



# Licensing Sub Committee

## Agenda

**Tuesday, 26 September 2023 at 2.30 p.m.  
Committee Room 1 - Town Hall, Whitechapel**

### Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,

farzana.chowdhury@towerhamlets.gov.uk

020 7364 3037

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<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, 26 September 2023

2.30 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.

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

#### **4.1 Application for variation of a Premises Licence for Pasta Evangelists, 148 Bethnal Green Road, London, E2 6DG (Pages 19 - 104)**

Licensing Objectives:

- Prevention of public nuisance
- Prevention of crime and disorder





Representations:

- Environmental Protection
- Licensing Authority

**Ward: Weavers**

#### **4.2 Application for a Premises Licence for Hungry Cow, 111a Commercial Road, London E1 1RD (Pages 105 - 188)**

Licensing Objectives:

- The prevention of crime and disorder
- The prevention of crime and disorder

Representations:

- Environmental Protection
- Licensing Authority
- Residents

**Ward: Whitechapel**

### **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, 10 October 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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# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>		<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for variation of a Premises Licence for Pasta Evangelists, 148 Bethnal Green Road, London, E2 6DG</b>
Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Ward affected: <b>Weavers</b>

## 1.0 Summary

Applicant: **Pasta Evangelists Ltd**

Name and Address of Premises: **Pasta Evangelists  
148 Bethnal Green Road  
London  
E2 6DG**

Licence sought: **Licensing Act 2003 - Variation to Premise Licence**

- **Add the provision of late-night refreshments (deliveries only)**

Objectors: **Licensing Authority  
Environmental Protection**

## 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

Section 182 guidance  
Licensing Policy  
File

Corinne Holland  
020 7364 3986

### 3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Pasta Evangelist, 148 Bethnal Green Road, London, E2 6DG
- 3.2 The existing Premise Licence was issued on 22<sup>nd</sup> December 2020 and a copy is enclosed as **Appendix 1**. The licence currently is for the sale of alcohol (off sales only). The premises operates as a delivery kitchen and is not open to the public.
- 3.3 The timings of the existing licence are detailed below for information purposes only:-

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

- *Monday – Sunday 12:00 – 23:00 hours*

- 3.4 The applicant has described the nature of the variation as follows:
- *To sell hot food from 23:00 – 02:00 hours. No member of the public can collect from the premises.*

- 3.5 A copy of the variation application is enclosed as **Appendix 2**.

- 3.6 The variation/additional hours applied for are:

#### **Provision of late-night refreshment – (outdoor)**

- *Friday – Sunday 23:00 hours – 02:00 hours the following day*

#### **Opening hours**

- *Friday – Sunday 11:00 hours - 02:00 hours the following day*

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

- 4.1 Photographs of the venue and immediate vicinity are enclosed in **Appendix 3**.
- 4.2 Maps showing the vicinity are included as **Appendix 4**.
- 4.3 Nearby Licensed Premises are shown in **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 August 2023.
- 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 8**.
- 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 received.

<b>REPRESENTATION</b>	<b>APPENDIX</b>
Licensing Authority	6
Environmental Health Noise Team	7

6.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health
- Immigration

6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.11 The objections cover allegations of

- Public nuisance
- Crime & Disorder

6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## **7.0 Conditions on existing Premises Licence**

1. The premises are not open to the public at any time.
2. A standard age verification check shall be undertaken on entering the website.
3. Challenge 25 age verification shall be applied at the point of delivery and no delivery shall be left without I.D being show.

4. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
5. Alcohol shall only be delivered to a residential or business address and not to a public place.
6. All off sales to be in sealed containers.
7. No idling of delivery vehicles whilst awaiting orders to be collected.

#### **8.0 Conditions consistent with Operating Schedule**

1. The premises will operate as a delivery only business.
2. The premises will not open to the public and will be used for the dispatch of alcohol and other goods only.
3. There shall be no collection of alcohol by the public from the premises.
4. All CCTV recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 30 days. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises and of such quality to enable identification of the recorded person in any light.
5. The business will arrange for the telephone number for the premises and/or a member of the management team to be provided to residents upon request in order that any complaints can be made direct
6. The premises will encourage all riders involved in deliveries to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally gather outside the premises; (where vehicles have engines) not to leave engines running when the vehicles are parked; and not to obstruct the highway.

#### **9.0 Conditions agreed in consultation with the responsible authorities**

**None**

#### **10.0 Licensing Officer Comments**

- 10.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's

Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

## 10.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).

- ❖ The 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)
- 10.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 10.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 10.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 10.6 The Government has advised that “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 and to respect the rights of people living nearby to a peaceful night.” (2.21)
- 10.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 10.8 In **Appendices 8 – 15** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 11.0 **Legal Comments**

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

#### 12.0 **Finance Comments**

12.1 There are no financial implications in this report.

### 13.0 Appendices

<b>Appendix 1</b>	A copy the existing licence
<b>Appendix 2</b>	A copy of the application for variation
<b>Appendix 3</b>	Photographs
<b>Appendix 4</b>	Maps of the surrounding area
<b>Appendix 5</b>	Nearby licensed premises
<b>Appendix 6</b>	Representation from LA
<b>Appendix 7</b>	Representation from the Environmental Health
<b>Appendix 8</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 9</b>	S182 advice re crime & disorder
<b>Appendix 10</b>	Licensing policy advice re crime & disorder
<b>Appendix 11</b>	S182 advice re public nuisance
<b>Appendix 12</b>	Licensing Policy advice on public nuisance
<b>Appendix 13</b>	Brick Lane CIA
<b>Appendix 14</b>	Framework hours
<b>Appendix 15</b>	Planning

# Appendix 1



Lic No:  
134136

**Pasta Evangelists  
148 Bethnal Green Road  
London  
E2 6DG**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**David Tolley**   
**Head of Trading Standards & Environmental Health**

**Date: 22<sup>nd</sup> December 2020**

OFFICE USE	Receipt No: 111474	Paid: £315	Date: 14/10/20
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**Part A - Format of premises licence**

Premises licence number

134136

**Part 1 - Premises details**

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

**(Pasta Evangelists)  
148 Bethnal Green Road**

**Post town**

**London**

**Post code**

**E2 6DG**

**Telephone number**

None

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

**Sale of Alcohol** (off sales)

Monday – Sunday 12:00 hours – 23:00 hours

**The opening hours of the premises**

Premises are not open to the public

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

Off sales only

**Part 2**

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

Pasta Evangelists Ltd  
230 York Way  
London  
N7 9AG

[REDACTED]

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

Company Number: 10188849

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

Tommaso Alessandro Marano

[REDACTED]

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

Personal Licence Number: [REDACTED]  
Issuing Authority: [REDACTED]

**Annex 1 - Mandatory conditions**

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

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

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

3.

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

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

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

## **Annex 2 - Conditions consistent with the operating Schedule**

1. The premises are not open to the public at any time.
2. A standard age verification check shall be undertaken on entering the website.
3. Challenge 25 age verification shall be applied at the point of delivery and no delivery shall be left without I.D being show.
4. Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
5. Alcohol shall only be delivered to a residential or business address and not to a public place.
6. All off sales to be in sealed containers.
7. No idling of delivery vehicles whilst awaiting orders to be collected.

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

Not applicable

## Annex 4 - Plans

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

23/11/20 (Basement Plan dated Dec 2013 – BP)



**BASEMENT LAYOUT PLAN**

Project 148-150 Bethnal Green Road London E2 6DG	Rev.	Drawing	Drawing
	Drawing Date		
Drawing Basement plan		Scale	Issue
		1:50	Dec. 2013
		Drawing No. BP	



**Part B - Premises licence summary**

**Premises licence number**

**134136**

**Premises details**

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

**(Pasta Evangelists)  
148 Bethnal Green Road**

**Post town**

**London**

**Post code**

**E2 6DG**

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol



The times the licence authorises the carrying out of licensable activities

**Sale of Alcohol** (off sales)  
Monday – Sunday 12:00 hours – 23:00 hours

The opening hours of the premises

Premises are not open to the public

Name, (registered) address of holder of premises licence

Pasta Evangelists Ltd  
230 York Way  
London  
N7 9AG

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

Off sales only

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

Company Number: 10188849

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

Tommaso Alessandro Marano

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

No restrictions

# Appendix 2

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We Pasta Evangelists ltd

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> R9212.54443.A1347
---

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description 148 Bethnal Green Road E2 6DG			
Post town	London	Postcode	E2 6DG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 44,250

**Part 2 – Applicant details**

Daytime contact telephone number	██████████		
E-mail address (optional)			
Current postal address if different from premises address	148 Bethnal Green Road E2 6DG		
Post town	London	Postcode	E2 6DG

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect? DD MM YYYY  

--	--	--	--	--	--	--	--

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

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

The premises would like to sale hot food from 23:00 to 02:00.  
No member of the public can collect food from the premises.  
The business will be delivery only kitchen.

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

#### Part 4 Operating Schedule

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

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

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

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

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

**In all cases complete boxes K, L and M**

A

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

B

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

C

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



D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	02:00	<b><u>Please give further details here</u></b> (please read guidance note 5) Delivery only kitchen		
Tue	23:00	02:00			
Wed	23:00	02:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6) none		
Thur	23:00	02:00			
Fri	23:00	02:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7) none		
Sat	23:00	02:00			
Sun	23:00	02:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p> <p>No matters ancillary to the premises</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)  Please be aware that the hours stated in this section are only the regular trading hours. The premises is not open to any member of the public.
Day	Start	Finish	
Mon	11:00	02:00	
Tue	11:00	02:00	
Wed	11:00	02:00	
Thur	11:00	02:00	
Fri	11:00	02:00	
Sat	11:00	02:00	
Sun	11:00	02:00	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)

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



Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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

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

The premises will operate as a delivery only business. The premises will not open to the public and will be used for the dispatch of alcohol and other goods only. There shall be no collection of alcohol by the public from the premises.

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

All CCTV recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 30 days. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises and of such quality to enable identification of the recorded person in any light.

**c) Public safety**

The business will arrange for the telephone number for the premises and/or a member of the management team to be provided to residents upon request in order that any complaints can be made direct

**d) The prevention of public nuisance**

The premises will encourage all riders involved in deliveries to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally gather outside the premises; (where vehicles have engines) not to leave engines running when the vehicles are parked; and not to obstruct the highway.

**e) The protection of children from harm**

The business will arrange for the telephone number for the premises and/or a member of the management team to be provided to residents upon request in order that any complaints can be made direct.

Checklist:


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	05/05/2023
Capacity	Expansion Manager

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

Piertommaso Lisi



<b>Post town</b>	London	<b>Post code</b>	EC2A 4BX
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Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

### Notes for Guidance

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

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

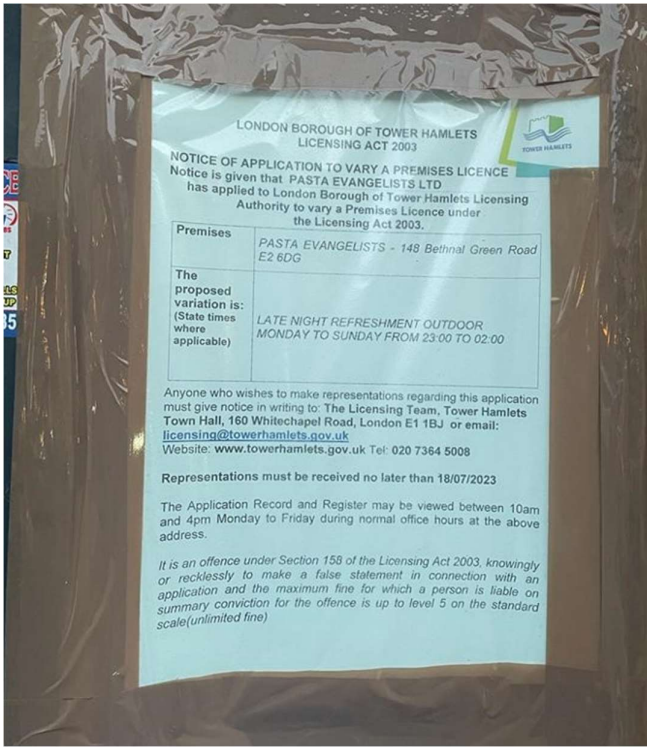
- relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not

exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

# Appendix 3

**Photos – 148 Bethnal Green Road**



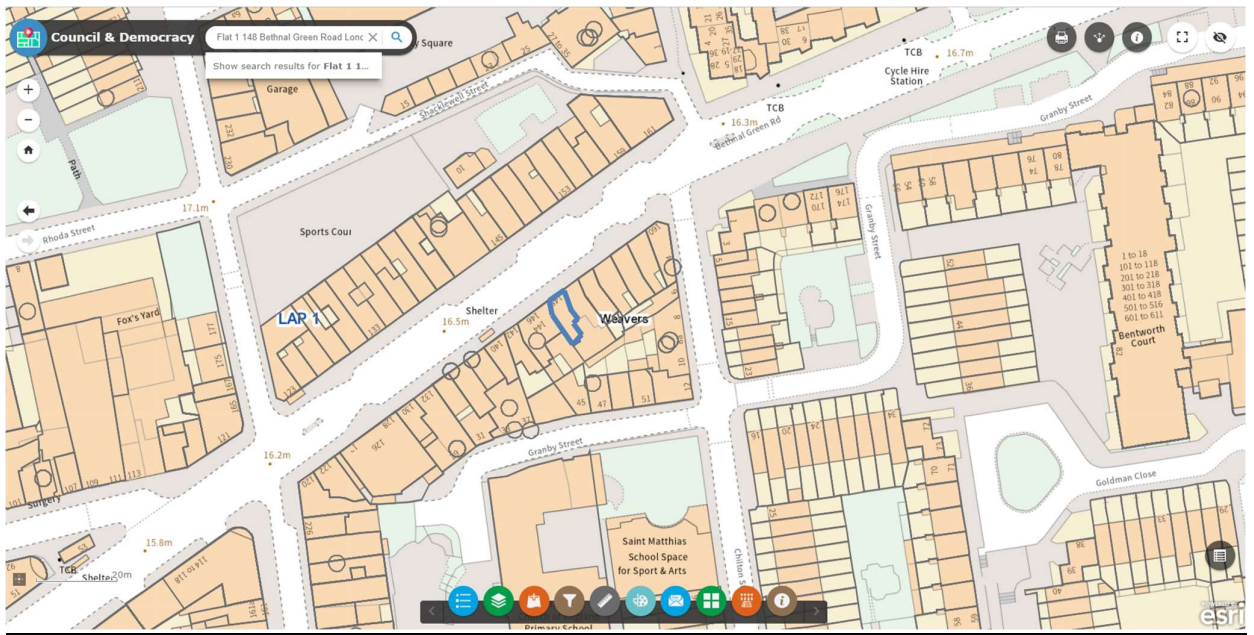
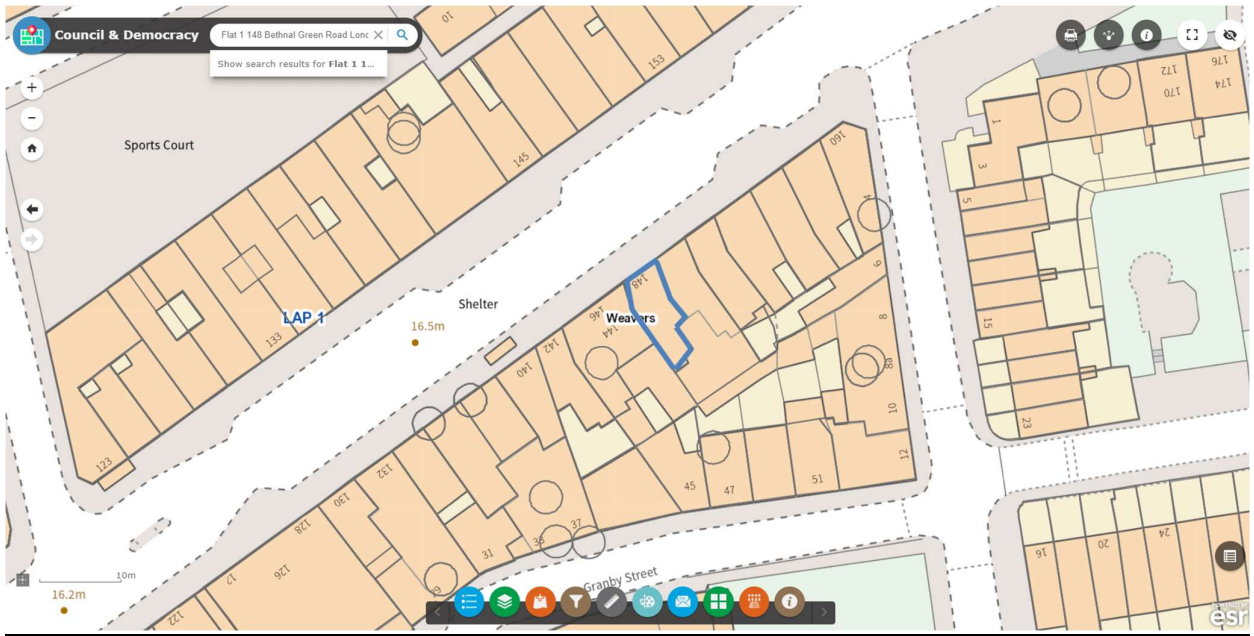




# Appendix 4



# Maps – 148 Bethnal Green Road



# Appendix 5

Address	Licensable activities/times	Opening hours
<p><b>(The Well and Bucket)</b> 143 Bethnal Green Road</p>	<p><b><u>Sale of Alcohol (both on and off premises)</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 10:00hrs – 00:00hrs (midnight)</li> <li>• Friday &amp; Saturday from 10:00hrs – 00:30hrs (the following day)</li> <li>• Sunday from 10:00hrs – 23:00hrs</li> </ul> <p><b><u>The Provision of Late Night Refreshment</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 23:00hrs – 00:00hrs (midnight)</li> <li>• Friday &amp; Saturday from 23:00hrs – 00:30hrs (the following day)</li> </ul> <p><b><u>The Provision of Regulated Entertainment (in the form of Films (indoors) and Recorded Music (indoors))</u></b></p> <ul style="list-style-type: none"> <li>• Monday to Thursday from 10:00hrs – 00:00hrs (midnight)</li> <li>• Friday &amp; Saturday from 10:00hrs – 00:30hrs (the following day)</li> <li>• Sunday from 10:00hrs – 23:00hrs</li> </ul> <p><b><u>Non Standard Timings (in relation to licensing activities)</u></b></p> <p>New Year's Eve from the end of the permitted hours to the beginning of the permitted hours on New Year's Day.</p>	<p>Monday to Thursday from 09:00hrs – 00:30hrs</p> <p>Friday &amp; Saturday from 09:00hrs – 01:00hrs (the following day)</p> <p>Sunday from 09:00hrs – 23:30hrs</p>

<p><b>(Casa Blue)</b> 120 Bethnal Green Road</p>	<p><b>The sale by retail of alcohol:</b></p> <ul style="list-style-type: none"> <li>▪ Sunday, Monday, Tuesday, Wednesday and Thursday from 13:00 hours to 00:30 hours the following day</li> <li>▪ Friday and Saturday from 13:00 hours to 02:30 hours the following day.</li> </ul> <p><b>Late night refreshment</b></p> <ul style="list-style-type: none"> <li>▪ Sunday, Monday, Tuesday, Wednesday and Thursday until 00:30 hours the following day</li> <li>▪ Friday and Saturday until 02:30 hours the following day.</li> </ul> <p><b>Regulated entertainment (recorded music – unamplified ambient background music):</b></p> <ul style="list-style-type: none"> <li>▪ Sunday, Monday, Tuesday, Wednesday and Thursday from 11:00 hours to 00:30 hours the following day</li> <li>▪ Friday and Saturday from 11:00 hours to 02:30 hours the following day.</li> </ul>	<p>Sunday - Thursday from 11:00 hours to 01:00 hours the following day</p> <p>Friday and Saturday from 11:00 hours to 03:00 hours the following day.</p>
<p><b>(123)</b> 123 Bethnal Green Road</p>	<p><b><u>The sale of alcohol (on sales)</u></b></p> <p>Monday to Sunday, 12.00 hours to 22.30 hours</p>	<p>Monday to Sunday, 12.00 hours to 23.00 hours</p>
<p><b>(Maida Restaurant)</b> 148-150 Bethnal Green Road</p>	<p><b><u>The sale of alcohol (on sales)</u></b></p> <p>Monday to Sunday 11:00 hours to 23:00 hours</p>	<p>Monday to Sunday 11:00 hours to 23:00 hours</p>
<p><b>(Yanji)</b> 153 Bethnal Green Road</p>	<p><b><u>The Sale of Alcohol</u></b> (on sales) Monday to Sunday 12:00 – 22:30 hours</p>	<p>Monday to Sunday 12:00 – 23:00 hours</p>
<p><b>(City Wines)</b> 158 Bethnal Green Road</p>	<p><b><u>The sale by retail of alcohol (off sales)</u></b></p> <p>Monday to Thursday 07 00 - 01:00</p>	<p>There are no restrictions on the hours during which this</p>

	hours the following day Friday to Saturday 07 00 hrs to 01 30 hrs the following day Sunday 07 00 hrs to midnight	premises is open to the public
<b>(Tas Firin Restaurant)</b> 160 Bethnal Green Road	Alcohol may be sold or supplied: (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm	There are no restrictions on the hours during which this premises is open to the public
<b>(Ekol Food and Wine)</b> 161 Bethnal Green Road	<b>Sale of Alcohol (off sales only):</b> Sunday to Thursday from 10:00 hours to 24:00 hours Friday to Saturday from 10:00 hours to 01:00 hours the next day	Monday to Thursday from 07:00 hours to 01:00 hours the next day  Friday to Saturday from 07:00 hours to 02:30 hours the next day  Sunday from 08:00 hours to 01:00 hours the next day
<b>(Lady Dinah's Cat Emporium)</b> 152-154 Bethnal Green Road	<b><u>The sale of alcohol (on sales)</u></b> Monday to Sunday from 10:00 hours to 21:00 hours	Monday to Sunday from 10:00 hours to 21:00 hours

# Appendix 6



**By Email:**  
Licensing Authority:  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

**CC:** Applicant:  
[REDACTED]

18<sup>th</sup> July 2023

Your reference  
My reference: LIC/159435

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: [REDACTED]  
Enquiries to: **Lavine Miller-Johnson**  
Email: [REDACTED]

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

### **Licensing Act 2003**

New premises licence application: Pasta Evangelists, 148 Bethnal Green Road London E2 6FG

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application.

#### **Special Cumulative Impact Policy for the Bethnal Green area**

***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.

#### 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 does not meet the requirements of the Regulations 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.*

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.

On a balance of probability, this Authority is concerned by the addition of another premises providing late night refreshments, potentially adding to the existing anti-social issues in the area, particularly through access and egress of the delivery drivers at noise sensitive hours.

The premises already has a licence for the following hours:

**Sale of Alcohol** (off sales)

Monday – Sunday 12:00 hours – 23:00 hours

### **The opening hours of the premises**

Premises are not open to the public

### **Tower Hamlets have the following framework hours for licensed premises:**

- 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)

### **The applicant has applied for the following hours:**

- Monday to Sunday from 23:00 hours to 02:00 hours

These hours applied for are:

- 2 hours past framework hours Friday -Saturday
- 2.5 hours past framework hours Monday – Thursday
- 3.5 hours past framework hours on Sunday

I have noted in the application that, the applicant has not applied to extend alcohol off sales. I am not convinced that there will be no off sales of alcohol when orders are made for late night refreshments. The applicant has not provided any information as to how they will prevent sales of alcohol whilst orders are made for LNR.

I would also like to draw to your attention a previous warning letter sent to the premise on **30<sup>th</sup> January 2023** regarding a breach of condition. *See letter attached.*

### ***Annex 2 - Conditions consistent with the operating Schedule***

1. *The premises are not open to the public at any time.*

A complaint was received by a resident stating that the premises was operating beyond 23:00 hours and customers are also attending the premises to collect their orders.

This breach demonstrates that, potentially the applicant may not be able to uphold licensing objectives if they were to be granted later hours within a CIA and this is a concern for this authority.

If the applicant is unable to prove to the Licensing Sub-Committee, that the granting of the application will not undermine the licensing objectives; then the application should be rejected.

Yours faithfully,

  
Lavine Miller-Johnson  
**Licensing Officer (Acting as a Responsible Authority)**

Pasta Evangelists Ltd  
Basement  
148 Bethnal Green Road  
London  
E2 6DG

30<sup>th</sup> January 2023

Our reference P/EHTS/LIC/C113971/CH

Dear Sir/Madam

**Place Directorate  
Public Realm**

**Environmental Health & Trading Standards**

Head Of Service **David Tolley**

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

Tel [REDACTED]  
Enquiries to Corinne Holland  
Email [REDACTED]

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



**Licensing Act 2003**  
**Premises: Pasta Evangelists, 148 Bethnal Green Road, London, E2 6DG**

The Licensing Authority has received a complaint, from a resident, stating that the businesses which occupy within 148 Bethnal Green Road are operating beyond 23:00 hours. Customers are also attending the premises to collect their food.

As one of the businesses which operate from this address I am writing to bring it to your attention that your Premises Licence does not include the provision of late night refreshments, which is a requirement to provide hot food and drink between 23:00 – 05:00 hours.

I am aware you are just one of the premises which operate from this address and therefore I am writing to all the businesses which operate here in order to bring it to their attention.

If customers are attending the premises to collect their order then I must also draw to your attention that you have the following conditions on your licence which prevents customer collections:

1. The premises are not open to the public at any time.

It is an offence for anyone who carries on or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation.

The ACT covers;

1. the sale by retail of alcohol (off or on sales)
2. the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
3. the provision of regulated entertainment (with or without a licence to sell alcohol)
4. the provision of late-night refreshment (selling hot food and drinks after 23:00 hours and before 05:00 hours)

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

**You are advised to cease the unauthorised licensing activity with immediate effect. This included the delivery of hot food and drink.**



Should you wish to apply for a Premises Licence please see our website for application forms and guidance at [www.towerhamels.gov.uk/licensing](http://www.towerhamels.gov.uk/licensing).

Enforcement visits will be conducted to ensure compliance. If any offences come to light the Licensing Authority may instigate prosecution proceedings.

I welcome any comments you may wish to make regards to the above.

Yours sincerely

  
**Corinne Holland**  
**Licensing Officer**

C.c  
Police Licensing Unit,   
Pasta Evangelists Ltd, 230 York Way, London, N7 9AG 

# Appendix 7

## Corinne Holland

---

**From:** Tim Hung  
**Sent:** 22 June 2023 14:34  
**To:** Licensing  
**Subject:** Pasta Evangelists 148 Bethnal Green Road London (MAU159435)

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

Dear Licensing,

Having considered the premises license application for Pasta Evangelists 148 Bethnal Green Road 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.

2. The proposed hours open to public is extended from 2300- 0200 hours.

3. 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 when considering the premises is in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in close proximity.

4. 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 and delivery riders,
- The hours of operation

### CONCLUSION

5. Environmental Protection does not support the application for Pasta Evangelists, 148 Bethnal Green Road, London for the following reasons:

- There is great likelihood of disturbance to residential premise.
- The applicant has not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance.
- The premises is in Brick Lane Cumulative Impact Zone.

6. For your info, we received a complaint against noise from the address (SR351926).

Thanks and best regards,

Name: Tim Hung



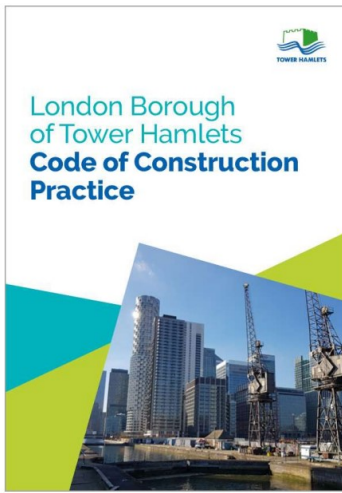
Position: Environmental Protection Officer  
Noise Team  
Environmental Health and Trading Standards  
4 th Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

Tel: [REDACTED]

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

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### Construction Code of Practice 2023

- Development with Planning Permission granted and subject to Planning Conditions issued prior to the adoption of the new Code will continue to operate under the conditions for working hours of **Code of Construction Practice 2006**.

Permitted to work Saturdays without s61 Agreement (8am to 1pm only)

- Development granted Planning Approval **after the 26<sup>th</sup> April 2023** and subject to Planning Conditions required to adhere to working hours as set out above and in the **Code of Construction Practice 2023**. s61 Agreement required for works on Saturdays, Sundays, Bank Holidays, or Public Holidays
- Developments seeking amendments to Planning Approvals issued prior to 26<sup>th</sup> April 2023 Working Hours imposed if relevant to the details being amended.
- For more information, please click on the cover page of the Code of Construction Practice 2023

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply [here](#).

# Appendix 8

## **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 9

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

Updated December 2022

## Crime and disorder

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

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

# Appendix 10



## Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

## **Smuggled goods**

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

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

## **Olympic Park – Football Ground**

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

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

# Appendix 11

# 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 12



## Prevention of Public Nuisance

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

# Appendix 13

### 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:

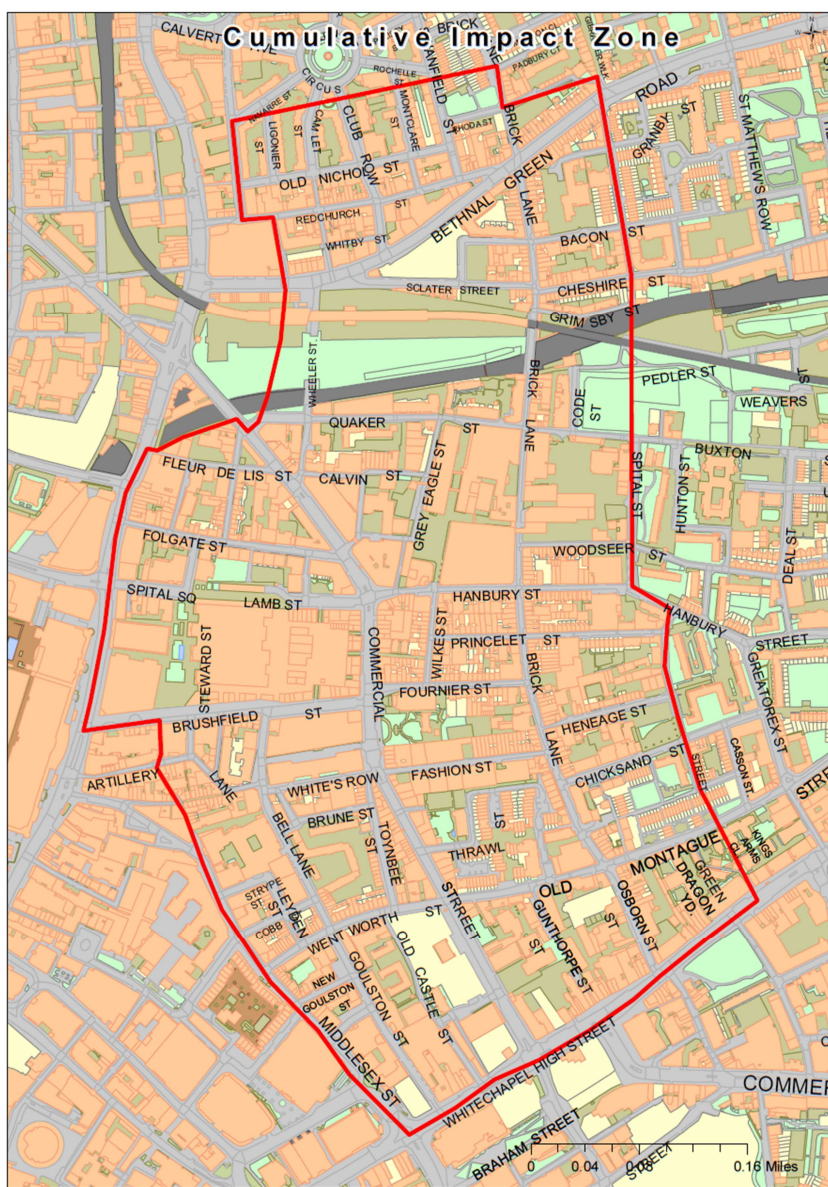
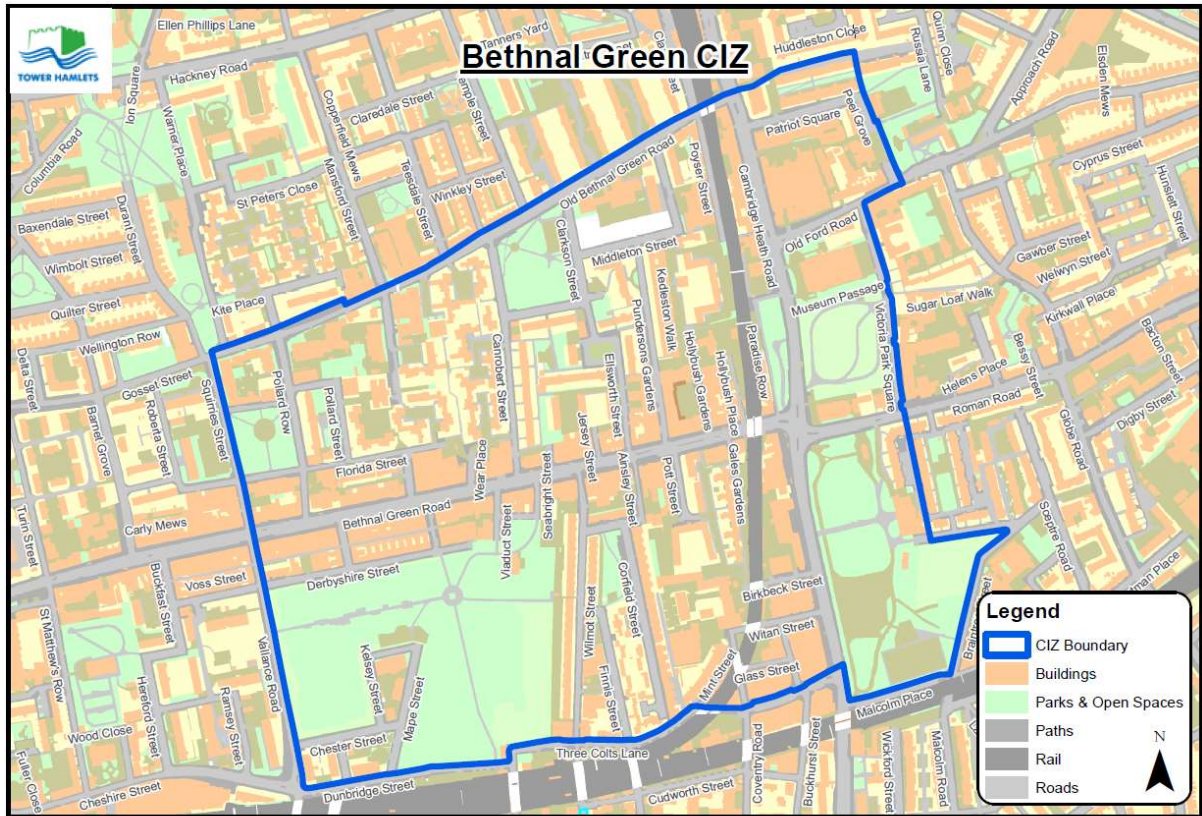


Figure Two:



# Bethnal Green Area



# Appendix 14



## **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 15

## **Planning**

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one or 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 :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>		<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a Premises Licence for Hungry Cow, 111a Commercial Road, London E1 1RD</b>
Originating Officer: <b>Lavine Miller-Johnson</b> <b>Licensing Officer</b>	Ward affected: <b>Whitechapel</b>

## 1.0 Summary

Applicant: **Hungry Cow Limited**  
Name and **Hungry Cow**  
Address of Premises: **111a Commercial Road**  
**London E1 1RD**

Licence sought: **Licensing Act 2003**  
**Provide Late Night Refreshment**

Objectors: **Environmental Protection**  
**Planning**  
**Residents (objectors and supporting)**

## 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 premises licence for Hungry cow, 111a Commercial Road, London E1 1RD
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The premises is described as Fast Food Burger Store applying for Late Night Refreshment only.
- 3.4 The hours that have been applied for are as follows:-

**The Provision of Late Night Refreshment (indoors):**

Monday to Sunday until 02:00 hours

**Hours premises is open to the public:**

Monday to Sunday from 12:00 hours to 02:00 hours

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

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

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

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2018 with an update on the CIZ policy in November 2021.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in August 2023.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

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

**Appendix 7 - Environmental Protection**

**Appendix 8 - Planning**

**Appendix 9 - A. Miah**

**Appendix 10 - Rushna Begum (supporting)**

**Appendix 11 – Luisa Conroy (supporting)**

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
  - The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection

- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.11 The representations cover:

- Anti social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Close proximity to residential properties
- Lack of planning permission
- Noise disturbance from delivery vehicles
- Late Night amenity for works in the area

6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## **7.0 Conditions consistent with Operating Schedule**

7.1 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

7.2 During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.



## 8.0 Conditions Agreed with Police

- 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 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.
- 8.3 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.
- 8.4 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.
- 8.5 The premises will have a dispersal plan to ensure customers do not cause noise nuisance when queuing for food or leaving the premises.

## 9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

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

those requested.” (10.14)

- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
- ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

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

9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

9.8 In **Appendices 12-16** 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 the application
<b>Appendix 2</b>	Photographs of the venue
<b>Appendix 3</b>	Site Plan
<b>Appendix 4</b>	Maps of the surrounding area
<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>Appendices 7-11</b>	Representations of local residents
<b>Appendix 12</b>	Licensing officer comments on anti-social behaviour patrons leaving the premises
<b>Appendix 13</b>	Licensing officer comments on Access and egress problems
<b>Appendix 14</b>	Licensing officer comments on Noise when the premises is in use
<b>Appendix 15</b>	Planning
<b>Appendix 16</b>	Licensing Policy relating to hours of trading.

# Appendix 1

## Application for a premises licence to be granted under the Licensing Act 2003

### Please read the following instructions first

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

You may wish to keep a copy of the completed form for your records.

I/We KAHER MIAH

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
<b>THE HUNGRY COW</b> <b>111A COMMERCIAL ROAD,</b>			
Post town	<b>LONDON</b>	Postcode	<b>E1 1RD</b>

Telephone number at premises (if any)	<b>[REDACTED]</b>
Non-domestic rateable value of premises	<b>£ 2667.19</b>

### Part 2 - Applicant details

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	X	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

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

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

**(A) individual applicants** (fill in as applicable)

Mr	Other Title (for example, Rev)	
<b>Surname</b> MIAH	<b>First names</b> KAHER	
<b>Date of birth</b> [REDACTED]	I am 18 years old or over	Please tick yes
<b>Nationality</b>	BRITISH BANGLADESHI	
Current residential address if different from premises address	[REDACTED]	
Post town [REDACTED]	Postcode [REDACTED]	
<b>Daytime contact telephone number</b>	[REDACTED]	
<b>E-mail address (optional)</b>	[REDACTED]	

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

**Second individual applicant** (if applicable)

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

**(B) Other applicants**

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

Name THE HUNGRY COW LTD
----------------------------



Address GROUND FLOOR, 111A COMMERCIAL ROAD, LONDON, E1 1RD
Registered number (where applicable) 12198749
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
06	07	2023

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE HUNGRY COW – WHITECHAPEL  
WE ARE A FAST FOOD BURGER STORE LOCATED AT 111A COMMERCIAL ROAD, E1 1RD. SINCE WE HAVE OPENED, WE HAVE BEEN WELCOMED BY THE LOCAL COMMUNITY. WE HAVE BEEN TOLD BY NUMEROUS RESIDENTS ON PARFETT STREET, COMMERCIAL ROAD THAT SINCE OUR OPENING, CRIME AND DRUG DEALING AT THE JUNCTION BETWEEN COMMERCIAL ROAD AND PARFETT STREET HAS DROPPED AND BECOME NON-EXISTENT.

THE REASON FOR OUR LATE NIGHT OPENING IS FOR US TO CATER TO THE PEOPLE WHO ARE WORKING THE GIG MARKET SUCH AS UBER, AND NIGHTSHIFT WORKERS ON THEIR WAY TO WORK.

WE HAVE A STRICT NO-ALCOHOL OR DRUGS POLICY AT OUR LOCATION.

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

N/A
-----

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

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

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	YES
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	

**In all cases complete boxes K, L and M**

**A**

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

**B**

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

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

**E**

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

**F**

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



**G**

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

# H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	X	
				Outdoors		
Day	Start	Finish		Both		
Mon	23:00	02:00	<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p> <p><b>OUR PROPOSAL IS A LATE NIGHT OPENING LICENSE UNTIL 2AM EVERYDAY. OUR CURRENT OPERATING LICENSE IS UNTIL 23:00 EVERY NIGHT.</b></p> <p><b>OUR BUSINESS IS STRICTLY TAKEAWAY AND WE STRICTLY ENSURE THAT OUR CUSTOMERS ARE RESPECTFUL TO OUR NEIGHBOURS. WE HAVE BEEN VERY OPEN TO REDUCING THE CRIME ISSUES AT THE JUNCTION OF COMMERCIAL ROAD AND PARFETT STREET AND IF WE INCREASE FOOTFALL IN THIS AREA AFTER LICENSING HOURS, WE WILL HAVE A STRONG POSITIVE EFFECT ON THE LOCAL COMMUNITY. WE WILL NOT SERVE HOT DRINKS AT OUR PREMISES. THIS IS AN APPLICATION FOR LATE NIGHT REFRESHMENT BY WAY OF SERVING HOT FOOD ONLY.</b></p> <p><b>WE DO NOT PLAY ANY LOUD MUSIC IN OUR STORE.</b></p>			
Tue	23:00	02:00				
Wed	23:00	02:00		<p><b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)</p> <p>THERE WILL BE NO SEASONAL VARIATION CHANGES.</p>		
Thur	23:00	02:00				
Fri	23:00	02:00		<p><b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p> <p>WE DO NOT PLAN ON OPENING LATER THAN 2AM ON ANY GIVEN OR SPECIAL DAY.</p>		
Sat	23:00	02:00				
Sun	23:00	02:00				

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

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

<b>Name</b>	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>			<p><b>State any seasonal variations</b> (please read guidance note 5)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p>
Sun			

## M

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

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

IT IS OUR RESPONSIBILITY AS AN ORGANISATION AND BUSINESS TO ENSURE THAT WE FULLY PROMOTE OUR LICENSING OBJECTIVES. THESE ARE TO PROVIDE A SAFE ENVIRONMENT FOR OUR CUSTOMERS AND THE GENERAL PUBLIC AROUND OUR STORES LATE NIGHT. WE HAVE ALWAYS BEEN HEAVILY INVOLVED WITH THE LOCAL COMMUNITY AND MANY FEEL COMFORTABLE TO APPROACH US FOR ANY ISSUES THEY MAY HAVE. WE HAVE ALWAYS PRIORITISED THEIR OPINIONS AND WAS SURE TO ACTION WHAT WE NEEDED TO BE DONE TO GET THE BEST POSSIBLE OUTCOME.

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

- the prevention of crime and disorder:  
SINCE WE HAVE OPENED OUR STORE, THE CRIME AT THE JUNCTION OF PARFETT STREET AND COMMERCIAL ROAD HAS BECOME NON-EXISTENT. WE WERE TOLD BY OUR NEIGHBOURS THAT BEFORE WE OPENED, THEIR WAS A LOT OF DRUG DEALING GOING ON WHICH HAS NOW GONE AWAY.

**c) Public safety**

- public safety:  
WE ALWAYS ENSURE THAT PUBLIC SAFETY AROUND OUR STORE IS ADEQUATE AND THE FOOTPATH IS CLEAN AND FREE OF LITTER. WE HAVE A DEDICATED BIN OUTSIDE THE STORE FOR ANY LITTER TO BE DISPOSED OF AND OUR STAFF COME OUT EVERY 30MINUTES TO ENSURE THAT EVERYTHING IS CLEAN.

**d) The prevention of public nuisance**

- the prevention of public nuisance:  
WE DO NOT PLAY LOUD MUSIC AND WE WILL HAVE POSTERS AND A NOTICE BOARD OUTSIDE LETTING OUR CUSTOMERS KNOW TO BE RESPECTFUL TO OUR NEIGHBOURS AND KEEP NOISE TO AN ABSOLUTE MINIMUM. PREVIOUSLY, WHEN WE HAVE NOISY CUSTOMERS, WE OFFER THEM A 10% DISCOUNT ON THEIR ORDER IF THEY KEEP QUIET AND NOT DISTURB OUR NEIGHBOURS. WE TAKE THESE ISSUES EXTREMELY SERIOUSLY.
- We plan on promoting the objective of the license to prevent public nuisance by installing sign boards outside and inside our store asking our customers to keep the noise down and be respectful to our neighbours. We also have two bins placed

outside for any litter issues. This is similar to what Macdonalds have at their premises in Commercial Road which is above residential units. The noise will be supervised by our staff who will inform all customers waiting to keep the noise down, especially ones that are in groups. Failure to keep the noise down will result in us refusing to serve them and asking them to leave the area.

- We are located at the corner of Parfett Street/ Commercial Road. Parfett Street is a private road with a locked security gate at the end of Fordham Street. No customers use Parfett Street for parking and we do not use this either for delivery. Access to the gate is only for residents only and we fully respect this system. If customers arrive by car, they usually park on Commercial Road where their are allocated bays in place for them to do so.
- The increase in footfall between 23:00 to 02:00 does not impact any residential premises on Parfett Street as customers only approach our store from Commercial Road. All customers that approach our store from Parfett Street are residents on Parfett Street itself. The increase of footfall between 23:00 to 02:00 prevents crime such as drug use and dealing by the Junction of Parfett Street and Commercial Road. We have had many residents in the area approach us to thank us as its stopped local gangs from using this area for their criminal activities. Secondly, operating late night also prevents others from fly tipping in this location because of activity from our store. I appreciate that we cannot always be there but we plan on installing a sensor floodlight in the junction where there was previous fly tipping and installing a new CCTV camera. This will deter any fly tipping during non operational hours.



Diagram below shows our current infrastructure as well as new signage, CCTV and floodlight we plan on installing.

#### e) The protection of children from harm

- the protection of children from harm:  
AS MENTIONED BEFORE, WE KEEP THE FOOTPATH OUTSIDE OUR STORE CLEAN AND FREE OF ANY HAZARDOUS ISSUES. IF WE SEE ANY CHILDREN AT THE STORE, WE ENSURE THAT THEY HAVE A PRIMARY CARER/ PARENT WITH THEM. IF THEY DON'T, THEN WE WILL NOTIFY THE POLICE IMMEDIATELY IN ORDER TO PROTECT THE CHILD ESPECIALLY LATE NIGHT.

**Checklist:****Please tick to indicate agreement**

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.


It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office</li> </ul>
--------------------	--



	online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	08/06/2023
Capacity	MANAGER AND MAJORITY SHAREHOLDER

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

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

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

- performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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

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

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

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

They do this in one of two ways:

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

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

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

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

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

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

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

# Appendix 2

CASH ONLY

**FOOD ALLERGY?**  
Before placing your order please inform a member of staff if a person in your party has a food allergy

• NUTS	• SOY	• EGGS	• FISH
• PEANUTS	• SEEDS	• DAIRY	• SHELLFISH
• WHEAT / GLUTEN	• LAMB	• PORK	• CHICKEN

Food prepared here may contain or have come in contact with:

YOU LOVE IT  
**WHITECHAPEL**



CHECK IN FOR SOME SERIOUS BURGERS

LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003

NOTICE OF APPLICATION FOR A PREMISES LICENCE  
Notice is given that THE HUNGRY COW  
has applied to London Borough of Tower Hamlets Licensing  
Authority for a Premises Licence under the Licensing Act 2003

Premises details	THE HUNGRY COW 111A COMMERCIAL ROAD E1 1RD
The licensable activities and timings are:	APPLICATION SUBMITTED FOR LATE NIGHT REFRESHMENT AND HOT FOOD TO BE SERVED BETWEEN 23:00 TO 02:00 EVERY DAY.  WE STRICTLY DO NOT SERVE ALCOHOL ON THE PREMISES.

Anyone who wishes to make representations regarding this application must give notice in writing to: The Licensing Section, Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ or email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk) Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: 020 7364 5065

Representations must be received no later than 05 / 07 / 2023

The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

It is an offence under Section 156 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (unlimited fine).

www.towerhamlets.gov.uk

STAY

Bury



WE GOT YOU



LEAD THE HERD

KEEP ON



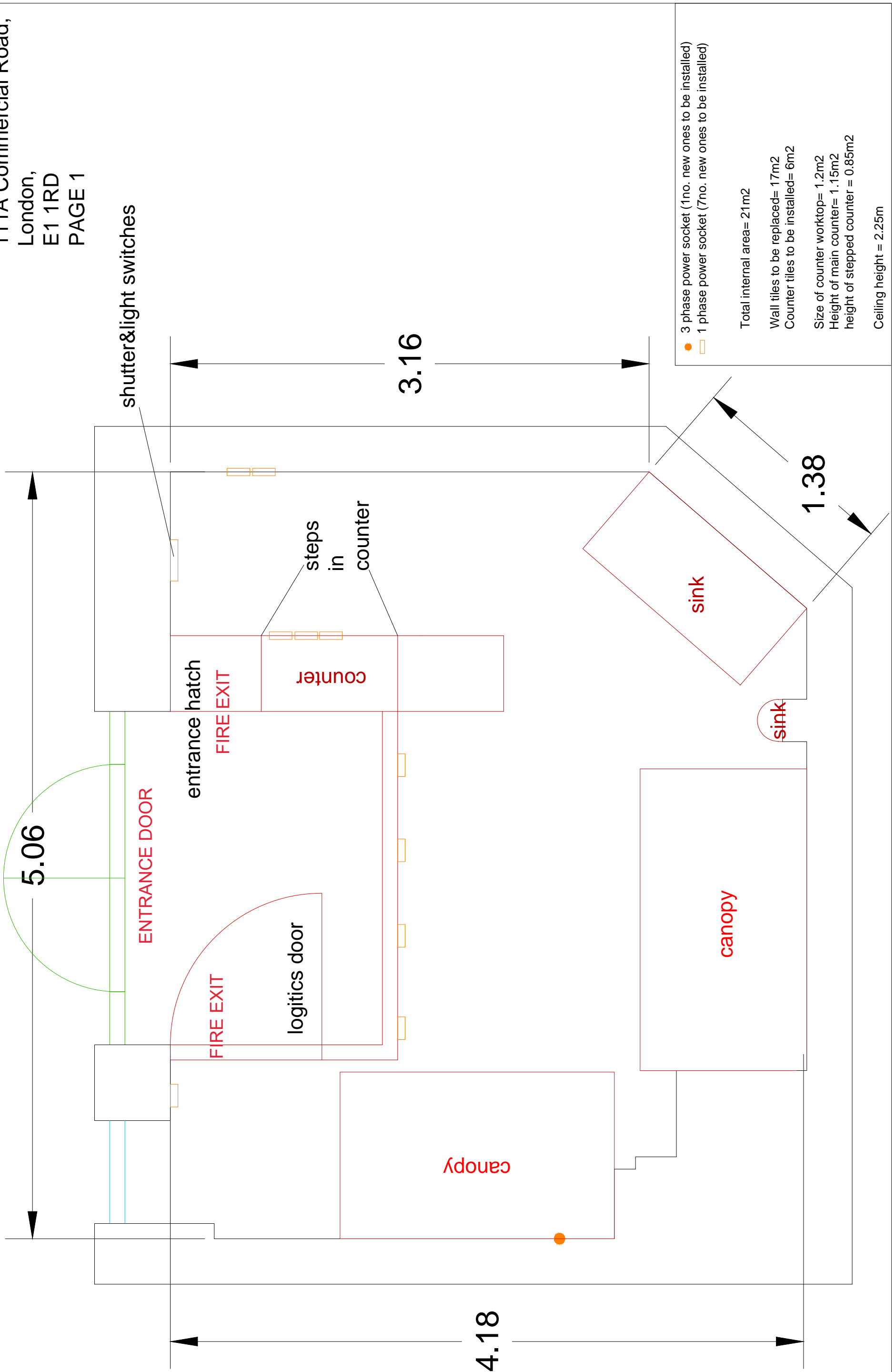






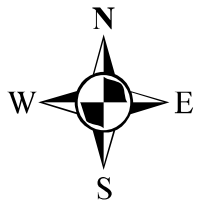
# Appendix 3

PARFETT STREET

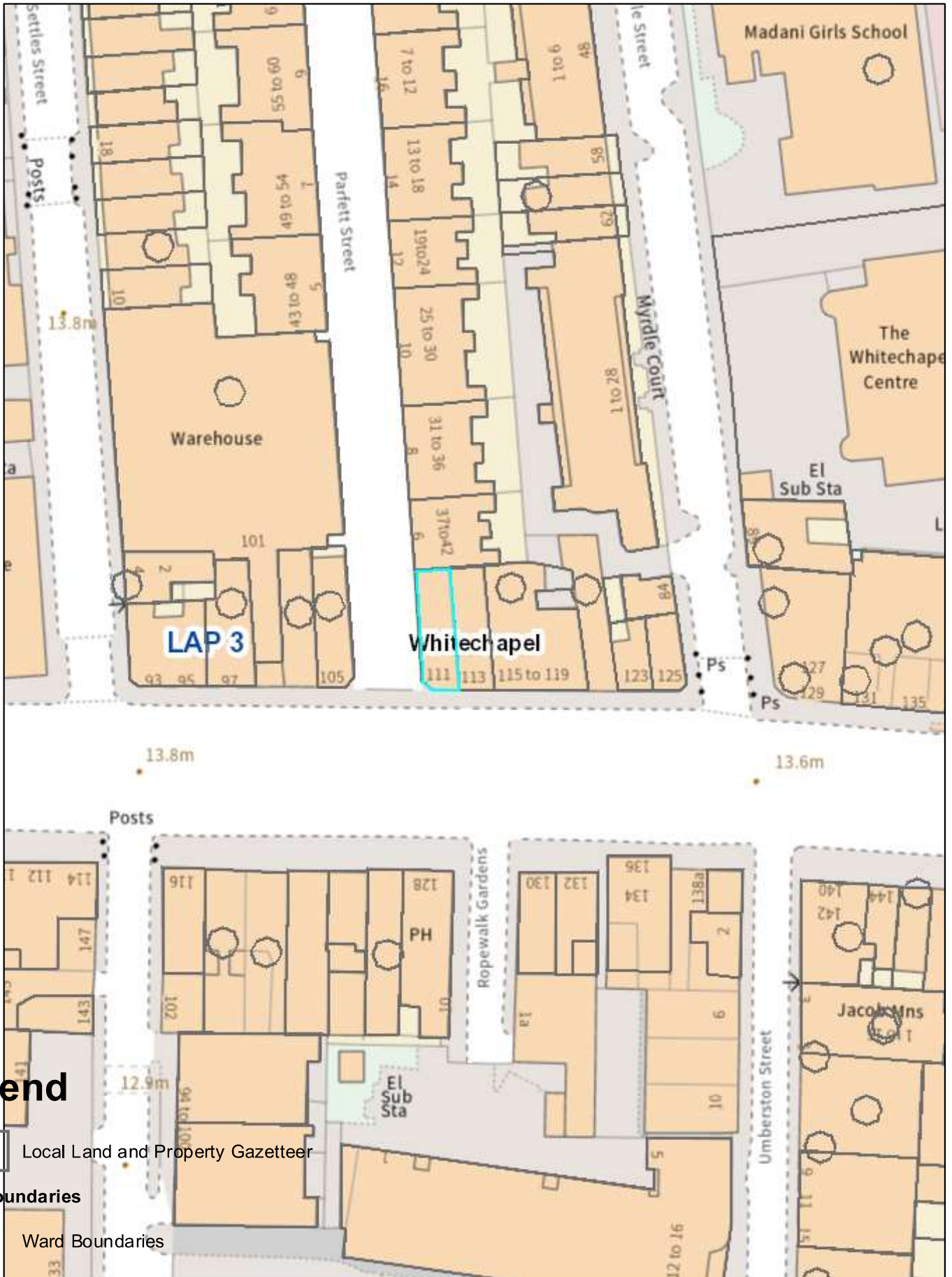


- 3 phase power socket (1 no. new ones to be installed)
- 1 phase power socket (7no. new ones to be installed)
- Total internal area= 21m<sup>2</sup>
- Wall tiles to be replaced= 17m<sup>2</sup>
- Counter tiles to be installed= 6m<sup>2</sup>
- Size of counter worktop= 1.2m<sup>2</sup>
- Height of main counter= 1.15m<sup>2</sup>
- height of stepped counter = 0.85m<sup>2</sup>
- Ceiling height = 2.25m




# Appendix 4



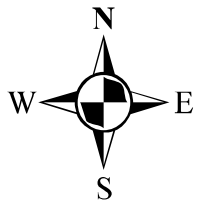
# 111a Commercial Road



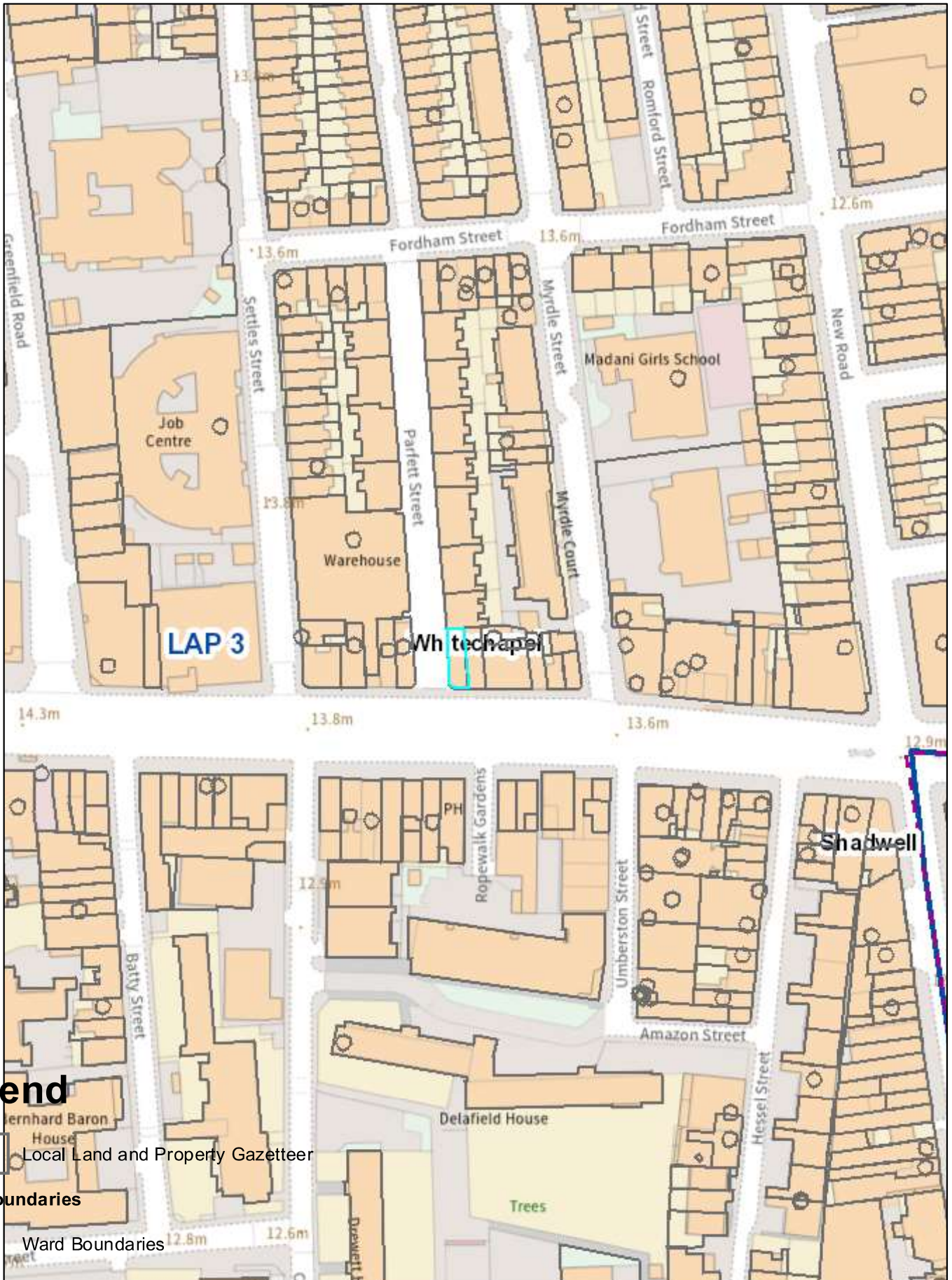
## Legend

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






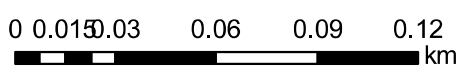


# 111a Commercial Road



## Legend

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



# Appendix 5

## Licensed Premises close proximity to 111a Commercial Road

Address	Licensable activities/times	Opening hours
<b>111-113 Commercial Road</b>	<b>Provision of Late Night Refreshment</b> Monday to Sunday from 23:00hrs to 02:00hrs (the following day)	Monday to Sunday from 07:00hrs to 02:00hrs (the following day)
<b>(Lahore Kebab House) 2-10 Umberston Street London E1 1PY</b>	<b>Recorded Music</b> Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 13:00 hours to 01:30 hours the following day  <b>Late Night Refreshment</b> Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until 01:30 hours the following day	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 12:00 hours to 01:30 hours the following day
<b>140 Commercial Road London E1 1NL</b>	<b>Alcohol (Off Sales)</b> Monday to Sunday, from 00:00 hours to 24:00 hours (24 hours)	Monday to Sunday, from 00:00 hours to 24:00 hours (24 hours)



# 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:** Lavine Miller-Johnson on behalf of Licensing  
**Sent:** 07 June 2023 10:51  
**To:** Lavine Miller-Johnson  
**Subject:** FW: 159709 - The Hungry Cow - 111a Commercial Road, London, E1  
**Attachments:** The Hungry Cow.docx; IMG\_6860.JPG; IMG\_6861.JPG; IMG\_6859.JPG

**Importance:** High

---

**From:** Onuoha Olere <Onuoha.Olere [REDACTED]>  
**Sent:** Tuesday, June 6, 2023 9:19 AM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** 159709 - The Hungry Cow - 111a Commercial Road, London, E1

Dear Licensing,

I have considered the premises license application for **The Hungry Cow – 111a Commercial Road, London, E1 1RD** or and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. The applicant is proposing licensable hours well beyond the Council's framework hours.

It must be noted that the Council's framework hours (i.e., when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant's is proposing Licensable Activities: Late Night Refreshment:

- **Seven days a week until 02:00 hours in the morning an increase in the Council's Framework hours as follows.**

<b>Monday to Thursday</b>	<b>from 23:30 hours, an increase of 2 and half hours</b>
<b>Friday and Saturday</b>	<b>from Midnight, an increase of 2 hours</b>
<b>Sunday</b>	<b>from 23:00 hours (LNR is only required from 23:00 hours), an increase of 3 hours.</b>

Also, 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 even though it is a "Take Away" business, congregation of outside the premises, which is so close to residential properties in Parfett Street, London, E1 particularly when considering the late hours applied for by the applicant.

**Noise Sensitive premises:** residential and commercial premises in close proximity to residential flats (see map, pictures attached)

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 shop, of customers, especially due to customers likely to be in high spirits at this time and in groups; and
- The hours of operation (inclusive of proposals)
- How to manage hooting and idling of vehicles from customers, such as Uber drivers in a hurry and staff associated with premises during pick up and deliveries.

## **CONCLUSION**

Environmental Protection **does not** support the application for **The Hungry Cow – 111a Commercial Road, London, E1 1RD**, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought. We do not support the license for Late Night Refreshment, as it will cause a further hub for people to be loitering around until 2am, 7 days a week or even later. ( See video attached of an afternoon walk about of the area on 24th May 2023) demonstrating residential properties in Parfett Street, E1 and its proximity to the premises.

1. There is great likelihood of disturbance to residential premises from the impact of additional footfall,
2. The applicant has not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance.
3. Parking and idling of vehicle.

Yours sincerely

Olere

*Onuoha OLERE*  
***Environmental Protection Officer***  
*Environmental Health & Trading Standards*  
*4<sup>th</sup> Floor, Tower Hamlets Town Hall*  
*160 Whitechapel Road*  
*London, E1 1BJ*  
*Phone – 02073646830*

*Please send your response or email reply directly to [Environmental.Protection@towerhamlets.gov.uk](mailto:Environmental.Protection@towerhamlets.gov.uk) quoting your case reference number.*

## **Section 61 consent**

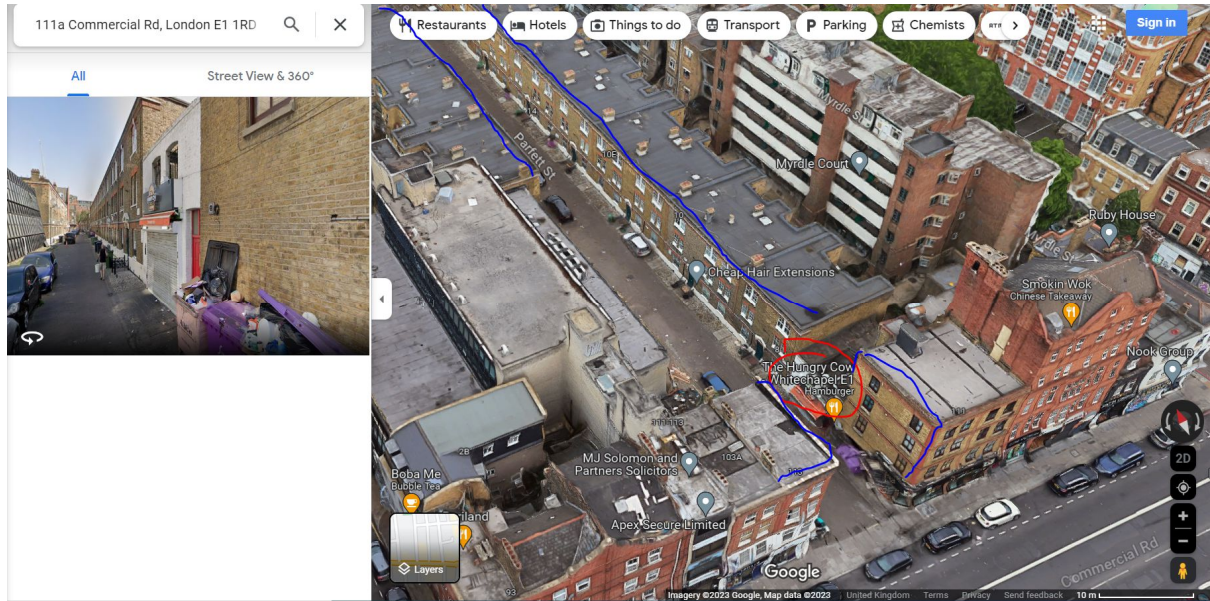
To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here: [https://www.towerhamlets.gov.uk/lgnl/environment\\_and\\_waste/environmental\\_health/pollution/Guidance-for-Section-61-Applications.aspx](https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/environmental_health/pollution/Guidance-for-Section-61-Applications.aspx)

Click here to see the Tower Hamlets Noise

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



Area Marked in Blue are residential properties in Parfett Street, London, E1





Wednesday, 24 May 2023 at 12:36

1-7 Parfett St

London  
England  
E1

United Kingdom

Page 156







Wednesday, 24 May 2023 at 12:00

2-12 Parfett

London

England

United Kingdom

111 - 113

Page 157



THEHUNGRY COW

Uber Eats  
Customer  
Pickup  
✓

NO TALK & SAUCE  
BY YOUR FEET

101



Wednesday, 24 May 2023 at 12:36  
1-7 Parfett St  
London  
England  
E1  
United Kingdom



# Appendix 8

## Lavine Miller-Johnson

---

**Subject:** FW: Premises Licence: Application The Hungry Cow, 111a Commercial Road, London, E1 1RD MA159709  
**Attachments:** CommercialRoad111a\_App.pdf; CommercialRoad111a\_PLAN.pdf; PA-03-00574 - Decision Notice.pdf

---

**From:** Chris Hancox <Chris.Hancox[REDACTED]>  
**Sent:** Friday, June 9, 2023 11:56 AM  
**To:** Lavine Miller-Johnson <Lavine.Miller-Johnson[REDACTED]>; [REDACTED]; [REDACTED]  
**Subject:** FW: Premises Licence: Application The Hungry Cow, 111a Commercial Road, London, E1 1RD MA159709

Dear Licensing Team and License applicant,

**Planning object to the proposed license application attached.**

The licensing application has been sent to the planning team for your proposed extension of takeaway operating hours at The Hungry Cow, 111a Commercial Road, London, E1 1RD

Your license application proposes an extension of operating hours from 11pm to 2am.

The planning team object to the proposed late night hours due to expected harm that will be caused to the amenity (eg noise, disturbance, late night activity) of the adjacent residents and the area generally. There is a planning approval for the restaurant use at 111-113 Commercial Road from 2003 (reference PA/03/00574, attached) which has a restriction on the hours of use:

Condition 3 - The use hereby permitted shall not be carried out other than between the hours of 11:00am and 11:00pm on any day.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with Unitary Development plan Policy HSG15.

I must also make you aware that the licensing application indicates that the premises is currently being used as a fast food takeaway. The previous use of the address (111a) was a café/coffee shop which appears to have ceased in 2019. A search of the planning register shows that there is no planning permission in place for the change of use to a takeaway at this address (111a Commercial Road, London, E1 1RD).

Regards,

Chris Hancox  
Principal Planning Compliance Officer  
Place Directorate  
London Borough of Tower Hamlets Council  
6<sup>th</sup> Floor | 160 Whitechapel Road | London | E1 1BJ  
Direct Line: 0207 364 3911  
Mobile: [REDACTED]  
Planning Line: 0207 364 5009

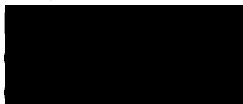
E-mail: [Chris.Hancox\[REDACTED\]](mailto:Chris.Hancox[REDACTED])  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Follow us on:  
[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

**Your ref:**  
**My ref: PA/03/00574**

2 October, 2003

Afzal Hashmi



**Customer Services**  
Town Planning  
41-47 Bow Road  
London E3 2BS  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

**Enquiries to:** David Thompson  
**Tel:** [Redacted]  
**Fax:** [Redacted]  
**TH:** [Redacted]

**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (General Development Procedure Order) 1995**

Dear Sir/Madam,

**CONDITIONAL PERMISSION FOR DEVELOPMENT**

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, 41-47 Bow Road, E3 2BS (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Your attention is drawn to the following statement of applicants' rights:-

**1) Appeals to the Secretary of State**

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

**2) Purchase Notice**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

**3) Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully,

  
**Owen Whalley: Head of Planning**

## **SCHEDULE**

### **Full Planning Permission**

**Location:** 111 TO 113, COMMERCIAL ROAD, LONDON, E1 1RD

**Proposal:** Change of use from retail (A1) to restaurant (A3) of ground and basement floor plus installation of four air conditioning units on ground floor flat roof.

**Date:** 2 October, 2003

**Reference:** PA/03/00574

**Application Received on:** 16 April, 2003

**Last Amended Date:** 26 June, 2003

#### **Drawings Approved:**

**Registered Number:** PA/03/00574

**Applicant's Number:** 2 and 3A

#### **Conditions and Reasons**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

- 2 No music shall be played within the premises so as to be audible from outside the premises.

Reason: To safeguard the amenities of neighbouring residents.

- 3 The use hereby permitted shall not be carried out other than between the hours of 11.00am and 11.00pm pm on any day.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with Unitary Development plan Policy HSG15

- 4 Soundproofing/Noise Levels Between Floors and Walls

The use hereby permitted shall not commence until the accommodation has been insulated according to details which shall be submitted to and approved by the local planning authority to ensure that the occupiers of the accommodation in the upper floors of the building and adjoining buildings do not suffer excessive noise nuisance from activities associated with the premises.

Reason: To safeguard the amenities of neighbours.

- 5 Details of a suitably attenuated silencer for the extract fan and the air conditioning units that stipulates the ambient noise levels at 1 metre from the nearest residential facade shall be submitted to and approved to the satisfaction of the local planning authority before the development hereby approved commences.  
Both of the air conditioning units and the extract fan shall be noise attenuated so as not to be audible above the ambient noise level for the surrounding area.

Reason: To prevent noise nuisance that would be harmful to the living conditions of neighbours.

- 6 Details of an appropriate paintwork finish to the air conditioning units and the extractor fan hereby approved, in a suitably neutral colour, shall be submitted to and agreed in writing by the Local Planning Authority before the development commences.

Reason: To safeguard the visual amenity of the area.

### **Informatives**

1. It may be necessary for flexible couplings to be fitted either side of the fan and motor on the trunking and for anti-vibration mountings to be fitted to the motor.
2. In order to ensure adequate fireproofing of the building, the applicant is advised to contact the Fire Prevention Officer of the London Fire Brigade, Fire Prevention Branch, Fire Station, 500 Pinner Road, Pinner, Middlesex, HA5 5EW.
3. The premises/operation must comply with the requirements of the
  - (a) Food Hygiene Regulations  
Food Hygiene (General) Regulations 1970.
  - (b) Health and Safety at Work  
Health and Safety at Work Etc., Act 1974.
  - (d) Control of Pollution Act  
Control of Pollution Act 1974.
  - (e) Food and Drugs Act  
Food & Drugs Act 1955.
  - (f) Factories Act  
Factories Act 1961 and Sanitary Accommodations Regulations 1938.
  - (g) Following requirements:  
.
4. Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810: 1979) and Schedule 2 of Building Regulations 1985. It should be taken into account that consideration must be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as to those of wheelchair users.
5. In order to comply with the above conditions and avoid causing loss of amenity to residents, the approved extract system must be operated at all times during cooking and at all other times when the activity of the premises is likely to give rise to smells or odours and doors, etc., must not be left open to provide additional ventilation.

# Appendix 9



## Lavine Miller-Johnson

---

**From:** Anon Anon [REDACTED]  
**Sent:** 31 July 2023 19:48  
**To:** Lavine Miller-Johnson  
**Subject:** Re: Opposition to the Extended Operating Hours of "The Hungry Cow,"

Dear Lavine Miller-Johnson,

Thank you for your recent email regarding the consultation process that concluded on 6th July 2023.

I appreciate your transparency and for taking the time to inform me about the process. I hereby confirm that I am comfortable with my objection being resubmitted and incorporated into the final report for the Licensing Sub-Committee. I understand that my objection will be shared with the applicant in an underrated form, but that my personal contact details will be removed prior to its inclusion in the public report.

Please do not hesitate to reach out if you require any additional information or clarification from me.

Thank you for your diligent handling of this matter.

Best Regards,

A Miah

On Wed, 19 Jul 2023 at 15:30, Lavine Miller-Johnson <[Lavine.Miller-Johnson@towerhamlets.gov.uk](mailto:Lavine.Miller-Johnson@towerhamlets.gov.uk)> wrote:

Dear A.Miah,

Thank you for your email. Apologies for the late reply. Please note that this consultation restarted and ended on 6<sup>th</sup> July 2023.

Please can you confirm that you are happy for your objection to be resubmitted and put into the final report for the Licensing Sub-Committee?

Your objection will be sent to the applicant unredacted but all personal contact details will be removed before it is added to the public report.

Please let me know how you wish to proceed.

Kind Regards

## Lavine Miller-Johnson

Licensing Officer - Licensing and Safety

Environmental Health and Trading Standards

4 th Floor Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BJ

020 7364 2665 📞 020 7364 5008

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**Tower Hamlets Town Hall**

**160 Whitechapel Road**

**London**

**E1 1BJ**

**Hearings will also be held here.**

---

**From:** Anon Anon <[REDACTED]@m>

**Sent:** Tuesday, May 23, 2023 11:52 PM

**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>

**Subject:** Opposition to the Extended Operating Hours of "The Hungry Cow,"

Ref: CLC/EHTS/LIC/159709

Dear Licensing Officer,

I am writing to you as a concerned resident of Parfett Street, with regards to the recent application by "The Hungry Cow," located at 111a Commercial Road, London E1 1RD, seeking permission to extend their operational hours to supply hot food beyond 11pm.

It is with great apprehension and regret that I must express my strong opposition to this application. I believe, based on recent experiences, that an extension of their hours would exacerbate ongoing issues related to anti-social behaviour, noise pollution, and littering which we have experienced from their late-night operations.

I previously filed a complaint (attached) regarding their unauthorised late-night operational hours which unfortunately led to a significant increase in disruptive behaviour and environmental uncleanliness. It appears that the management of "The Hungry Cow" has not demonstrated an adequate commitment to ensuring their customers maintain respectable noise levels and clean up after themselves. Furthermore, they have not effectively addressed instances of anti-social behaviour stemming from their clientele.

Additionally, the establishment has become a hub for a large number of delivery drivers on bikes. The constant coming and going of these drivers, particularly late at night, has added substantially to the noise levels, further disturbing the peace in our residential area.

I am confident that other residents of the street share my concerns, and if required, we would be willing to coordinate a unified opposition to this application. It is my belief that the proposed extension of operational hours would simply perpetuate and intensify the problems we have been experiencing.

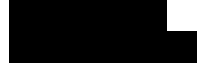
At present, "The Hungry Cow" is closing at 11pm in accordance with their existing license, resulting in a considerably more peaceful and manageable situation. We greatly appreciate the calmness that the current closing time affords our neighbourhood.

I sincerely request that you consider our concerns and not grant permission for the extended hours as requested in the application. I also suggest that the officer dealing with this application might consider seeking the views of other residents, to obtain a comprehensive understanding of our collective opinion on this matter.

Thank you very much for your time and consideration. I look forward to a favourable decision that prioritises the peace and welfare of the residential community.

Yours sincerely,

A. Miah

A black rectangular redaction box covering the signature area.

# Appendix 10

## Lavine Miller-Johnson

---

**Subject:** FW: hungry cow to remain open until 3am MA 160355

---

**From:** BEGUM, Rushna [REDACTED] <[REDACTED]>  
**Sent:** Sunday, June 11, 2023 4:03 PM  
**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** Re: hungry cow to remain open until 3am

rushna begum  
[REDACTED]

---

**From:** Lavine Miller-Johnson <[Lavine.Miller-Johnson@towerhamlets.gov.uk](mailto:Lavine.Miller-Johnson@towerhamlets.gov.uk)> on behalf of Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Sent:** 07 June 2023 13:12  
**To:** BEGUM, Rushna [REDACTED] Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** RE: hungry cow to remain open until 3am

You don't often get email from [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk). [Learn why this is important](#)

Dear Rushna,

Thank you for your email. If you are wishing to submit a supporting representation to the Hungry Cow, please can you provide your address. All representations received are required to provide full name and addresses otherwise the representation will be deemed invalid.

**Kind Regards**

**Lavine Miller-Johnson**

Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
4 th Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

020 7364 2665 📞 020 7364 5008

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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:** BEGUM, Rushna [REDACTED]  
**Sent:** Saturday, June 3, 2023 2:32 PM  
**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** hungry cow to remain open until 3am

I would appreciate if hungry cow shop to remain open until 3am i work night shifts at royal London hospital and frequently order from the hungry cow the have good value food and good service it is close by so convenient for me when I'm working nights.

thank you  
Rushna begum

\*\*\*\*\*  
\*\*\*\*\*

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  - ii) do not disclose, copy or distribute information in this e-mail or take any action in relation to its content (to do so is strictly prohibited and may be unlawful).
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# Appendix 11

## Lavine Miller-Johnson

---

**Subject:** FW: hungry cow burger shop to remain open till 3am

---

**From:** CONROY, Luisa (BARTS HEALTH NHS TRUST) <[luisa.conroy1@nhs.net](mailto:luisa.conroy1@nhs.net)>  
**Sent:** Sunday, June 11, 2023 11:13 AM  
**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** Re: hungry cow burger shop to remain open till 3am

Hi,

Yes, my full name is Luisa Conroy and my address is [REDACTED]

Thank you!

Warm regards,  
Luisa Conroy

---

**From:** Lavine Miller-Johnson <[Lavine.Miller-Johnson@towerhamlets.gov.uk](mailto:Lavine.Miller-Johnson@towerhamlets.gov.uk)> on behalf of Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Sent:** 07 June 2023 14:16  
**To:** CONROY, Luisa [REDACTED]; Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** RE: hungry cow burger shop to remain open till 3am

You don't often get email from [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk). [Learn why this is important](#)

Dear Conroy,

Thank you for your email. If you are wishing to submit a supporting representation to the Hungry Cow, please can you provide your address. All representations received are required to provide full name and addresses otherwise the representation will be deemed invalid.

**Kind Regards**

**Lavine Miller-Johnson**

Licensing Officer - Licensing and Safety  
Environmental Health and Trading Standards  
4 th Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

020 7364 2665 📞 020 7364 5008

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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:** CONROY, Luisa [REDACTED] >  
**Sent:** Saturday, June 3, 2023 6:56 PM  
**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** hungry cow burger shop to remain open till 3am

this is regarding the hungry cow burger shop to remain open until 3am i am a nurse at royal London hospital would really benefit from the food shop to remain open till late as I do night shift and it is convenient for me to get food please allow them to stay open.

really appreciate it

\*\*\*\*\*  
\*\*\*\*\*

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# Appendix 12

## **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 176**

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 13

## 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 14

## **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 15

## **Planning**

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

# Appendix 16

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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