTACHED**

##### **Applicant**

The Sub-Committee considered an application by the Metropolitan Police for a review of the premises licence, held by Run the Booze Ltd., in respect of Colour Factory, Unit 8a, Queen's Yard, White Post Lane, London, E9 ("the Premises"). The review was the statutory review required under s.53C of the Licensing Act 2003. An interim steps hearing had been held on 22<sup>nd</sup> February 2023, at which the Sub-Committee had imposed a number of conditions on the premises licence as an interim step.

During the consultation period, one representation had been received. This was from the London Legacy Docklands Corporation (LLDC) and which initially referred to the lack of planning permission and the permitted hours. The representation was substantially amended on 10<sup>th</sup> March 2023.

The interim steps that had been imposed had been the product of an agreed negotiation between the Police and the premises licence holder. The Sub-Committee heard from Mr. Rankin on behalf of the police. He outlined in brief the circumstances giving rise to the tragic events of 11<sup>th</sup> February 2023 and which had, ultimately, led to this review. He emphasised the considerable degree of cooperation which had been afforded to the police by the premises, which included the provision of guest and staff lists, access to CCTV, and the provision of witness statement.

There was no evidence that the weapon had been inside the Premises at any point. Since the interim steps hearing there had been discussions between the licence holder and the police, which had resulted in a further set of agreed conditions which the Sub-Committee understood to replicate the conditions imposed as an interim step, subject to some minor amendments. The police were satisfied that the imposition of the agreed conditions on the premises licence would be appropriate and proportionate for the promotion of the licensing objectives.

##### **Premises Licence Holder**

The Sub-Committee heard briefly from Mr. Cushion, on behalf of the licence holder. He apologised for the time taken up by all concerned in addressing this matter and expressed Mr. Williams' disappointment that the tragedy had been associated with his venue. He confirmed that conditions had been agreed with the police and that since the last hearing the Premises had tightened up its various policies and had also shown the police their training and searching procedures to ensure that they were content with the steps taken.

The Sub-Committee was satisfied that it was appropriate and proportionate to follow the agreed position. There had been no prior history at the Premises



and the incident had not been associated with it to the extent, for example, that the weapon had managed to get inside the Premises or that the altercation had started inside and spilled out later; indeed, the Sub-Committee noted that the Premises was closed.

However, as Mr. Rankin indicated, the concern was that if men of violence attended premises such as these, the searches and other steps being taken to ensure public safety needed to be very much tightened up. The concern was of course to manage risk. The Premises had re-opened safely since the incident, without any cause for concern, and in those circumstances the Sub-Committee considered that imposing the agreed conditions (which appeared at Pages 8 to 11 of the Supplementary Agenda pack) was the appropriate measure to take in the particular circumstances. Mr. Rankin drew the Sub-Committee's attention to the fact that conditions 2 and 5 were duplicates and so, for the avoidance of doubt, condition 5 will be deleted and the remaining sixteen conditions added.

### **Decision**

Accordingly, the Sub Committee unanimously; **RESOLVED** That the application for a review under Section 53A of the Licensing Act 2003 for Colour Factory, Unit 8a Queens Yard, London E9 5EN be **GRANTED** with additional conditions on the licence.

- 1) All SIA Staff to be re-trained on searching customers and their bags prior to the venue re-opening for late night events and documentary proof sent to CE Police Licensing. SIA refresher training to be every 6 months and also documented.
- 2) The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
- 3) The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all customers entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.
- 4) When regulated entertainment is taking place past 11pm, a risk assessment will be undertaken to determine the necessity or otherwise of searching and/or wandng all or some of the customers. Such risk assessment will be signed off by the premises management and by the security company. The risk assessments will be the subject of an independent audit carried out at least once every six months.

5) A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

6) A written egress policy shall be in place and implemented at the premises to move customers away from the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

The Egress Policy shall include:

- Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
- Details of public transport in the vicinity and how customers will be advised in respect of it.
- Details of the management of taxis to and from the premises.
- Details of the management of any 'winding down' period at the premises.
  - Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
- Details of any cloakroom facility at the premises and how it is managed.
- Detail of road safety in respect of customers leaving the premises.
- Details of the management of ejections from the premises.
- Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up.

7) The premises shall adopt the Central East Police Licensing Drugs Policy.

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:

- all crimes reported to the venue;
- ejections of patrons;
- any complaints received concerning crime and disorder
- all incidents of disorder;
- all seizures of drugs or offensive weapons;
- any faults in the CCTV system, searching equipment or scanning equipment;
- any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service.
  - All entries relating to crime, disorder, ejections, and seizures of drugs and weapons to include a comprehensive account of the incident, actions taken and outcome.

9) Each bar shall keep and maintain a record detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the

name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be filled out as soon as practicable and kept behind the bar. Each record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.

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

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

11) There must be at the premises a lockable drugs box to which no member of staff, save the DPS, Security Manager, General Manager and Duty Manager shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.

12) The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated “welfare officers” at peak times who will be easily identifiable, to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated and liaising with management/security staff to assist them where necessary. staff training on customer welfare such as “WAVE” and availability of free water to customers. The policy must be written, reviewed yearly, and made available to Police upon request.

13) Where indicated by the event risk assessment, welfare staff will be deployed to the event. The welfare staff will be easily identifiable to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated or otherwise vulnerable and liaising with management/security staff to assist them where necessary. All welfare interventions and outcomes to be logged in the welfare log.

14) Drinking water to made freely throughout the venue, Signage to advertise this information to customers.

15) All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises). This training shall be documented and repeated /refreshed at six-monthly intervals.

16) The venue will conduct a comprehensive in-house risk assessment for all promoted events, The risk assessment shall demonstrate any measures to be put place to mitigate any identified risks, together with the rationale applied. A copy of all risk assessments shall be retained on the premises for 1 year and made available for immediate inspection by police or responsible authorities upon request.

The Sub-Committee then considered the interim steps, as required under s.53D. It was not disputed by either party that the conditions imposed ought not to continue. Indeed, given the decision made on the review, it would be inconsistent with that for the conditions imposed as an interim step to not remain. Mr. Cushion suggested that the conditions be those that the Sub-Committee has now decided to impose on the licence, with which Mr. Rankin agreed. A modification of the interim steps is permitted by virtue of s.53D(2)(c) and (3)(a) of the Licensing Act 2003 and the interim steps are therefore modified accordingly.

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

**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.

Bow Super Market 163-167 Devons Road E3 3QX	28 <sup>th</sup> March 2023
Hamlet Pizza 479 Cambridge Heath Road E2 9BU	28 <sup>th</sup> March 2023
Chaiwala 55 Brick Lane E1 6PU	28 <sup>th</sup> March 2023

The meeting ended at 7.10 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 1.00 P.M. ON WEDNESDAY, 29 MARCH 2023****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members In Attendance Virtually:**

Councillor Suluk Ahmed  
Councillor Shahaveer Shubo  
Hussain  
Councillor Sabina Akhtar

**Officers In Attendance Virtually:**

Farzana Chowdhury  
Jonathan Melnick  
Nicola Cadzow  
PC Mark Perry

**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 Temporary Event Notice for 90 White Post Lane Hackney Wick London E9 5EN****Applicants**

This was an application by the Metropolitan Police and Environmental Health for a counter-notice. The premises user failed to attend. The Sub-Committee heard from PC Perry and from Nicola Cadzow, who spoke to their representations. The issues included noise, a lack of soundproofing, drug use, a lack of control over the site, and issues of that nature.

**Premises Licence Holder**

The Premises Licence Holder has described the nature of the application as follows: 90 White Post Lane is a clear gravel yard bounded by 8ft site fencing on all sides. It is the site of the now demolished Lea Tavern Public House and guest rooms. The site has been empty since the public house was demolished around 2012. The Boat Live project is a converted boat and container structure, which has been running at 66-78 White Post Lane for the last year and will be relocated at this site.

The Notice was given on 23rd March 2023 and the Responsible Authorities were notified of the Temporary Event Notice on 24<sup>th</sup> March 2023

The premises that has been applied for is: 90 White Post Lane Hackney Wick London E9 5EN

The dates that have been applied for are as follows:  
8<sup>th</sup> April and 9<sup>th</sup> April 2023

The times that have been applied for are as follows:  
Saturday 8<sup>th</sup> April 2023 2pm- 12am  
Sunday 9<sup>th</sup> April 2023 2pm – 12am

In the absence of the premises user the Sub-Committee could not be sure how they would manage crowds; how searches would be carried out; how noise, etc. would be controlled.

The objections raised a number of issues which concerned the Sub-Committee. The history showed that the premises user was not upholding the licensing objectives. In the absence of the premises user and clear answers to our concerns, the Sub-Committee was satisfied that the event would undermine the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

**Decision**

The decision of the Sub-Committee is therefore to issue a counter-notice.

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

**4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003** The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

London Cocktail Club 9 Cabot Square Canary square London E14	11/04
Suvlaki 161 Brick Lane, London E1 6SB	11/04
Belles Beauty Bar 105 Burdett Road London E3 4JN	11/04

Ye Ye London 58 Wentworth Street London E1 7LA

11/04

The meeting ended at 1.50 p.m.

Chair Suluk Ahmed,  
Licensing Sub Committee

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# Agenda Item 4.1

Committee: <b>Licensing Sub Committee</b>	Date	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a new Premise Licence for YeYe London 58 Wentworth Street E1 7AL</b>
Originating Officer: <b>Lavine Miller-Johnson Licensing Officer</b>	Ward affected: <b>Spitalfields and Banglatown</b>

## 1.0 Summary

Applicant: **Healthy Foods House Ltd**

Name and Address of Premises: **YeYe London  
58 Wentworth Street  
London  
E1 7AL**

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

Objectors: **Environmental Health  
Licensing Authority**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File  
Section 182 Guidance  
LBTH Licensing Policy

Lavine Miller-Johnson  
020 7364 2665

### 3.0 **Background**

3.1 This is an application for a new Premise Licence for **YeYe London 58 Wentworth Street E1 7AL**

3.2 This premises falls within the Brick Lane Cumulative Impact Area.

3.3 The applicant has described the premises as: a restaurant, mainly serving Asian style food. There are approximately 15 covers.

3.4 A copy of the application is shown in **Appendix 1**.

3.5 The hours applied for are as follows:

#### **Sales of Alcohol (on sales)**

Monday to Sunday from 12:00 hours to 23:00 hours

#### **Opening times**

Monday to Sunday from 12:00 hours to 23:00 hours

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

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

4.2 It has been noted in the operating schedule that the applicant has stated that the premises has 15 covers. On observation of the plan submitted, the Health and Safety team have noted 77 covers. The applicant has clarified that the premises has 15 tables with 77 covers.

4.3 Maps showing the vicinity are included as **Appendix 3**.

4.4 Photographs of the premises surrounding area included in **Appendix 4**.

4.5 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

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

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

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

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

## 6.0 Representations

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

2. No drinks outside the premises will be allowed.
3. Check the personal ID. No
4. Not provide to the under aged individual
5. Provide enough security
6. keep the noise down

## 8.0 Conditions Agreed/Requested by Responsible Authority - Police

### See appendix 9

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.
4. 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.

## 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 11– 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.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.



## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Photograph of the premises
<b>Appendix 5</b>	Other licensed venues in the area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations from Environmental Health
<b>Appendix 8</b>	Representation from Licensing Authority
<b>Appendix 9</b>	Conditions agreed with the Police
<b>Appendix 10</b>	Applicants' mediation with EHO
<b>Appendix 11</b>	Licensing Officer comments on public nuisance
<b>Appendix 12</b>	S182 advice on public nuisance
<b>Appendix 13</b>	ASB leaving the premises
<b>Appendix 14</b>	Cumulative Impact Area
<b>Appendix 15</b>	Licensing Policy relating to hours of trading
<b>Appendix 16</b>	Planning

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# Appendix 1



\* required information

**Section 1 of 21**

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

System reference  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 you would prefer not to be contacted by telephone

Are you:

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

Applying as an individual

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

**Applicant Business**

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

Registration number

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

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

District

City or town

County or administrative area

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...

**Address**

Building number or name

District

City or town

County or administrative area

Country

**Contact Details**

Telephone number

Other telephone number

\* Date of birth     
dd mm yyyy

\* Nationality

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

**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.

This premise is a restaurant, mainly serving Asian style food. There are approximately 15 covers

*Continued from previous page...*

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?



Continued from previous page...

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

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.

N/A There will not be any activity occurring on additional days during the summer months

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

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

N/A There will not be any non standard timings.

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

Continued from previous page...

**Enter the contact's address**

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

There will not be any adult entertainment carried out on the premises

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

Page 91  
End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

N/A There will not be any activity occurring 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.

N/A There will not be any non standard timings.

**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)

**Continued from previous page...**

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

Drink will only be served inside the resteraunt in complement to the meal. No drinking outside the premise will be allowed. We will provide ID check to prevent any underage drinking  
There will be no live music or other form of entertainment on premise

b) The prevention of crime and disorder

Check the personal ID  
not provide to the under aged individual  
provide enough security  
Any drink will only be served inside the resteraunt in complement to the meal.

c) Public safety

provide enough security  
not in operation beyond operating hours  
Drinks will only be served inside the resteraunt.

d) The prevention of public nuisance

keep the noise down  
not in operation beyond operating hours  
Drinks will only be served inside in complement to the meal

e) The protection of children from harm

Check the personal ID  
not provide to the under aged individual

**Section 19 of 21**

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

*Continued from previous page...*

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

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

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

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

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

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

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

**Continued from previous page...**

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

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

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

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

***Continued from previous page...***

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

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

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

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

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

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

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

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**



*Continued from previous page...*

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

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

**Continued from previous page...**

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

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

## 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**

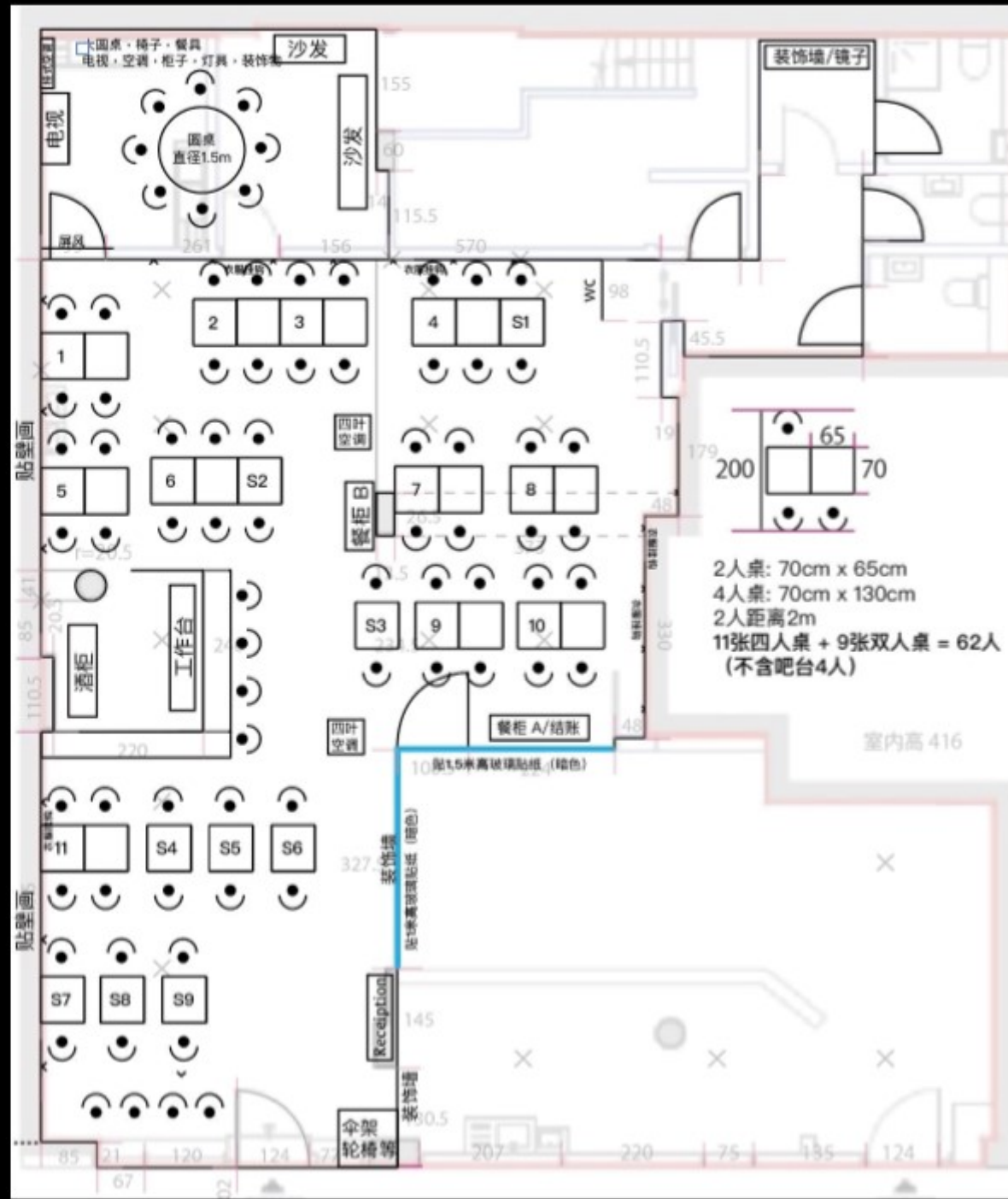
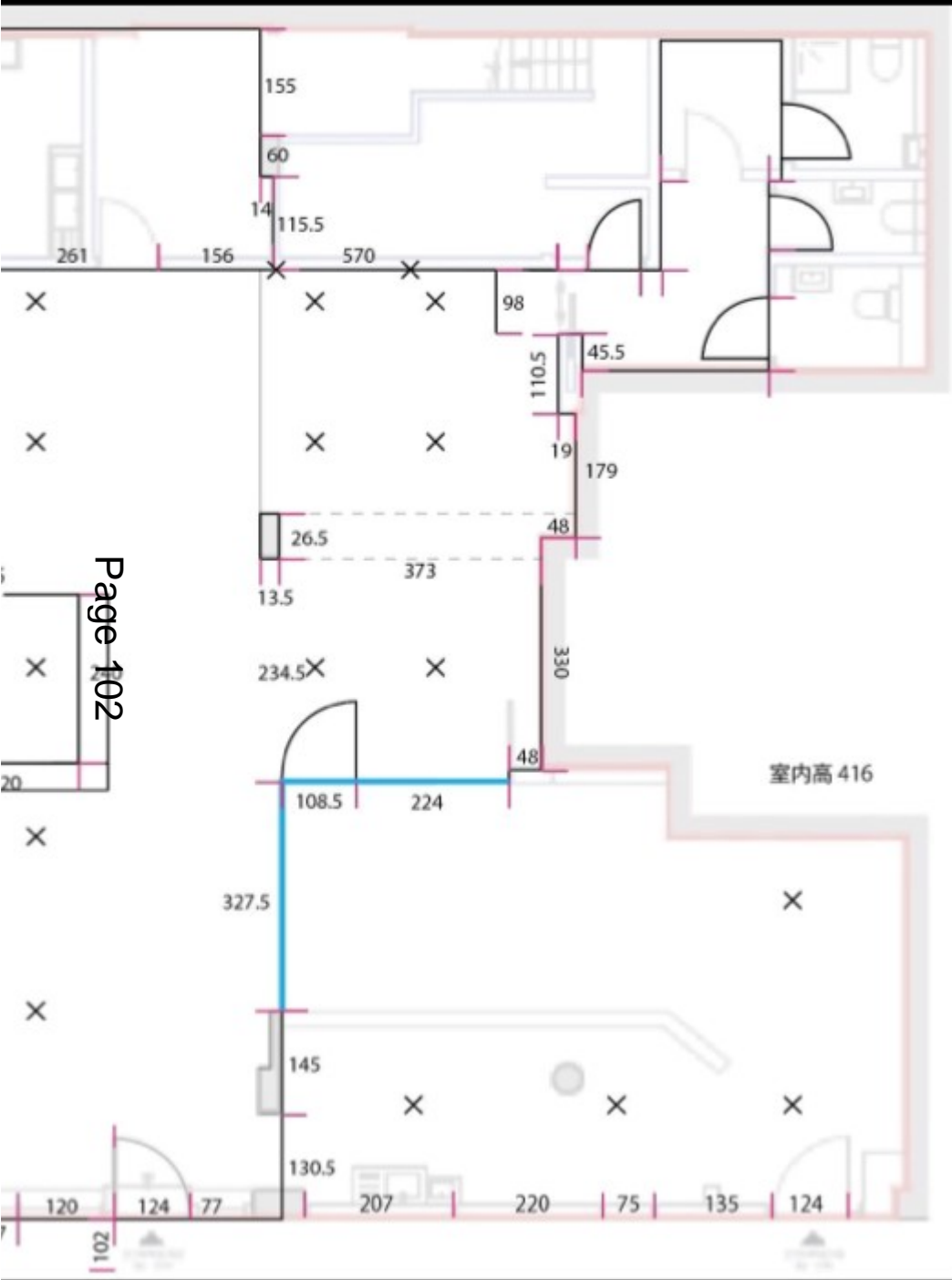
**OFFICE USE ONLY**

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Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
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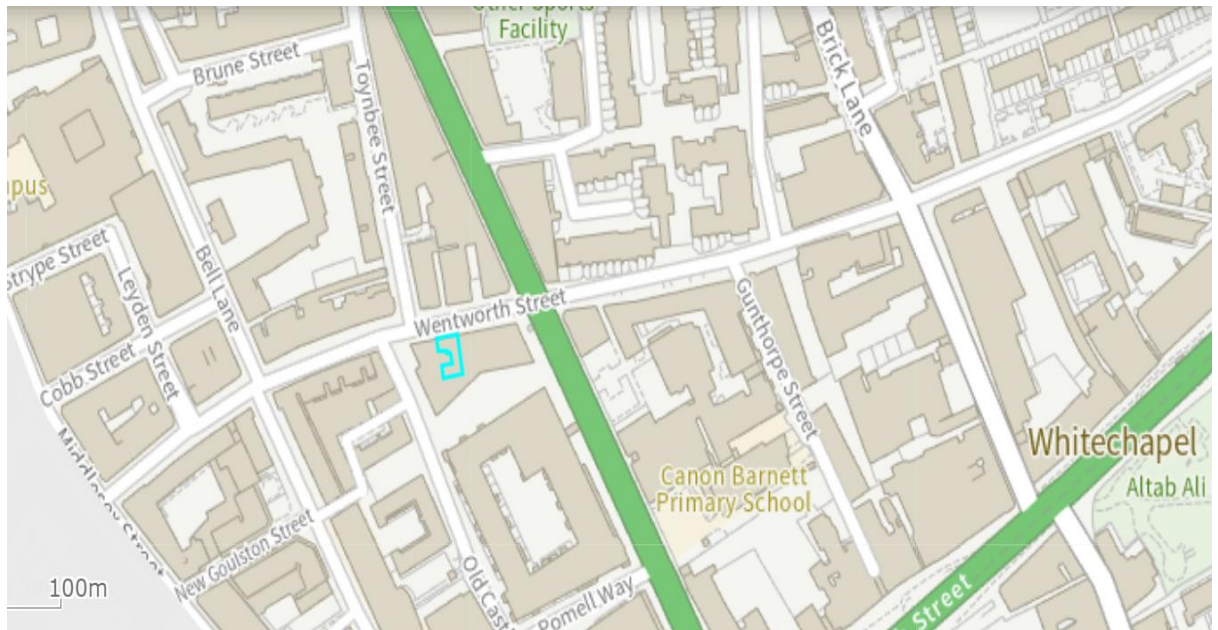
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# Appendix 2



# Appendix 3

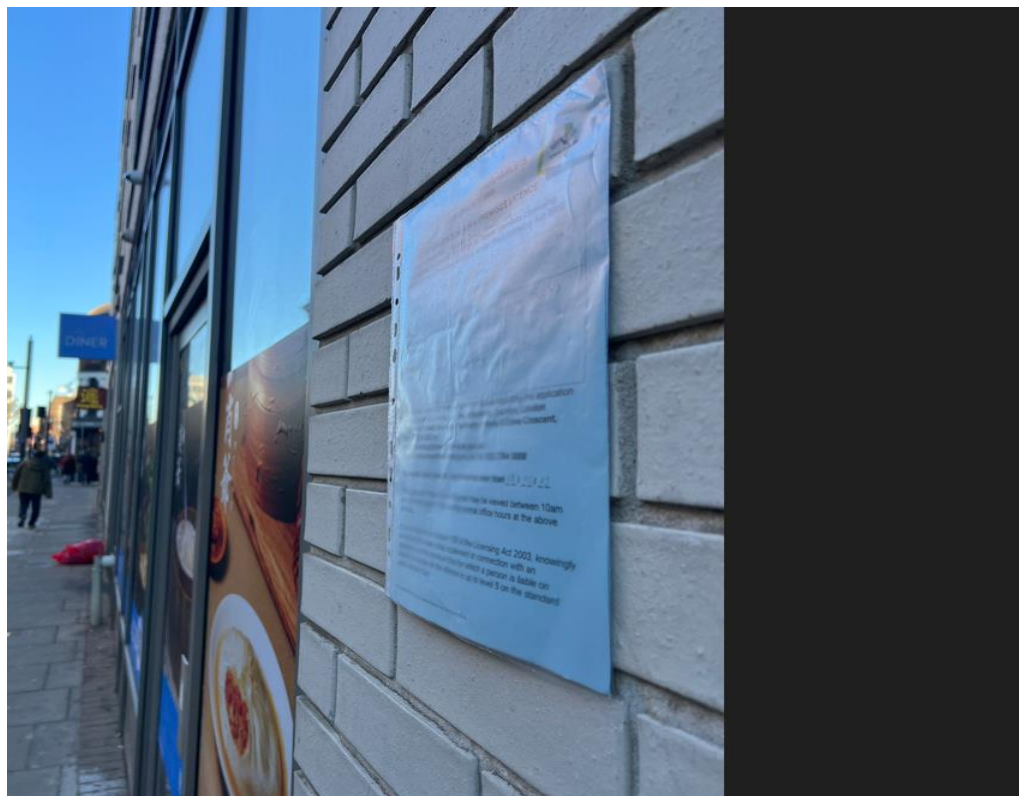
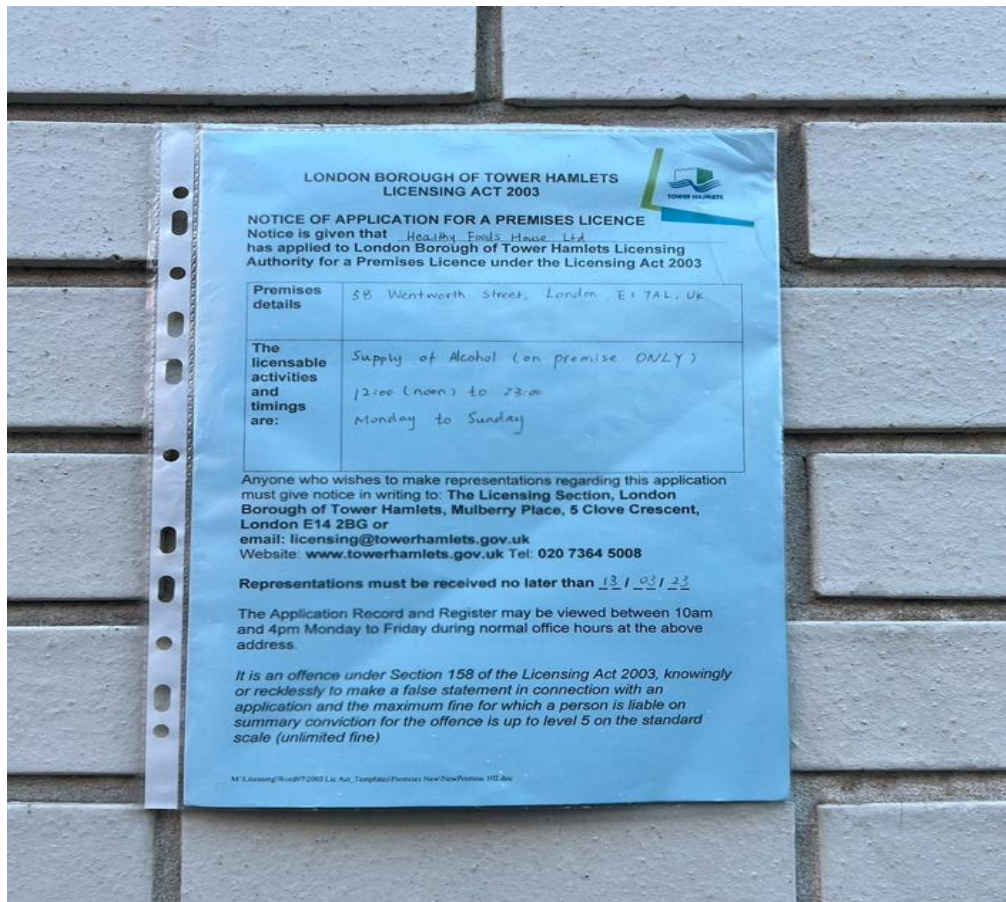
58 Wentworth Street – Map of local vicinity





# Appendix 4

58 Wentworth Street -Photographs of the premises





# Appendix 5

Address	Licensable activities/times	Opening hours
<b>Rox Burgers</b> 3 Bell Lane	<b>Supply of Alcohol (on sales)</b> <ul style="list-style-type: none"> <li>Monday to Sunday inclusive 08:00 hrs to 23:00 hrs</li> </ul> <b>Late Night Refreshment</b> <ul style="list-style-type: none"> <li>(Christmas Eve and New Years Eve only) 23:00 hrs until 03:00 hrs the next day</li> </ul> <b>Regulated Entertainment:</b> <u>Live Music</u> Friday: 18:00 hrs to 22:00 hrs Saturday: 17:00 hrs to 22:00 hrs Sunday: 14:00 hrs to 16:00 hrs 17:00 hrs to 20:00 hrs <ul style="list-style-type: none"> <li>(Christmas Eve and New Years Eve Only) until 03:00 hrs the next day</li> </ul> <u>Recorded Music</u> <ul style="list-style-type: none"> <li>Monday to Sunday inclusive, 08:00 hrs to 23:00 hrs</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday inclusive, 08:00 hrs to 24:00 hrs</li> <li>(Christmas Eve and New Years Eve only), until 03:00 hrs the next day</li> </ul>
<b>(Refresh)</b> 8 Bell Lane	<b>Alcohol (off sales)</b> <ul style="list-style-type: none"> <li>Monday to Saturday, from 07:00 hours to 20:00 hours</li> <li>Sunday, from 07:00 hours to 19:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday, from 07:00 hours to 20:00 hours</li> <li>Sunday, from 07:00 hours to 19:00 hours</li> </ul>
<b>Nilly's Cafe</b> 16 Bell Lane	<b><u>Sale of Alcohol (On Sales only)</u></b>  Monday to Saturday from 08:00 hours to 22:00 hours Sunday from 10:00 hours to 22:00 hours	Monday to Saturday from 08:00 hours to 22:00 hours Sunday from 10:00 hours to 22:00 hours
<b>HappyDays)</b> 44 Goulston Street	<b>The sale by retail of alcohol (on sales) and Regulated Entertainment</b> Monday to Sunday 11 00 hrs to 23 00 hrs	Monday to Sunday 11 00 hrs to 23 00 hrs
<b>(The Hungry Tummy)</b> 24a Wentworth Street	<b>The sale by retail of alcohol – (On and off sales)</b> <ul style="list-style-type: none"> <li>Monday to Thursday, from 10:00 hours to 20:00 hours</li> <li>Friday and Saturday from 10:00 hours to 21:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday, from 10:00 hours to 22:00 hour</li> </ul>

<p><b>(Dauns)</b>  <b>77 Wentworth Street</b>  <b>London</b></p>	<p><b><u>Sale of Alcohol (on sales)</u></b>  Sunday – Thursday 12:00 hours – 21:00 hours  Friday – Saturday 12:00 hours – 22:00 hours</p>	<p>Sunday – Thursday  10:00 hours – 21:30 hours  Friday – Saturday 10:00 hours – 22:30 hours</p>
<p><b>(Unity Diner)</b>  60 Wentworth Street  London</p>	<p><b>The sale by retail of alcohol (On sales only)</b></p> <ul style="list-style-type: none"> <li>• Monday to Friday from 12:00 hours to 23:00 hours</li> <li>• Saturday, from 12:00 hours to 23:30 hours (midnight)</li> </ul> <p>Sunday, from 12:00 hours to 21:30 hours</p>	<ul style="list-style-type: none"> <li>• Monday to Friday from 12:00 hours to 23:30 hours</li> <li>• Saturday, from 12:00 hours to 00:00 hours</li> <li>• Sunday, from 12:00 hours to 22:00 hours</li> </ul>
<p><b>(Xian Biang Biang)</b>  <b>62 Wentworth Street</b>  <b>London</b>  <b>E1 7AL</b></p>	<p>The sale by retail of alcohol  Monday to Sunday from 11:00 hours to 22:30 hours</p>	<p>Monday to Sunday from 11:00 hours to 23:00 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:** 20 February 2023 12:10  
**To:** Licensin Lavine Miller-Johnson  
**Cc:** [REDACTED]  
**Subject:** 153780 MAU REPRESENTATION on 154937 YeYe London 58 Wentworth Street, London

Good afternoon Licensing,

Please take my representation ref 154937 forward to YeYe London 58 Wentworth Street, London reference 153780.

The new application does not provide sufficient information to show the applicant will promote the licensing objective for the prevention of public nuisance. Conditions "*Keep the noise down*" and "*not in operation beyond operation hours*" are very general and do not indicate consideration of the impact on public nuisance from increase footfall from persons accessing and egressing the premises, patrons outside the premise leaving to smoke etc, particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow  
Environmental Protection Officer  
Place Directorate

---

**From:** Nicola Cadzow  
**Sent:** Wednesday, December 7, 2022 4:39 PM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** MAU REPRESENTATION 154937 YeYe London 58 Wentworth Street, London

Dear Licensing,

Having considered the premises license application for YeYe London 58 Wentworth Street, London, London I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

Whilst the premises operating hours are within framework hours 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, nor consideration of the impact on public nuisance from increase footfall from persons accessing and egressing the premises, patrons outside the premise leaving to smoke etc, particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

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

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

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue including patrons outside the premises to smoke, whilst the premises is in operation

## **CONCLUSION**

Environmental Protection **does not** support the application for YeYe London 58 Wentworth Street, London for the following reasons:

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

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

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. The premises license holder shall ensure that noise or vibration is not audible at the nearest noise sensitive premises.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
4. 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.
5. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Kind regards

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

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

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### **Nicola Cadzow**

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

# Appendix 8

**By Email:**

Licensing Authority :  
[REDACTED]

**CC:** Shilon Lin  
[REDACTED]

3<sup>rd</sup> March 2023

Your reference

My reference: LIC/157233/MA

Dear Licensing Authority,

**Place Directorate  
Public Realm**

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

Environmental Health & Trading Standards  
Licensing & Safety Team  
4<sup>th</sup> Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

Tel: **020 7364** [REDACTED]

Enquiries to: **Mohshin Ali**

Email: [REDACTED]

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

### **Licensing Act 2003**

New premises licence application: (YeYe London ) 58 Wentworth Street, London E1 7AL

The Licensing Authority (acting a Responsible Authority) is making a representation in relation to the above application.

#### **Special Cumulative Impact Policy for the Brick Lane**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Licensable activities and times

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

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

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

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

The Home Office guidance

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

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

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

The plan of the premises submitted by the applicant is not adequate and does not meet the requirements of the Licensing Act 2003. The requirements of the plans of the premises are as follows:

(2) *"(2) The information contained in the plan must be clear and legible in all material respects."*

(3) *The plan shall show -*

*(a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;*

*(b) the location of points of access to and egress from the premises;*

*(c) if different from sub-paragraph (3)(b), the location of escape routes from the premises;*



- (d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;*
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;*
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;*
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;*
- (h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;*
- (i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and*
- (j) the location of a kitchen, if any, on the premises.*

*(4) The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.*

The applicant has stated there are approximately 15 covers, but there is no reference in the application to the premises being within the CIA and therefore no additional provisions, on how the applicant intends to uphold the licensing objectives, to demonstrate how the premises will not have a negative effect on the already saturated area. There are also no arrangements to prevent vertical drinking, for example fully seated venues.

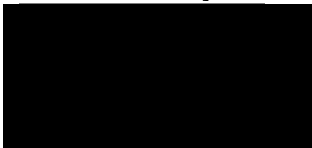
On a balance of probability, this Authority is concerned by the addition of another premises selling alcohol, potentially adding to the existing anti-social issues in the area, particularly through access and egress. The addition of alcohol to the existing premises could change the dynamic of customers in high spirits and therefore potentially undermining the licensing objectives.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the following additional conditions are attached:

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.*
  - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
  - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*

- c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.*
  - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
- 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
- 3. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.*
- 4. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.*
- 5. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.*
- 6. 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.*
- 7. There shall be no “vertical drinking” of alcohol at the premises*
- 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.*

Yours faithfully



Mohshin Ali  
**Senior Licensing Officer**

# Appendix 9

**Lavine Miller-Johnson**

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**From:** Licensing  
**Sent:** 13 March 2023 10:26  
**To:** Lavine Miller-Johnson  
**Subject:** FW: Premises License Application 58 Wentworth St

---

**From:** [REDACTED]  
**Sent:** 11 March 2023 3:34 AM  
**To:** [REDACTED]  
**Cc:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** RE: Premises License Application 58 Wentworth St

Hi,

Thanks for agreeing conditions.

Tower Hamlets Council Licensing please see below conditions agreed with the applicant.

Kind Regards

Mark



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

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



---

**From:** [REDACTED]  
**Sent:** 10 March 2023 11:37  
**To:** Perry Mark J - CE-CU [REDACTED]  
**Subject:** Re: Premises License Application Wentworth St

hi

Mark, thank you for your mail !

happy with your approve

happy with your situation

Kind regards

Shilong lin



----- Original -----

**From:** MARK.J.Perry [REDACTED]  
**Date:** Fri, Mar 10, 2023 11:21 AM  
**To:** yeyelondon2021 <[REDACTED]>  
**Subject:** Re: Premises License Application Wentworth St

Hi,

I am PC Mark Perry from Central East Police Licensing and I am dealing with your application.

While I have no objection in principle to your application I would like the following conditions added to your license:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.

4. 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.

Please let me know if these conditions are acceptable or if you wish to discuss them.

Kind Regards

Mark



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



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



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# Appendix 10

## Lavine Miller-Johnson

---

**From:** YE YE <[REDACTED]>  
**Sent:** 20 February 2023 15:02  
**To:** Nicola Cadzow  
**Cc:** Licensing; Lavine Miller-Johnson; [REDACTED]  
**Subject:** Re: 153780 MAU REPRESENTATION on 154937 YeYe London 58 Wentworth Street, London

Dear Nicola,

Thanks for your email.

In order to promote the licensing objective for the prevention of public nuisance, in addition to the two conditions outlined above

- keep the noises down
- operate within the opening hours

I would like to add the following precautions We are planning to implement to prevent public nuisance

- There will be no loud speaker or any music equipment alike on premises
- We will install double glaze glass and noise cancelling material, where possible, to the shop, to minimise any noise or vibration
- ensure all guests will leave quietly to respect the need of local residence and business
- there will be no outside dining area or smoking/drinking area. Customers will not be allowed to temporarily leave and re-enter the premises

In addition, I would like to emphasise we expect most of our clientele will be of east asian origin, who usually do not consume alcohol in large quantify and enjoy the meals itself, most likely reasonable quietly.

I hope the above will complement the application and our application can be considered favourably.

Many thanks and Regards

Hannah

Nicola Cadzow [REDACTED]

Good afternoon Licensing,

Please take my representation ref 154937 forward to YeYe London 58 Wentworth Street, London reference 153780.



# Appendix 11

## 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 12

# 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 13

## **Anti-Social Behaviour from Patrons Leaving the Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

### **Page 136**

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 14

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

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

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

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

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

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

This evidence is published on our website:

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

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

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

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

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

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

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

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

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

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

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

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

Figure One

#### Brick Lane area:

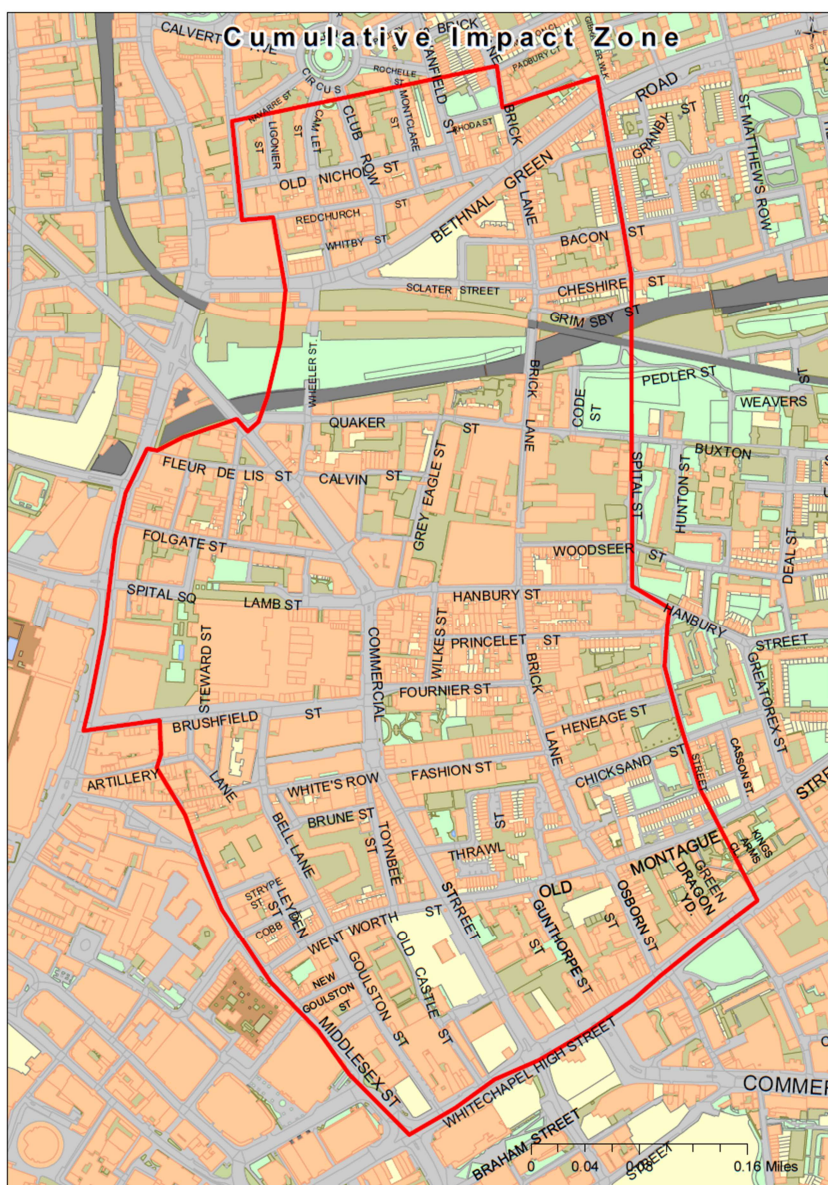
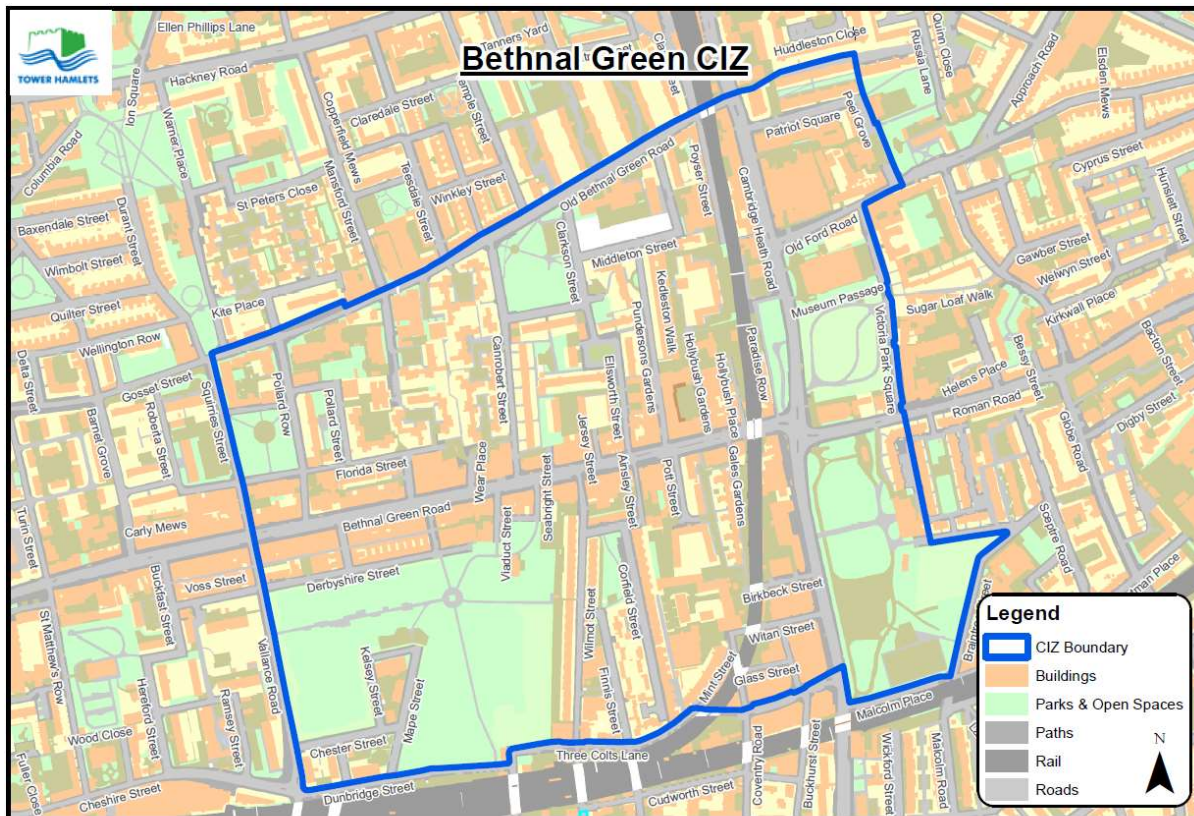


Figure Two:

# Bethnal Green Area



# Appendix 15



## **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 16

## **Planning**

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

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# Agenda Item 4.2

Committee : <b>Licensing Sub-Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Belles Beauty Bar), 105 Burdett Road, London E3 4JN</b>  Ward affected: <b>Mile End</b>
--	---

## 1.0 Summary

Applicant:	<b>Belles Beauty Bar Ltd</b>
Name and	<b>Belles Beauty Bar</b>
Address of Premises:	<b>Oval Studios</b> <b>105 Burdett Road</b> <b>London</b> <b>E3 4JN</b>
Licence sought:	<b>Licensing Act 2003 – premises licence</b> <ul style="list-style-type: none"><li>• <b>The sale by retail of alcohol (on sales only)</b></li></ul>
Representations:	<b>A Ward Councillor</b> <b>Local Business</b> <b>Local Residents</b>

## 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"><li>• Guidance Issued under Section 182 of the Licensing Act 2003</li><li>• Tower Hamlets Licensing Policy</li><li>• File</li></ul>		<b>Mohshin Ali</b> <b>020 7364 5498</b>

### 3.0 **Background**

3.1 This is an application for a premises licence for (Belles Beauty Bar), 105 Burdett Road, London E3 4JN.

3.2 The applicant has described the premises as:  
*“Belles Beauty Bar occupies the ground floor of 105 Burdett Road in Bow and is a beauty salon. Alcohol will only be sold or supplied to those clients and their companions, over the age of 18, who are visiting the premises for the purposes of a beauty treatment services appointment.”.*

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

***The sale by retail of alcohol (On sales only)***

- *Monday to Sunday, from 11:00 hrs to 18:30 hrs the following day*

***Hours premises are open to the public***

- *Monday to Sunday, from 10:00 hrs to 19:00 hrs the following 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 and photos showing the vicinity are included as **Appendix 3**.

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

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

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

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

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government’s website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.

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

### 6.0 **Representations**

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 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:

<b>Name/other persons</b>	<b>Appendix</b>
Cllr Sabina Khan	<b>6</b>
Acumen London (S Alam)	<b>7</b>
Mohammad Haydar (PETITION)	<b>8</b>
Aabdullah Al Mahbub	<b>9</b>
Anuwar Hussain	<b>10</b>
Ashraf Ali	<b>11</b>
Bodrul Alam	<b>12</b>
Farhana Begum	<b>13</b>
Forhana Begum	<b>14</b>
Mohammed Jashim Uddin	<b>15</b>
Kadeja Begum	<b>16</b>
Milad Miah	<b>17</b>
Misba Uddin	<b>18</b>
Nusrat Ashraf	<b>19</b>
Shamima Begum	<b>20</b>
Syed Rofiqul Hoque	<b>21</b>
Tazul Islam	<b>22</b>
Zahed Miah	<b>23</b>

- 6.9 Since the representations were made, the applicant has responded to the representations clarifying the application (**See Appendix 24**). Subsequently, two of the residents withdrew their representation and hence not included on the above list. On the other hand, *Acumen London* wished to maintain their representation. At the time of writing this report, no further agreements had been reached between the remaining parties involved.
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Protection (Noise)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home Secretary (Home Office Immigration Enforcement)
- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.12 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 7.0 **Conditions consistent with Operating Schedule (offered by the applicant)**



- 7.1 *A written notice of 'authority' record for all staff who sell alcohol shall be available for inspection by the responsible authorities.*
- 7.2 *A comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.*
- 7.3 *Contact details of the Designated Premises Supervisor available to staff and to the responsible authorities.*
- 7.4 *The premises will operate as a beauty salon with the sale and supply of alcohol being ancillary to that business purpose.*
- 7.5 *Alcohol may only be sold for consumption on the premises to those clients over the age of 18 who are visiting the premises for a beauty treatment appointment. Alcohol may also be purchased by the friend, companion or guest of a customer who is attending for that purpose.*
- 7.6 *Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.*
- 7.7 *Alcohol will not be allowed to be removed from the premises in open vessels or containers.*
- 7.8 *Notices shall be displayed to indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being served with any age restricted product.*
- 7.9 *Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.*
- 7.10 *Staff training will occur before a staff member is authorised to 'sell' alcohol within the premises.*
- 7.11 *Staff training records will be available for inspection by the police or other responsible authority upon request.*

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

### **Conditions agreed with Licensing Authority (RA) (See Appendix 25)**

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

*immediately upon the request of Police or authorised officer throughout the entire 31 day period.*

- 8.2 *A Challenge 25 proof of age scheme shall be operated by the licence holder and any third party courier/delivery agent, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
- 8.3 *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.*
- 8.4 *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:*
- 8.4..1. a) all crimes reported to the venue;*
  - 8.4..2. all ejections of patrons;*
  - 8.4..3. any complaints received concerning crime and disorder*
  - 8.4..4. any incidents of disorder;*
  - 8.4..5. all seizures of drugs or offensive weapons;*
  - 8.4..6. any faults in the CCTV system, searching equipment or scanning equipment;*
  - 8.4..7. any refusal of the sale of alcohol;*
  - 8.4..8. any visit by a relevant authority or emergency service.*

**Conditions agreed with Environmental Protection (See Appendix 26)**

- 8.5 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
- 8.6 *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.*

**9.0 Licensing Officer Comments**

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

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

- had a premises licence application where permission for off sales was refused;
  - had a variation of a premises licence seeking permission for off sales refused
  - had a variation seeking to exclude off sales permission granted
  - had a premises licence varied or modified by a review hearing to exclude off sales.
- 9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>
- 9.3 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - unamplified live music between 8am and 11pm in all venues.
  - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.4 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.5 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

9.6 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.9 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.10 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.11 In **Appendices 27 – 33** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Home Office concerning relevant, vexatious and frivolous representations
<b>Appendices 6-23</b>	Representation of residents
<b>Appendix 24</b>	Applicant's response to representations
<b>Appendix 25</b>	Conditions agreed with Licensing Authority (RA)
<b>Appendix 26</b>	Conditions agreed with Environmental Protection
<b>Appendix 27</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 28</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 29</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 30</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 31</b>	The protection of children from harm
<b>Appendix 32</b>	Planning
<b>Appendix 33</b>	Licensing Policy relating to hours of trading



\* required information

## Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if 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

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

Registration number

Business name

VAT number

Legal status

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

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

*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**

Telephone number

Other telephone number

\* Date of birth     
dd mm yyyy

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

**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.

Belles Beauty Bar occupies the ground floor of 105 Burdett Road in Bow and is a beauty salon. Alcohol will only be sold or supplied to those clients and their companions, over the age of 18, who are visiting the premises for the purposes of a beauty treatment services appointment.

*Continued from previous page...*

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

**Section 6 of 21**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

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

Continued from previous page...

**Enter the contact's address**

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

none

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

**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)



*Continued from previous page...*

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

The premises licence holder, DPS, management and staff will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
- Contact details of the Designated Premises Supervisor available to staff and to the authorities
- The premises will operate as a beauty salon with the sale and supply of alcohol being ancillary to that business purpose
- Alcohol may only be sold for consumption on the premises to those clients over the age of 18 who are visiting the premises for a beauty treatment appointment. Alcohol may also be purchased by the friend, companion or guest of a customer who is attending for that purpose.

b) The prevention of crime and disorder

The premises licence holder shall ensure:

- Staffing levels maintained appropriately to ensure adequate security.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- Alcohol will not be allowed to be removed from the premises in open vessels or containers.
- CCTV shall be provided in the form of a recordable system capable of providing pictures of evidential quality
- Cameras shall encompass all ingress and egress to the premises and any areas where the sale of alcohol occurs
- CCTV equipment shall be maintained in good working order and correctly timed and dated.
- Recordings will be available for a minimum period of 28 days and handed to the police or duly authorised officers of the council upon request.
- The recording equipment shall be of a digital hard drive or cloud based system and shall be kept in a secure environment under the control of the premises licence holder or other responsible named individual.

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

d) The prevention of public nuisance

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business
- Any noise, vibrations, smells, light pollution and any other potential nuisance is monitored and kept to an acceptable level
- Deliveries to and waste removal from the premises are undertaken at a time and in a manner that does not cause disturbance

*Continued from previous page...*

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. Should children be in attendance, there will be no inappropriate promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 25 for age-restricted products and include:

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being served with any age restricted product.
- Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to 'sell' alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.

**Section 19 of 21**

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

*Continued from previous page...*

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

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

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

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

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

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

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

*Continued from previous page...*

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

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

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

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

***Continued from previous page...***

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

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

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

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

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

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

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

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

**Continued from previous page...**

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

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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



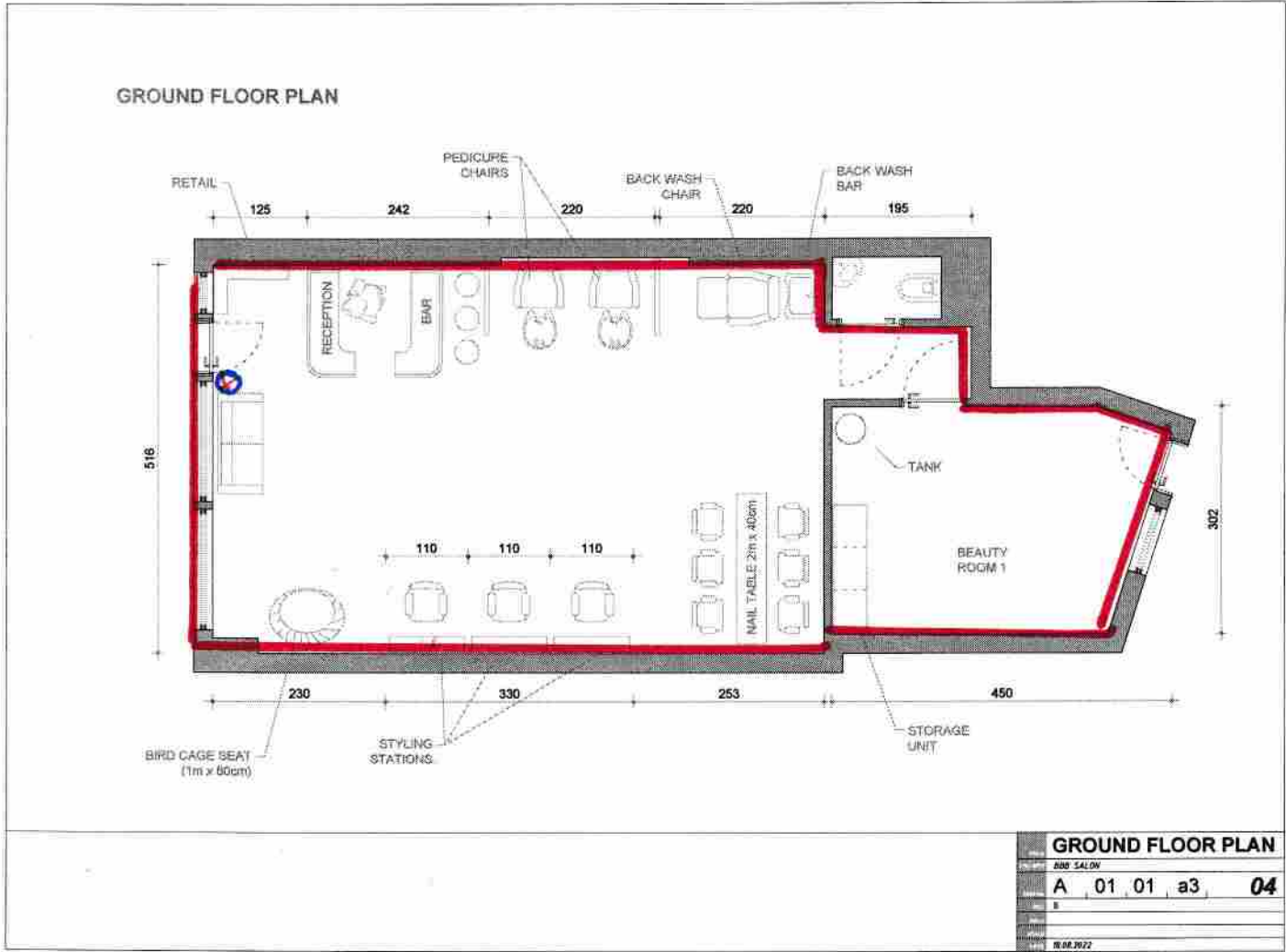
**OFFICE USE ONLY**

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

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

BELLES BEAUTY BAR  
 105 BURDETT ROAD  
 BOW  
 LONDON E3 4JN

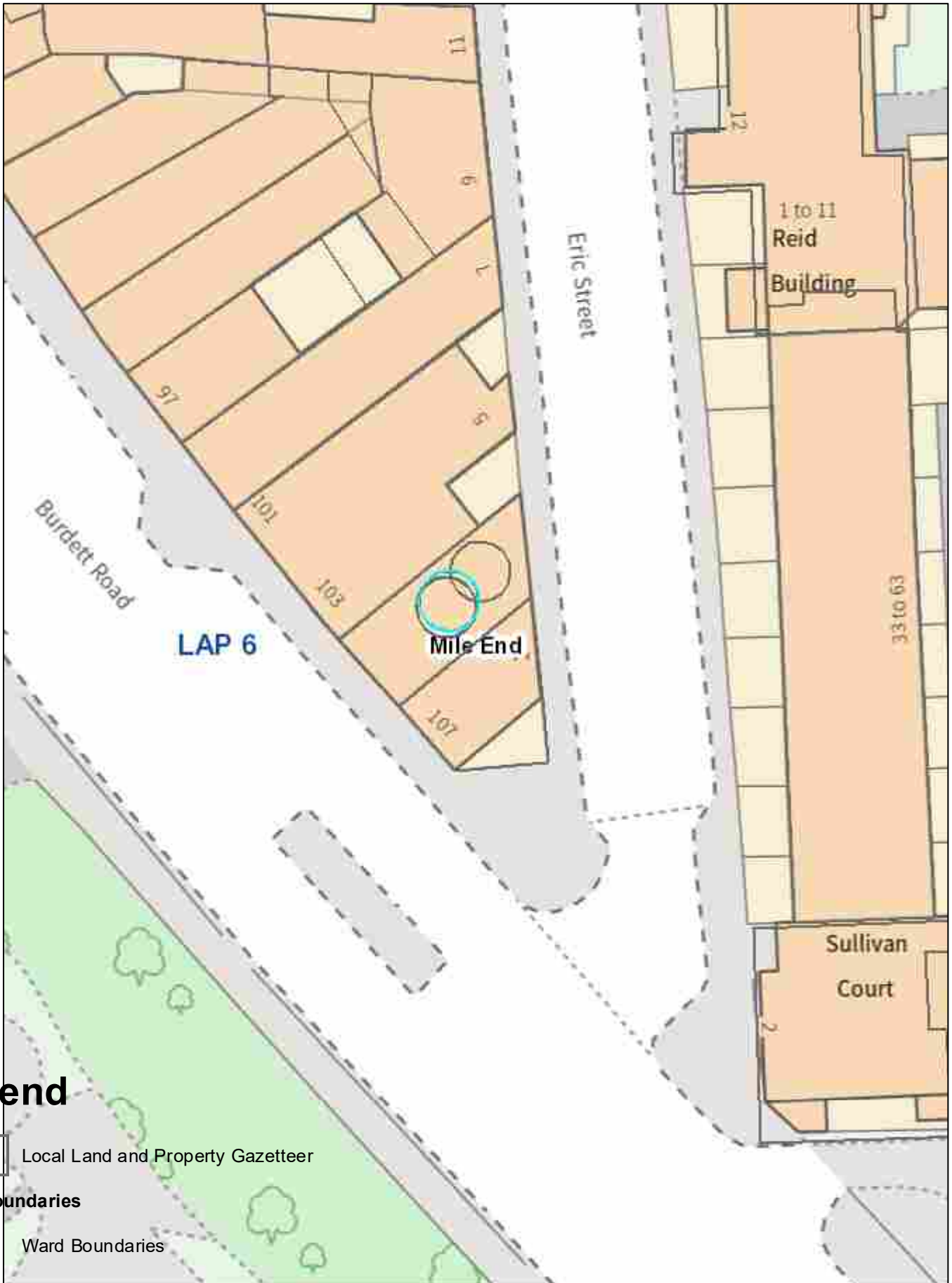
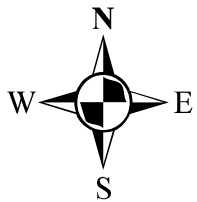
# Appendix 2




⊗ POSITION OF FIRE EXTINGUISHER  
 (SUBJECT TO ASSESSMENT)

SCALE  
 1 : 100


— PUBLIC LICENSED AREA



## Legend

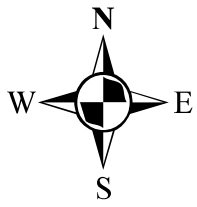
 Local Land and Property Gazetteer

### Ward Boundaries

 Ward Boundaries

### LAP Boundaries

 LAP Boundaries



# 105 Burdett Rd



## Legend

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

Premises Pictures – (Belles Beauty Bar), 105 Burdett Road, London E3 4JN



Premises Pictures – (Belles Beauty Bar), 105 Burdett Road, London E3 4JN



Nearest licences: (Belles Beauty Bar), 105 Burdett Road, London E3 4JN

Name and address	Licensable activities and hours	Opening hours
(T G F Pizza) 2 Midlothian Road London E3 4SE	<b>Provision of Late Night Refreshment (Outdoors Only)</b> <ul style="list-style-type: none"> <li>Monday to Sunday from 23:00 hours to 02:00 hours the next day</li> </ul>	Monday to Sunday from 11:00 hours to 02:00 hours the next day
(Spice Hut) 57 Burdett Road London E3 4TN	The provision of late night refreshment <ul style="list-style-type: none"> <li>Sunday to Wednesday 23:00 hours to 00:00 hours (midnight)</li> <li>Thursday to Saturday 23:00 hours to 01:00 hours (the following day)</li> </ul>	Sunday to Wednesday 23:00 hours to 00:00 hours (midnight)  Thursday to Saturday 23:00 hours to 01:00 hours (the following day)
(DKH Supermarket) 93 Burdett Road Mile End London E3 4JN	<u>The sale by retail of alcohol (Off sales only)</u> <ul style="list-style-type: none"> <li>Monday to Sunday, from 08:00 hours to 01:00 hours the following day</li> </ul>	Monday to Sunday, from 08:00 hours to 01:00 hours the following day
(Gabija) 61 Burdett Road London E3 4TN	<b>The sale by retail of alcohol (Off sales only)</b> <ul style="list-style-type: none"> <li>Monday to Sunday, from 10:00 hours to 22:00 hours</li> </ul>	Monday to Sunday, from 10:00 hours to 22:00 hours
(Montana & Co) 101 Burdett Road  Bow London E3 4JN	Alcohol shall not be sold or supplied except during permitted hours (Off sales only). In this condition, permitted hours means: <ol style="list-style-type: none"> <li>On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.</li> <li>On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.</li> <li>On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>On Good Friday, 8 a.m. to 10.30 p.m.</li> </ol> See Mandatory conditions for drinking up time	There are no restrictions on the hours during which this premises is open to the public
(Millennium Stores) 73a Burdett Road London E3 4TN	The sale by retail of alcohol (Off sales only) <ul style="list-style-type: none"> <li>Sunday to Thursday 09:00 – 23:30</li> <li>Friday &amp; Saturday 09:00 - midnight</li> </ul>	Sunday to Thursday 09:00 – 23:30  Friday & Saturday 09:00 - midnight

## 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 6

**Mohshin Ali**

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**From:** Licensing  
**Sent:** 23 January 2023 13:31  
**To:** Mohshin Ali  
**Subject:** FW: Mile End councillor: Objection to licening application: CLC/EHTS/LIC/156226

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**From:** Sabina Khan <[REDACTED]>  
**Sent:** 22 January 2023 23:25  
**To:** [REDACTED] Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Mile End councillor: Objection to licening application: CLC/EHTS/LIC/156226

Dear sir/madam,

I have been approached by residents of Mile End and they have requested me as their Councillor to inform you that the neighbours and residents nearby the name's property are not happy with the application for the licence.

It's a residential area and it would be beneficial to do further consultation and carry out community discussion before you decide on the application for the licence. The residents of Portia way, E3 4JG and Burdett Road are very concerned about the application for the licence application.

Residents feel the venue will make the anti-social behaviours and drug dealing worse for the nearby residents fear it will impact their life negatively.

The application for Belles Beauty Bar, 105 Burdett Road, London, E3 4JN need to be stopped. Please do not hesitate to contact me for further discussions.

Cllr Sabina Khan  
London Borough of Tower Hamlets  
Mulberry Place  
1<sup>st</sup> Floor  
London E14 2BG  
[REDACTED]

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

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**Mohshin Ali**

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**From:** Lavine Miller-Johnson on behalf of Licensing  
**Sent:** 02 February 2023 10:09  
**To:** Mohshin Ali  
**Subject:** FW: Ref: CLC/ETHS/LIC/156226

---

**From:** Acumen London [REDACTED]  
**Sent:** 01 February 2023 17:37  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Ref: CLC/ETHS/LIC/156226

Dear Sirs,

Ref: CLC/ETHS/LIC/156226

Referring to the above, I am writing from Acumen London, 107 Burdett Road, London, E3 4JN regarding the application for a premises licence for Belles Beauty Bar, 105 Burdett Road, London, E3 4JN. I understand that the premises licence can include the following; the sale of alcohol; regulated entertainment or late night refreshments.

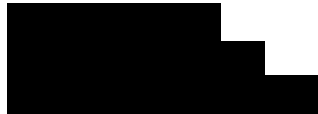
At Acumen London our day to day operations include accounting and financial advisory services to our clients. As accountants we thrive best under calm and quiet conditions when providing for our clients. I understand that Belles Beauty Bar will be providing alcohol beverages within their premises, and while doing so, this will mean that there will be a lot of noise such as loud music, as well as loud customers who may be under the influence of alcohol. Our operating hours start from 9:30am up until 6:30pm, and I understand that Belles Beauty Bar is open until late. This will disturb our working environment and will make it a struggle to perform our day to day operations for our clients.

Therefore, this to raise my concern about the application for the premises licence for Belles Beauty Bar following the sale of alcohol and regulated entertainment or late night refreshments.

Kind Regards  
S Alam  
Accounts Manager



107 Burdett Road  
London E3 4JN



[www.acumenlondon.com](http://www.acumenlondon.com)

**Mohshin Ali**

---

**Subject:** FW: Licensing

---

**From:** Mohammad sultan Haydar <[REDACTED]>  
**Sent:** 03 February 2023 18:36  
**To:** Mohshin Ali <Mohshin.Ali@towerhamlets.gov.uk>  
**Subject:** Licensing

Hi Mohshin can you please note residents are signing for licensing petition not for planning. Please correction for me it's error mistake .thank you  
If you need anything please do not hesitate to contact me.

Mohammad Sultan haydar



RESET



Licensing Section  
Mulberry Place  
Clove Crescent  
London E14 2BG

Reference: CLC/EHTS/LIC/156226

Date: 25<sup>th</sup> January, 2023

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

We, the local residents are going to be affected by the above application. We write to object the above application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premise does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunken passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as they have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

We therefore request that the license for the above to be refused.

Yours sincerely

Local Residents

Please find below the details of the signatories:

Name	Address & Post Code	Sign	Contact (Email/Tel)
M. JASHIM UDDIN			
MAHFUZ NAHID			
Sanaa Rahman			

Name	Address & Post Code	Sign	Contact (Email/Tel)
SYED R Hafe			
Ashraf Anis			
SALAH			
Md RUKAN Ahmed			
Iftikhar Bhuya			
Rafiqul			
ZIAUL ISLAM			
MATZUB UDDIN			
SADMAN RAHAMAN CHOWDHURY			
SHAFIQUL KLOU			
Atifur Islam Khan			
MR. MISBA UDDIN			
MR. SHOUKAT ALI			
MR. HERO			
Md Mamudur Rahman			
Gulam Nabi Khan			
M. A MUNTAKIR			
TMCAN UDDIN			
FAROK UDDIN			
ATAUR RAHMAN			
MONAR UDDIN			
ZAKIUL CHOUHDURY			
SHAMIM UDDIN			
Shohidul ALAM			
Sheikh Kabir Hasan			
Md. Kabirur Rahman			
Abdul Samad			
RABIUL ISLAM			

Name	Address & Post Code	Sign	Contact (Email/Tel)
SATISH SINGH			
ASHRAF ALI			
Nurul Islam			
Aminul Islam			
Ibraheem K S Nisa			
Taslima Sultan			
Mohammed Jaigirdar			
Shahad Uddin			
SALAH UDDIN			
AFTAR ALI			
MILAD MIAH			
GAZI ISLAM			
KAFIQU ISLAM			
Shahab Uddin			
Burhan choudhary			
DIDHAR HUSSAIN			
MD Jabir Ullah			
Tazul Islam			
ZAHED MIAH			
AAMWAR ZIGSIN			
BODRUL ALAM			
M. S. HAYDAR			

**Mohshin Ali**

---

**From:** anuwar hussain [REDACTED]  
**Sent:** 30 January 2023 21:01  
**To:** Licensing  
**Subject:** Reference: CLC/EHTS/LIC/156226

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

27rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

abdullah Al mahbub  
[REDACTED]

Sent from my iPhone



## Mohshin Ali

---

**From:** Licensing  
**Sent:** 27 January 2023 14:29  
**To:** Mohshin Ali  
**Subject:** FW: Reference: CLC/EHTS/LIC/156226

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

**From:** Anuwar Hussain [REDACTED]  
**Sent:** 27 January 2023 14:26  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** Sabina Khan [REDACTED]  
**Subject:** Reference: CLC/EHTS/LIC/156226

27rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Anuwar Hussain  
[REDACTED]

**Mohshin Ali**

---

**From:** ashraf ali <[REDACTED]>  
**Sent:** 30 January 2023 22:47  
**To:** Licensing  
**Subject:** Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

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

30th January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Mr Ashraf Ali

[REDACTED]

Sent from my iPhone

Mohshin Ali

---

**From:** Licensing  
**Sent:** 31 January 2023 13:20  
**To:** Mohshin Ali  
**Subject:** FW: Reference: CLC/EHTS/LIC/156226

---

**From:** Bodrul Alam <[REDACTED]>  
**Sent:** 31 January 2023 13:19  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Reference: CLC/EHTS/LIC/156226

31st January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Bodrul alam  
[REDACTED]

**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 31 January 2023 13:36  
**To:** Mohshin Ali  
**Subject:** FW: Reference: CLC/EHTS/LIC/156226

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

**From:** Farhana Begum [REDACTED] >  
**Sent:** 30 January 2023 21:11  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Fwd: Reference: CLC/EHTS/LIC/156226

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN Dear

Sir/ Madam I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Farhana Begum  
[REDACTED]

**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 31 January 2023 13:40  
**To:** Mohshin Ali  
**Subject:** FW: Reference: CLC/EHTS/LIC/156226

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Forhana Begum [REDACTED]  
**Sent:** 31 January 2023 10:11  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Reference: CLC/EHTS/LIC/156226

23rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

[REDACTED]

Sent from [Outlook for iOS](#)

**Mohshin Ali**

---

**From:** Jashim uddin [REDACTED]  
**Sent:** 23 January 2023 18:12  
**To:** Licensing  
**Cc:** Mohammad Saifur Rahman Chowdhury; Leelu Ahmed; Sabina Khan  
**Subject:** Representation. Reference: CLC/EHTS/LIC/156226

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

23rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

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I therefore request that the license for the above to be refused.

Yours sincerely

Mohammed Jashim Uddin  
[REDACTED]

Sent from [Outlook for Android](#)

**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 25 January 2023 13:06  
**To:** Mohshin Ali  
**Subject:** FW: 81 Portia way e34jq

---

**From:** Kadeja Begum <[REDACTED]>  
**Sent:** 25 January 2023 12:40  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** 81 Portia way e34jq

Sent from my iPhone 23rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents homes.

I therefore request that the license for the above to be refused.

Yours sincerley, my name is KADEJA begum

**Mohshin Ali**

---

**From:** [REDACTED]  
**Sent:** 27 January 2023 14:01  
**To:** Licensing  
**Subject:** Belles Beauty Bar, 105 Burdett Road

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

27rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

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I therefore request that the license for the above to be refused.

Yours sincerely

Milad Miah

[REDACTED]

Sent from my iPhone



**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 29 January 2023 14:32  
**To:** Mohshin Ali  
**Subject:** 105 Burdett Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** MISBA UDDIN <[REDACTED]>  
**Sent:** 28 January 2023 23:20  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:**

28 January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

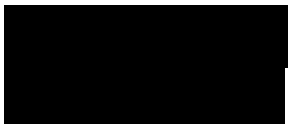
The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

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I therefore request that the license for the above to be refused.

Yours sincerely  
Mr Misba Uddin



Sent from [Outlook for iOS](#)

**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 29 January 2023 14:33  
**To:** Mohshin Ali  
**Subject:** FW: Objection to the bar

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Nusrat [REDACTED]  
**Sent:** 27 January 2023 18:34  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Objection to the bar

23rd January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

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I therefore request that the license for the above to be refused.

Yours sincerley,

[Sent from Yahoo Mail on Android](#)

**Mohshin Ali**

---

**From:** Shamima Begum [REDACTED] >  
**Sent:** 23 January 2023 18:00  
**To:** Licensing  
**Subject:** Representation. Reference: CLC/EHTS/LIC/156226

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

23<sup>rd</sup> January 2023

**Reference: CLC/EHTS/LIC/156226**

**Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN**

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

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2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents homes.

I therefore request that the license for the above to be refused.

Yours sincerley,

Shamima Begum

# Appendix 21

**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 31 January 2023 13:33  
**To:** Mohshin Ali  
**Subject:** FW: Reference: CLC/EHTS/LIC/156226

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Mohmmmed Uddin [REDACTED]  
**Sent:** 30 January 2023 19:27  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Reference: CLC/EHTS/LIC/156226

30th January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Syed Rofiquel Hoque  
[REDACTED]

# Appendix 22

**Mohshin Ali**

---

**From:** Licensing  
**Sent:** 31 January 2023 13:33  
**To:** Mohshin Ali  
**Subject:** FW: Reference: CLC/EHTS/LIC/156226

---

**From:** Tazul Islam [REDACTED] >  
**Sent:** 30 January 2023 17:36  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** Reference: CLC/EHTS/LIC/156226

30th January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Tazul Islam  
[REDACTED]

**Mohshin Ali**

---

**From:** Zahed Miah <[REDACTED]>  
**Sent:** 30 January 2023 20:00  
**To:** Licensing  
**Subject:** Reference: CLC/EHTS/LIC/156226

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

30th January 2023

Reference: CLC/EHTS/LIC/156226

Description: Belles Beauty Bar, 105 Burdett Road, London E3 4JN

Dear Sir/ Madam

I write to object to the above license application for the following reasons:

1. The prevention of public nuisance. The application specifies the premises to be a bar selling alcohol for use of consumption on the premises between the hours of 11:00 and 18:30. There are residential flats immediately above the premises and blocks of flats less than 20 meters of the premises. This will be a cause for concern as there are a large number of young families, elderly and night shift workers who will be greatly disturbed by loud, drunk people.

The premises does not have a private terrace. This would mean that any intoxicated people would spill out onto the small pavement and cause nuisance to the locals and public. This also means taxis will block up our already cramped street waiting for drunk passengers.

2. The prevention of crime and disorder. Local residents who park their cars on Eric Street and Burdett Road will be at a higher risk of having their vehicles being damaged or broken into in an already high crime area. It will also increase the risk of unruly behaviour, littering and property damage.

3. The protection of children from harm. The premises is opposite the bus stops on Burdett Road where local children have to access every day when commuting back from schools and colleges as the premises will be open until 18.30. This puts them at higher risk from customers who may be under the influence of alcohol as the children have to pass directly in front of the bar to have access to Eric Street which is the closest route to most residents' homes.

I therefore request that the license for the above to be refused.

Yours sincerely

Zahed Miah  
[REDACTED]

# Appendix 24

15 February 2023

BY EMAIL

Dear Concerned Resident

[Belles Beauty Bar, 105 Burdett Road, Bow, London E3 4JN - Premises Licence application](#)

I act for Belles Beauty Bar Ltd in respect of their application for the grant a new premises licence. We note your representations in opposition to this application which will cause a hearing to be held in front of Tower Hamlets Licensing sub-committee in due course, when you will be invited to attend to detail your objection.

Each of the responsible authorities has been served a copy of this application and, save for some amended conditions now agreed with the Licensing Authority, they have not raised any concerns. This includes environmental health, the police and many others. They have each scrutinised the application and are satisfied that the conditions offered fully meet any potential risks associated with the supply of alcohol at these premises. I have attached a summary of the conditions that have been offered to meet any potential risks, in case you have not had an opportunity to properly scrutinise the submitted application. These conditions are measurable and enforceable and there to promote the Licensing Objectives.

Belles Beauty Bar is a beauty salon. The supply of alcohol is complementary to that business purpose. It is not a bar.

Many such businesses offer a complementary glass of wine to customers having their nails or hair done. But they do so illegally, because such supplies are considered to be a sale of alcohol and require a premises licence. Belles Beauty Bar wish to comply fully with the law, hence this application.

I would ask you to keep this application in perspective. Belles Beauty Bar is a beauty salon and nothing more. The business depends upon the good will of the local community and they are very keen that local residents support the business rather than raise concerns that are irrelevant to this licensing application.

We very much respect your right to raise concerns, but we believe that the intentions of the applicants have been wholly misinterpreted.

If, after having given consideration to my letter and the enclosed application detail, you feel sufficiently reassured and able to withdraw your written representation, please contact [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Yours Faithfully,

Mike Nickson, Director, INN Confidence



Mike Nickson is the holder of the national NITA training award for 'Social Responsibilities in Licensed Retailing'



**Belles Beauty Bar**  
105 Burdett Road  
Bow  
London  
E3 4JN

*A new premises licence to allow the retail sale of alcohol for consumption ON the premises.*

**Premises Licence Applicant**

**Belles Beauty Bar Ltd**

**Premises Description**

Belles Beauty Bar occupies the ground floor of 105 Burdett Road in Bow and is a beauty salon. Alcohol will only be sold or supplied to those clients and their companions, over the age of 18, who are visiting the premises for the purposes of a beauty treatment services appointment.

**Opening Hours**

1000 – 1900hrs      Monday to Sunday

*This allows a 30 minute drinking up period after the last 'sales' of alcohol.*

**Licensable Activity**

**The Sale of Alcohol by Retail** for consumption ON the premises (off sales excluded)

1100 – 1830hrs      Monday to Sunday

No application is made to include entertainment

**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)**

The premises licence holder, DPS, management and staff will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
- Contact details of the Designated Premises Supervisor available to staff and to the authorities
- The premises will operate as a beauty salon with the sale and supply of alcohol being ancillary to that business purpose
- Alcohol may only be sold for consumption on the premises to those clients over the age of 18 who are visiting the premises for a beauty treatment appointment. Alcohol may also be purchased by the friend, companion or guest of a customer who is attending for that purpose.

**b) The prevention of crime and disorder**

The premises licence holder shall ensure:

- Staffing levels maintained appropriately to ensure adequate security.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- Alcohol will not be allowed to be removed from the premises in open vessels or containers.
- CCTV shall be provided in the form of a recordable system capable of providing pictures of evidential quality
- Cameras shall encompass all ingress and egress to the premises and any areas where the sale of alcohol occurs
- CCTV equipment shall be maintained in good working order and correctly timed and dated.
- Recordings will be available for a minimum period of 28 days and handed to the police or duly authorised officers of the council upon request.
- The recording equipment shall be of a digital hard drive or cloud based system and shall be kept in a secure environment under the control of the premises licence holder or other responsible named individual.

### **c) Public safety**

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

### **d) The prevention of public nuisance**

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business
- Any noise, vibrations, smells, light pollution and any other potential nuisance is monitored and kept to an acceptable level
- Deliveries to and waste removal from the premises are undertaken at a time and in a manner that does not cause disturbance

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. Should children be in attendance, there will be no inappropriate promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 25 for age-restricted products and include:

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being served with any age restricted product.
- Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to 'sell' alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.

### **Additional/amended conditions agreed with 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 Challenge 25 proof of age scheme shall be operated by the licence holder and any third-party courier/delivery agent, 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.
3. When the designated premise supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. 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.

**Mohshin Ali**

---

**From:** Lavine Miller-Johnson on behalf of Licensing  
**Sent:** 02 February 2023 12:43  
**To:** Mike Nickson; Lavine Miller-Johnson  
**Cc:** Mohshin Ali  
**Subject:** RE: New Premises Licence Belles Beauty Bar Ltd MA 156226

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mike,

Thank you for your confirmation. I have now withdrawn my representation.

Mohshin- please can you add the conditions below to the premises licence if it is granted .

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 Challenge 25 proof of age scheme shall be operated by the licence holder and any third-party courier/delivery agent, 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.
3. When the designated premise supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. 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.

**Kind Regards**

**Lavine Miller-Johnson**  
Licensing Officer - Licensing and Safety

Environmental Health and Trading Standards  
Place Directorate  
2<sup>nd</sup> Floor, Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

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

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**Please Note : Tower Hamlets are in the process of moving to a new Town Hall.**

**As from 13th February 2023 Licensing will be at:**

**Tower Hamlets Town Hall**

**160 Whitechapel Road**

**London**

**E1 1BJ**

**Hearings will also be held here.**

Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the below link:  
<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

---

**From:** Mike Nickson <[REDACTED]>  
**Sent:** 02 February 2023 11:28  
**To:** Lavine Miller-Johnson <Lavine.Miller-Johnson@towerhamlets.gov.uk>  
**Cc:** Licensing <Licensing@towerhamlets.gov.uk>  
**Subject:** RE: New Premises Licence Belles Beauty Bar Ltd MA 156226

Dear Lavine

Please accept this email as confirmation of my client's acceptance of your proposed conditions.

Kind Regards, Mike

[Mike Nickson](#)

DIRECTOR, Inn Confidence

Inn Confidence Ltd  
Suite 136, Imperial Court  
Exchange Street East  
Liverpool  
L2 3AB



*Mike Nickson is holder of the national BII NITA training award in respect of 'Social Responsibilities in Licensed Retailing'*

---

**From:** Lavine Miller-Johnson [REDACTED]  
**Sent:** 01 Februar 2023 16:23  
**To:** [REDACTED]  
**Subject:** New Premises Licence Belles Beauty Bar Ltd MA 156226

Dear Michael,

I am the Licensing Officer acting as Responsible Authority, consulting on your clients application. I have no objection to this application, however I am making representation to request that the condition offered in the operating schedule be amended to read as enforceable conditions.

I ask that the following conditions be added onto the premises licence:

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 Challenge 25 proof of age scheme shall be operated by the licence holder and any third-party courier/delivery agent, 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.
3. When the designated premise supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. 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.

On acceptance of the above I will withdraw my representation.

**Kind Regards**

**Lavine Miller-Johnson**  
Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
Place Directorate



# Appendix 26

**Mohshin Ali**

---

**From:** Lavine Miller-Johnson on behalf of Licensing  
**Sent:** 10 January 2023 15:54  
**To:** Mohshin Ali  
**Subject:** FW: 156226 - New premises licence for Belles Beauty Bar 105 Burdett Road, London

---

**From:** Nicola Cadzow <[REDACTED]>  
**Sent:** 10 January 2023 15:09  
**To:** Mike Nickson <[REDACTED]>; Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** 156226 - New premises licence for Belles Beauty Bar 105 Burdett Road, London

Hi Mike,

Thank you for your confirmation of the conditions.

Licensing, I have no objection to the new premises licence for Belles Beauty Bar 105 Burdett Road, London, with the following conditions agreed with the applicant as below (see also email trail):-

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

Kind regards

Nicola Cadzow  
Environmental Protection Officer  
Place Directorate

---

**From:** Mike Nickson <[REDACTED]>  
**Sent:** Tuesday, January 10, 2023 2:57 PM  
**To:** Nicola Cadzow <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** RE: 156226 - New premises licence for Belles Beauty Bar 105 Burdett Road, London

Hi Nicola

My client is very happy to accept and adopt your suggested conditions

Kind Regards, Mike

[Mike Nickson](#)  
DIRECTOR, Inn Confidence

Inn Confidence Ltd  
Suite 136, Imperial Court  
Exchange Street East  
Liverpool  
L2 3AB



*Mike Nickson is holder of the national BII NITA training award in respect of 'Social Responsibilities in Licensed Retailing'*

---

**From:** Nicola Cadzow [redacted]  
**Sent:** 09 January 2023 12:27  
**To:** Mike Nickson  
**Cc:** [redacted]  
**Subject:** 156226 - New premises licence for Belles Beauty Bar 105 Burdett Road, London

Dear Mr Nickson,

I am reviewing your client's new premises licence for Belles Beauty Bar 105 Burdett Road, London. There is insufficient information in the operating schedule for the licensing objective for the prevention of public nuisance. Therefore I wish that the following noise conditions apply as below:

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

Await your confirmation of the above conditions.

Kind regards

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



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**Please Note : Tower Hamlets Council are in the process of moving to a new office in Whitechapel.**

# Appendix 27

## Noise while the premise is in use

### General Advice

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

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

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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

# Appendix 28

## 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 29

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

#### Guidance Issued under Section 182 of the Licensing Act 2003

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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



## Anti-Social Behaviour from Patrons Leaving the Premises

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

### **Page 226**

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

## Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
  - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
  - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is provided
  - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
  - Limitations on ages below 18,
  - Limitations or exclusion when certain activities are taking place,
  - Requirements for an accompanying adult,
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there is significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
  - 2) 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.
  - 3) 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.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

## **11 Access to Cinemas**

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

## **12 Children and Public Entertainment**

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
  - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
  - No child unless accompanied by an adult to be permitted in the front row of any balcony,
  - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.



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

Updated December 2022

## Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

# Appendix 32

## **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 33

## **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