

# Licensing Sub Committee

## Agenda

**Tuesday, 9 January 2024 at 6.30 p.m.**  
**Council Chamber - Town Hall, Whitechapel**

### Contact for further enquiries:

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



## Public Information

### Viewing or Participating in Committee Meetings

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

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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, 9 January 2024

6.30 p.m.

### **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

#### **1. DECLARATIONS OF INTEREST (PAGES 7 - 8)**

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

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

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

#### **2. RULES OF PROCEDURE (PAGES 9 - 18)**

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

#### **3. ITEMS FOR CONSIDERATION**

#### **4. Application for variation of a Premises Licence for Bar 104, 104 Brick Lane, London, E1 6RL (PAGES 19 - 114)**

Licensing Objectives:

- The prevention of public nuisance

Representations:

- Licensing Authority
- Environmental Protection



**Ward: Spitalfields & Banglatown**

**5. Application for a Premises Licence for (Boat Live), 90 White Post Lane, London E9 5EN (PAGES 115 - 224)**

Licensing Objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety

Representations:

- Licensing Authority
- Metropolitan Police
- Health & Safety
- Resident
- Environmental Protection
- London Legacy Development Corporation

**Ward: Bow East**

**6. 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**

Thursday, 25 January 2024 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>	<b>14<sup>th</sup> June 2016</b>
<b>Reviewed By:</b>	<b>Senior Corporate and Governance Legal Officer</b>
<b>Approved By:</b>	<b>Licensing Committee</b>
<b>Date Approved:</b>	<b>14<sup>th</sup> June 2016</b>
<b>Version No.</b>	<b>1</b>
<b>Document Owner:</b>	<b>Paul Greeno</b>
<b>Post Holder:</b>	<b>Senior Corporate and Governance Legal Officer</b>
<b>Date of Next Scheduled Review:</b>	<b>31<sup>st</sup> March 2018</b>

## **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				
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

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>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for variation of a Premises Licence for Bar 104, 104 Brick Lane, London, E1 6RL</b>  Ward affected: <b>Spitalfields and Banglatown</b>
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## 1.0 Summary

Applicant: **Bar 104 Limited**

Name and Address of Premises: **Bar 104**  
**104 Brick Lane**  
**London**  
**E1 6RL**

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

- **Increase the hours for the provision of late-night refreshments**

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 Bar 104, 104 Brick Lane, London, E2 6DG
- 3.2 The existing Premise Licence was issued on 5<sup>th</sup> November 2005 and a copy is enclosed as **Appendix 1**. The licence currently is for the sale of alcohol (on sales only), late-night refreshments and regulated entertainment (recorded music). The licence was transferred to Bar 104 Limited on 11<sup>th</sup> August 2023.
- 3.3 The timings of the existing licence are detailed below for information purposes only:-

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

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

#### **Provision of Late-night refreshments**

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

#### **Recorded Music**

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

- 3.4 The applicant has described the nature of the variation as follows:
- *To extend the operating hours to 02:00 hours on a Friday and Saturday for late-night refreshments only*
- 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**

- Friday & Saturday 00:00 hours – 02:00 hours the following day

#### **Opening hours**

- Friday & Saturday 00:00 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 2023.
- 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 9**.
- 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**

- No person shall be employed for street touting
- 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 metre radius of the premises as shown edged in red on the attached plan.

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

None

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

Conditions agreed with the police – **See appendix 8**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.

4. 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.
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record must show the outcome of the person who was intoxicated. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
7. A written dispersal and entry policy shall be in place and implemented at the premises to move customers into and away from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
8. The premises shall have a written security plan that risk assesses events at the venue and shows what plans are in place to mitigate them. The security plan will include search policy, SIA security levels, welfare officer provision and ejection plans. Such a plans are to be written down and made available to relevant authorities upon request.

## **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 9 – 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.

#### **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>	Conditions agreed with the police
<b>Appendix 9</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 10</b>	S182 advice re crime & disorder
<b>Appendix 11</b>	Licensing policy advice re crime & disorder
<b>Appendix 12</b>	S182 advice re public nuisance
<b>Appendix 13</b>	Licensing Policy advice on public nuisance
<b>Appendix 14</b>	Brick Lane CIA
<b>Appendix 15</b>	Framework hours
<b>Appendix 16</b>	Planning

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# Appendix 1

(104 Bar)  
104 Brick Lane  
London  
E1 6RL

**Licensable Activities authorised by the licence**

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

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

**Signed by**

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

**Date: 5<sup>th</sup> November 2005**

**Part A - Format of premises licence**

Premises licence number

162230

**Part 1 - Premises details**

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

104 Brick Lane

**Post town**

London

**Post code**

E1 6RL

**Telephone number**

0207 377 0033

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

The provision of late night refreshment

The provision of regulated entertainment

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

**The sale by retail of alcohol:**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**For provision of Late Night Refreshment:**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

**The opening hours of the premises**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until 00.30 hours

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

On sales only

## **Part 2**

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

104 Bar Limited  
104 Brick Lane  
London E1 6RL



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

14023454

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

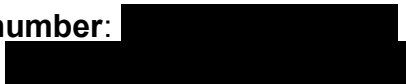
Carlos Tituana



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

**Personal licence number:**

**Issuing Authority:**



## Annex 1 - Mandatory conditions

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

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

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

1.

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  
3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$

where —

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

### **The sale by retail of alcohol:**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

On New Year’s Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect

the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**For provision of Late Night Refreshment:**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

**Provision of Regulated Entertainment (recorded music)**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

**Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

**Public Entertainment**

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

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

No person shall be employed for street touting

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 metre radius of the premises as shown edged in red on the attached plan.

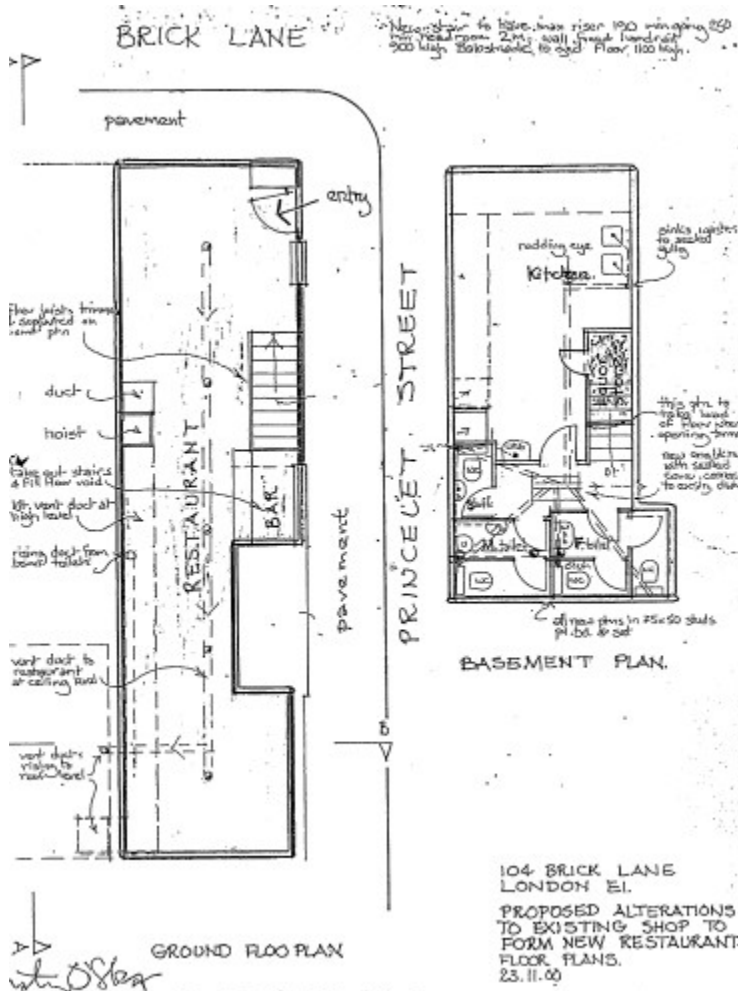
**Annex 3 - Conditions attached after a hearing by the licensing authority**

None

## Annex 4 - Plans

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

25<sup>th</sup> July 2005



**Part B - Premises licence summary**

**Premises licence number**

**162238**

**Premises details**

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

104 Brick Lane

**Post town**

London

**Post code**

E1 6RL

**Telephone number**

**0207 377 0033**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

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

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

**Note:** However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**The opening hours of the premises**

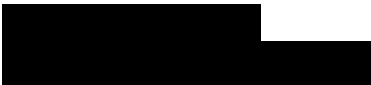
Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**For provision of Late Night Refreshment:**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight

Name, (registered) address of holder of premises licence	104 Bar Limited 104 Brick Lane London E1 6RL 
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On sales only
Registered number of holder, for example company number, charity number (where applicable)	14023454
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Carlos Tituana
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.

We 104 Bar Limited

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

#### Premises licence number

162230

#### Part 1 – Premises Details

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

Post town

London

Postcode

E1 6RL

Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£25,000

#### Part 2 – Applicant details

Daytime contact  
telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if  
different from premises  
address

[REDACTED]

Post town

Postcode

#### 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			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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)

Extend operating hours from 12am to 2am, two days a week (Friday and Saturday) for late night refreshments only. Fast food. No sale of alcohol

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

#### Part 4 Operating Schedule

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

<b>Provision of regulated entertainment (Please see guidance note 3)</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input checked="" type="checkbox"/>

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

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

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

A

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

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded 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			
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 Provisions of regulated entertainment		
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 checked="" type="checkbox"/>
Mon	11:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed	11:00	00:00			
Thur	11:00	00:00	<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	11:00	00:00			
Sat	11:00	00:00	<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	11:00	00:00			

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5) Late night refreshments on Friday and Saturday only. No amplified music.		
Mon	11:00	00:00			
Tue					
	11:00	00:00			
Wed	11:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur	11:00	00:00			
Fri	11:00	02:00	<b>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</b> (please read guidance note 7)		
Sat	11:00	02:00			
Sun	11:00	00:00			

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 checked="" 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	11:00	00:00				
Tue	11:00	00:00				
Wed	11:00	00:00				
Thur	11:00	00:00				<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)
Fri	11:00	00:00				
Sat	11:00	00:00				
Sun	11:00	00:00				

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>
--

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)
Day	Start	Finish	
Mon	11:00	00:00	
Tue	11:00	00:00	<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)
Wed	11:00	00:00	
Thur	11:00	00:00	
Fri	11:00	02:00	
Sat	11:00	02:00	
Sun	11:00	00:00	

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.

Pending transfer of premises licence. Ref: 162230

**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)**

--

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

--

**c) Public safety**

--

**d) The prevention of public nuisance**

--

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

--

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	20/10/23
Capacity	Designated premises supervisor

**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)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

**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.

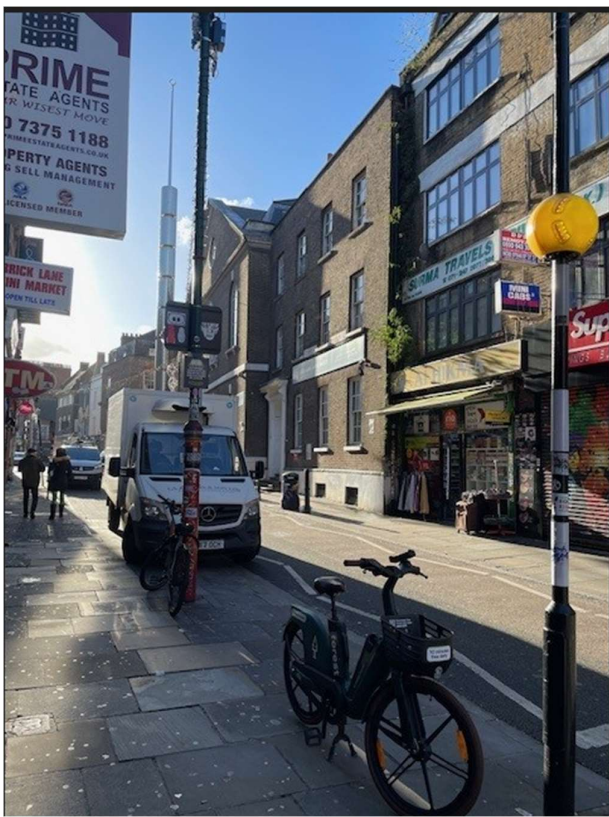
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.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

# Appendix 3

**Photos – 104 Brick Lane**



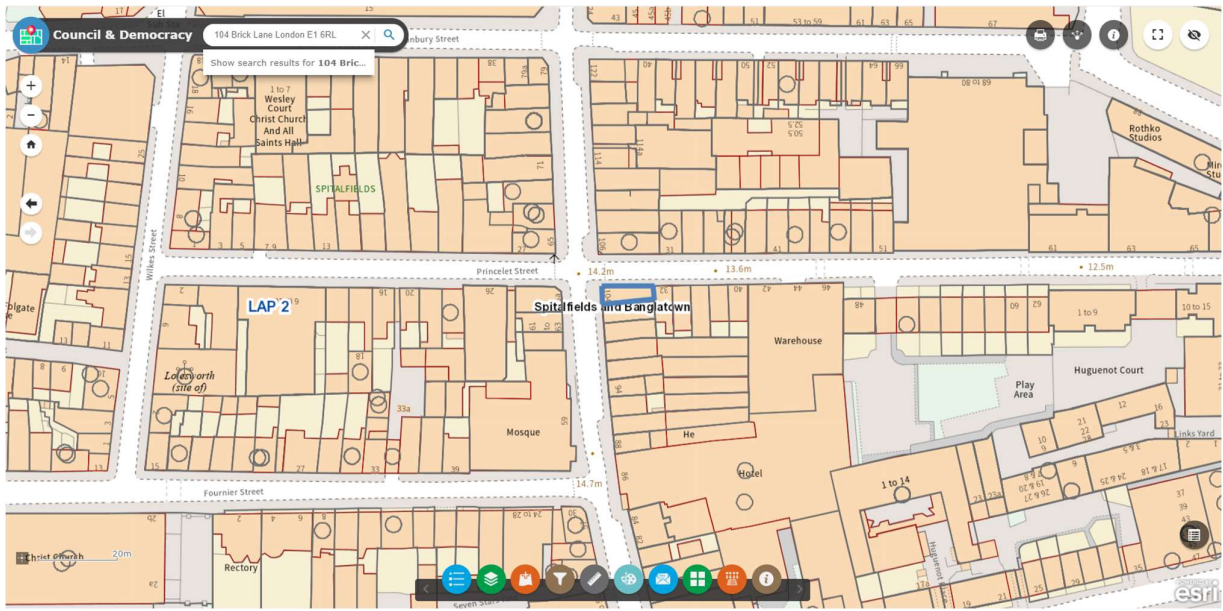
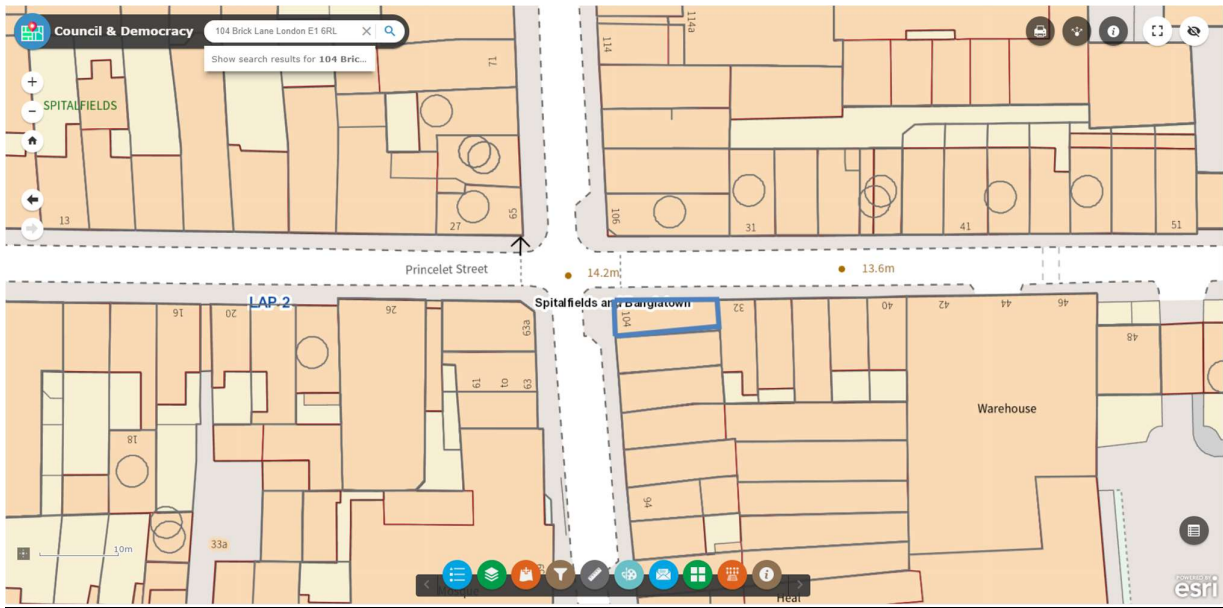






# Appendix 4

## Maps – 104 Brick Lane



# Appendix 5

**Nearby Licensed Premises – 104 Brick Lane**

<b><u>Name &amp; address</u></b>	<b><u>Licensable activities</u></b>	<b><u>Opening Hours</u></b>
<b>(Brick Lane Brasserie)</b> 67 Brick Lane	<b><u>Alcohol and Regulated Entertainment (Recorded Music)</u></b> <ul style="list-style-type: none"> <li>Monday to Sunday, 11:00 hrs to 00:00 hrs</li> </ul> <b><u>Late Night Refreshment</u></b> <ul style="list-style-type: none"> <li>Monday to Sunday, 23:00 hrs to 00:00 hrs</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday, 11:00 hrs to 00:30 hrs</li> </ul>
<b>(Standard Balti House)</b> 71 Brick Lane	<b><u>For the Supply of Alcohol (on &amp; off sales) and Late Night Refreshment</u></b> <p>Sunday to Thursday 11 00 hrs to midnight Friday and Saturday 11 00 hrs to 01 00 hrs the following day</p>	<p>Sunday to Thursday 11 00 hrs to 01 00 hrs the following day Friday and Saturday 11 00 hrs to 02 00 hrs the following day</p>
<b>(Muhib Indian Cuisine)</b> 73 Brick Lane	<b><u>Hours for the Sale of Alcohol (on sales)</u></b> <ul style="list-style-type: none"> <li>Sunday from 11:00 hours to 23:30 hours</li> <li>Monday to Wednesday from 11:00 hours to 24:00 hours (midnight)</li> <li>Thursday to Saturday from 11:00 hours to 01:30 hours the next day.</li> </ul> <b><u>Provision of Late-Night Refreshment</u></b> <ul style="list-style-type: none"> <li>Sunday from 11:00 hours to 23:30 hours</li> <li>Monday to Wednesday from 11:00 hours to</li> </ul>	<ul style="list-style-type: none"> <li>Sunday from 11:00 hours to 24:00 hours (midnight)</li> <li>Monday to Wednesday from 11:00 hours to 00:30 hours the next day</li> <li>Thursday to Saturday from 11:00 hours to 02:00 hours the next day.</li> </ul>

	24:00 hours (midnight) <ul style="list-style-type: none"> <li>Thursday to Saturday from 11:00 hours to 01:30 hours the next day.</li> </ul>	
<b>(Bengal Village)</b> 75 Brick Lane	<b><u>Sale of Alcohol (on sales)</u></b> (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm  <b><u>Late Night Refreshment</u></b> On weekdays from 23:00 hours to midnight On Sundays from 23:00 hours to 23:30 hours	No restrictions
<b>(Curry Bazaar)</b> 77 Brick Lane	<b>The sale by retail of alcohol (on sales)</b> <ul style="list-style-type: none"> <li>Sunday - Thursday from 11:00 hours until midnight</li> <li>Friday and Saturday from 11:00 hours until 02:00 hours the following day.</li> </ul> <b><u>For provision of Late Night Refreshment:</u></b> <ul style="list-style-type: none"> <li>Sunday - Thursday from 11:00 hours until midnight</li> </ul>	<ul style="list-style-type: none"> <li>Sunday -Thursday from 11:00 hours until 00:30 hours the following day</li> <li>Friday and Saturday from 11:00 hours until 02:30 hours the following day.</li> </ul>

	<ul style="list-style-type: none"> <li>Friday and Saturday from 11:00 hours until 02:00 hours the following day.</li> </ul>	
<b>(Bubble and Scoop)</b> 79 Brick Lane	<p><b><u>The sale by retail of alcohol (on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Sunday to Thursday from 10:00hrs to 23:30hrs</li> <li>Friday and Saturday from 10:00hrs to 00:30hrs (the following day)</li> </ul> <p><b><u>Provision of Late-Night Refreshment</u></b></p> <ul style="list-style-type: none"> <li>Sunday to Thursday from 23:00hrs to 00:00hrs (midnight)</li> <li>Friday and Saturday from 23:00hrs to 01:00hrs (the following day)</li> </ul> <p><b><u>Seated</u></b></p> <ul style="list-style-type: none"> <li>Sunday to Thursday up to 00:00hrs (midnight)</li> <li>Friday and Saturday up to 00:30hrs (the following day)</li> </ul>	<ul style="list-style-type: none"> <li>Sunday to Thursday from 08:00hrs to 00:00hrs (midnight)</li> <li>Friday and Saturday from 08:00hrs to 01:00hrs (the following day)</li> </ul>
<b>(Enso Restaurant)</b> 94 Brick Lane	<p><b><u>Supply of Alcohol (on sales)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 12:00 hours to 23:30 hours</li> <li>Sunday, from 12:00 hours to 23:00 hours</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Saturday, from 12:00 hours to midnight</li> <li>Sunday, from 12:00 hours to 23:30 hours</li> </ul>

	<p><b>Regulated Entertainment</b> (Recorded music)</p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 23:00 hours to midnight</li> <li>Sunday, from 23:00 hours to 23:30 hours</li> </ul> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 12:00 hours to 23:30 hours</li> <li>Sunday, from 12:00 hours to 23:00 hours</li> </ul>	
<p><b>Saporita</b> 108 Brick Lane</p>	<p><b><u>Sale of Alcohol (on and off sales)</u></b> Monday to Saturday from 12:00 hours to 23:30 hours Sunday from 12:00 hours to 22:30 hours</p> <p><b><u>The Provision of Regulated Entertainment</u></b> (Recorded music only) Monday to Saturday from 12:00 hours to 23:30 hours Sunday from 12:00 hours to 22:30 hours</p> <p><b><u>The Provision of Late Night Refreshment</u></b> Monday to Sunday, 23.00pm to Midnight</p>	Monday to Sunday, from 12:00 hours to Midnight
<p><b>(Brick Lane Off Licence)</b> 114 Brick Lane</p>	<p><b><u>Sale of Alcohol (Off Sales Only)</u></b> Monday to Saturday from 09:00 to midnight Sunday from 10:00 hrs to 23:00 hrs</p>	Monday to Saturday from 09:00 to midnight Sunday from 10:00 hrs to 23:00 hrs

<b>(Preem)</b> 118 -122 Brick Lane	<u><b>Sale of Alcohol (On Sales Only)</b></u> <ul style="list-style-type: none"> <li>Monday to Sunday from 12:00hrs (midday) to 01:00hrs (the following day)</li> </ul> <u><b>The Provision for Late Night Refreshment</b></u> <ul style="list-style-type: none"> <li>Monday to Sunday from 23:00hrs to 01:00hrs (the following day)</li> </ul>	<ul style="list-style-type: none"> <li>Monday to Sunday from 12:00hrs (midday) to 01:30hrs (the following day)</li> </ul>
<b>A &amp; Y Wines)</b> 116 Brick Lane	<u><b>The sale by retail of alcohol (off sales)</b></u>  Monday to Sunday 08 00 hrs to 02 30 hrs the following day	Monday to Sunday 08 00 hrs to 02 30 hrs the following day

# Appendix 6

Sent to:

Licensing Authority: [REDACTED]  
Applicant: [REDACTED]

Communities Directorate  
Public Realm

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

12<sup>th</sup> December 2023

Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

My reference: P/EHTS/LIC/164801/LMI

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

Dear Licensing Authority,

**Licensing Act 2003**  
**Variation premise licence 104 Brick Lane E1 6RL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Licensable activities and times

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

- Sunday – 06:00 hours to 22:30 hours

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

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

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

### The Home Office guidance

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

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

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

### **Application:**

The applicant has described the application as, to extend the operating hours from 00:00 hours to 02:00 hours on Friday and Saturday for late night refreshments only.

The premises already has a licence for:

- **Sales of Alcohol**  
Monday to Sunday from 11:00 hours to 00:00 hours
- **Late Night Refreshments**  
Monday to Sunday from 11:00 hours to 00:00 hours
- **Hours open to the public**  
Monday to Sunday from 11:00 hours to 00:30 hours

The hours applied for:

- **Provisions of regulated entertainment (indoors) (section H of the application only)**
- 11:00 hours to 00:00 hours
- **Late night refreshments (indoors)**  
Sunday to Thursday 11:00 hours – 00:00 hours (current hours)  
Friday to Saturday 11:00 hours – 02:00 hours
- **Opening hours**  
Monday to Sunday 11:00 hours to 23:30 hrs

The extension of hours is past the council's framework hours. The applicant has only applied for, the extension of late-night refreshment on the premises, and has given no explanation as to what customers will be doing on the premises for two hours, when only food will be offered for sale and regulated entertainment (anything of a similar nature). The applicant needs to explain further how they will prevent sales of alcohol from taking whilst open with only late-night refreshments licensed between 00:00 hours – 02:00 hours.

The current premises licence has no conditions mitigating potential cumulative impact issues, nor has the applicant acknowledged the CIA or demonstrate that, the operation of the premises with the extended hours will not add to the cumulative impact in regards to the following licensing objectives:

- prevention of public nuisance
- crime and disorder

On a balance of probability, this Authority is concerned by the addition of this premises offering late night refreshments in an already saturated area, potentially adding to the existing anti-social issues in the area.

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

Yours faithfully

[Redacted signature]

**Lavine Miller-Johnson**  
**Licensing Officer**

[Redacted contact information]

# Appendix 7

## Corinne Holland

---

**From:** Nicola Cadzow  
**Sent:** 09 November 2023 15:00  
**To:** Licensing  
**Cc:** 'MARK.J.Perry' [REDACTED]  
**Subject:** 164120 MAU REPRESENTATION Variation of premises license for Bar 104 104 Brick Lane, London E1 6RL

Dear Licensing,

I have considered the variation of premises license application Bar 104 104 Brick Lane, London E1 6RL 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 and consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone (CIZ).

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

**Friday and Saturday from Midnight until 02:00 hours (an extension of two hours on existing license hours)**

There is insufficient information both in the existing license, or the operating schedule of the licence variation application to show how the applicant will promote the licensing objective for the prevention of public nuisance, with the impact on public from regulated entertainment, increase footfall from persons accessing and egressing the premises, particularly when considering the late hours applied for by the applicant, and the fact that the premises is in the Brick Lane CIZ

**Noise Sensitive premises:** residential and commercial premises in close proximity to the premises.

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

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

### **CONCLUSION**

Environmental Protection **does not** support the variation application for Bar 104, 104 Brick Lane E1 6RL for the following reasons:

1. The applicant have not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance, particularly when considering the late hours sought for Fridays and Saturdays
2. The premises is in Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow  
Environmental Protection Officer  
Environmental Health and Trading Standards  
4th Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ

# Appendix 8

## Corinne Holland

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**From:** MARK.J.Perry [REDACTED]  
**Sent:** 12 December 2023 07:39  
**To:** [REDACTED]  
**Cc:** Licensing  
**Subject:** RE: 104 Bar Variation application

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

Hi Carlos,

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

Kind Regards

Mark

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

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

**From:** 104 Bar <[REDACTED]>  
**Sent:** 11 December 2023 15:49  
**To:** Perry Mark J - [REDACTED]  
**Subject:** Re: 104 Bar Variation application

Hi Mark,

Thank  
You for forwarding all the conditions. We agree to the conditions outlined below.

Regards  
Carlos

> On 11 Dec 2023, at 15:15, MARK.J.Perry [REDACTED]  
>  
> Hi,  
>  
> Thanks for the e-mail, having read it and studied your application I believe that the following conditions will be needed to uphold the four licensing objectives.  
>  
>  
> 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.  
>  
> 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.  
>  
> 3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:  
>  
> a) all crimes reported to the venue;  
> b) all ejections of patrons;  
> c) any complaints received concerning crime and disorder  
> d) any incidents of disorder;  
> e) all seizures of drugs or offensive weapons;  
> f) any faults in the CCTV system, searching equipment or scanning equipment;  
> g) any refusal of the sale of alcohol;  
> h) any visit by a relevant authority or emergency service.  
>  
> 4. 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.  
>  
> 5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.  
>  
> 6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record must show the outcome of the person who was intoxicated. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.  
>  
> 7. A written dispersal and entry policy shall be in place and implemented at the premises to move customers into and away from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.  
>

> 8. The premises shall have a written security plan that risk assesses events at the venue and shows what plans are in place to mitigate them. The security plan will include search policy, SIA security levels, welfare officer provision and ejection plans. Such a plans are to be written down and made available to relevant authorities upon request.

>

>

> If you are happy to agree to these conditions please reply to this e-mail letting me know and I will inform Tower Hamlets Council Licensing that we have agreed terms.

>

> Kind Regards

>

> Mark

>

>

> PC Mark Perry

> Central East Licensing Unit

> Metropolitan Police Service (MPS)

> [REDACTED]

> [REDACTED]

>

>

>

>

>

>

>

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

> From: 104 Bar [REDACTED]

> Sent: 08 December 2023 14:42

> To: Perry Mark J - [REDACTED]

> Cc: Licensing <Licensing@[REDACTED]>

> Subject: 104 Bar Variation applica on

>

>

> Dear Mark,

>

> Thank you for your time earlier.

> I would like to address the concerns raised in the objection to our application for the extension of operating hours at 104 Bar on Brick Lane.

>

> Firstly, I appreciate the Council's commitment to ensuring public peace and preventing disturbances in the neighborhood. In response to the concerns outlined, I would like to assure you that we take these matters seriously and are committed to implementing measures to mitigate any potential impact on public nuisance.

>

> To address the noise concerns, we are willing to cease all regulated entertainment activities during the extended hours. This includes a commitment not to play any recorded music at the store at all during the proposed hours of operation. Furthermore, we will take additional measures to prevent noise breakout from the venue, such as ensuring that patrons leave the premises quietly and orderly by putting up a sign on the way out.

>

> Additionally, we understand the significance of the premises being in the Brick Lane Cumulative Impact Zone (CIZ). To respect the surrounding noise-sensitive premises, we will implement strict crowd control measures during access and egress, ensuring that patrons do not disturb neighboring residents. We are also exploring the possibility of partnering with a professional security team to manage the flow of patrons responsibly.

>

> We believe that these proactive steps will address the concerns raised and demonstrate our commitment to promoting the licensing objective for the prevention of public nuisance. We understand the importance of

maintaining a harmonious coexistence with the community and are open to further discussions or adjustments to ensure our operations align with the Council's framework.

>

> We want to highlight that we currently maintain a very good relationship with our neighbors, and it is our utmost priority to continue fostering this positive connection. Our commitment to keeping noise levels at a minimum has been evident in our past operations, and we assure you that our extended hours will not compromise this established rapport.

>

> Thank you for your consideration, and we look forward to working collaboratively to find a solution that benefits both our establishment and the local community.

>

> Best regards,

> Carlos

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# Appendix 9

## **Section 182 Advice by the Home Office Updated on August 2023**

### 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 10

# **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 11

## Licensing Policy Section 9

### 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. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps 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 Conditions in Appendix 3.
- 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 conditions from our model conditions in appendix 3, to prohibit 'touting':-

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.

7.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

7.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police's definition of drink spiking:

"Spiking is where someone adds drugs or alcohol to another person's drink without them knowing, it is illegal."

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

<https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises->

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

7.11 **Welfare and Vulnerability** – This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.

7.12 **Sexual Harassment in the Night Time Economy** – sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London’s Women’s Night Safety Charter:

<https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter>

As well as the Women’s Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council’s Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

7.13 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

7.14 **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.

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 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>.
- 7.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

# Appendix 12

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

Updated December 2022

## **Public nuisance**

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

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

# Appendix 13

## **Licensing Policy Section 11**

### **Prevention of Public Nuisance**

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has many areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
- a) Music/performances  
Measures to reduce impact of noise on residents
  - b) Queue management  
Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
  - c) Ingress and Egress  
Measure to prevent people noise during ingress and egress
  - d) Use of outside areas (see 11.7 below)
  - e) Deliveries, particularly pick-ups by vehicles  
Measures to prevent noise/fumes from engines, drivers (including smoking),
  - f) Bottle disposal  
Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
  - g) Litter  
Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose intended use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

11.6 **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 Councils 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.

11.7 **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.

11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:

- limiting the amount of patrons permitted in the outside area, and/or,
- restricting the use of areas after a certain time,
- ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

# Appendix 14

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

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

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

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

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

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

This evidence is published on our website:

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

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

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

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

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

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

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

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

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

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

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

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

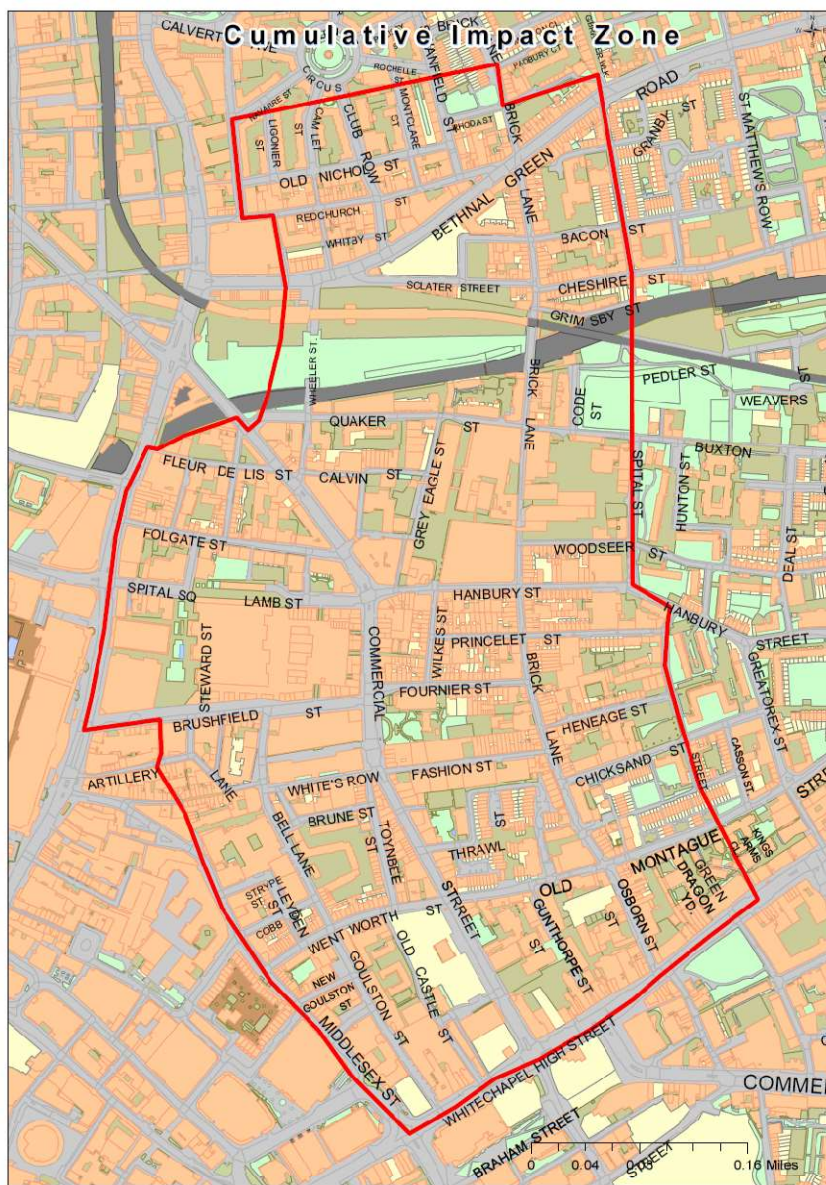
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

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

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

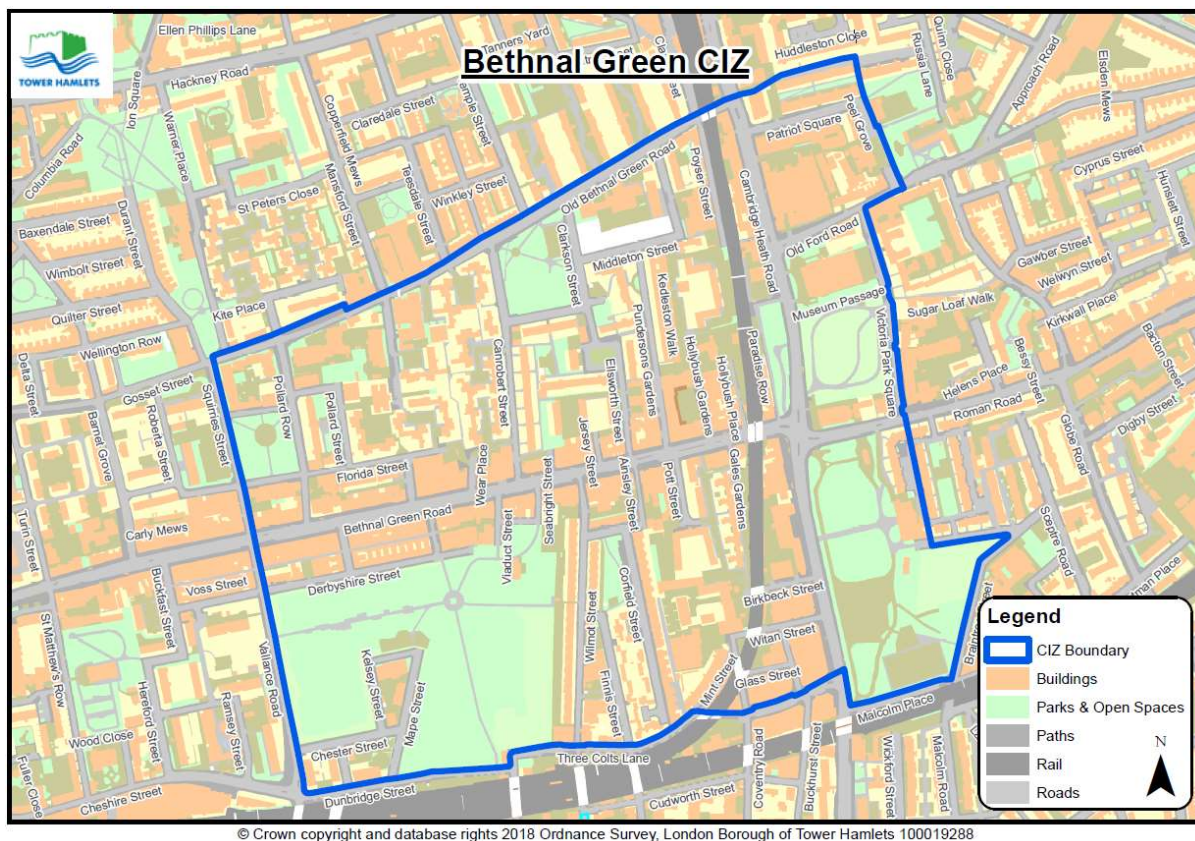
**Figure One**

**Brick Lane area:**



**Figure Two:**

**Bethnal Green Area**



# Appendix 15

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

All applications have to be considered on their own merits.

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

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

### **(see 16.8 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 16.9 of the Licensing Policy)**

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 16

## **Planning**

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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.

# Agenda Item 5

Committee : <b>Licensing Sub-Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (Boat Live), 90 White Post Lane, London E9 5EN</b>  Ward affected: <b>Bow East</b>
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## 1.0 Summary

Applicant: **Boat Live Works Ltd**  
 Name and Address of Premises: **Boat Live**  
**90 White Post Lane**  
**London**  
**E9 5EN**

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

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

Representations: **One resident (one)**  
 (Objectors) **Environmental Protection**  
**Health & Safety**  
**Licensing Authority**  
**Met Police Licensing**  
**London Legacy Development Corporation**

Representations: **Residents (three)**  
 (Supporters)

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Mohshin Ali  
 020 7364 5498

### 3.0 Background

3.1 This is an application for a premises licence for (Boat Live), 90 White Post Lane, London E9 5EN.

3.2 The applicant has described the premises as:

*“Boat Live project is focused around a small mobile event space built inside an old canal boat, this space has primarily been used to showcase music from the vibrant east London electronic scene, facilitating recording and live broadcast of sessions ... In summary, the premises proposal is for a multi-use food, drinks, bookable space and event premises which will allow for multiple revenue streams to support our success and build a varied facility supporting use by a wide range of the local community.”*

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

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

- Monday to Thursday, from 10:00 hrs to 23:30 hrs
- Friday and Saturday, from 10:00 hrs to 00:00 hrs
- Sunday, from 10:00 hrs to 22:30 hrs

***The provision of regulated entertainment - Indoors***  
***(Recorded Music)***

- Monday to Thursday, from 08:00 hrs to 22:30 hrs
- Friday and Saturday, from 08:00 hrs to 00:00 hrs
- Sunday, from 08:00 hrs to 22:30 hrs

***The provision of late night refreshment – Indoors and outdoors***

- Monday to Thursday, from 23:00 hrs to 23:30 hrs
- Friday and Saturday, from 23:00 hrs to 00:00 hrs
- (Sunday - No late night refreshment)

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

- Monday to Thursday, from 08:00 hrs to 00:00 hrs
- Friday and Saturday, from 08:00 hrs to 00:30 hrs the following day
- Sunday, from 08:00 hrs to 23:00 hrs

### 4.0 Location and Nature of the premises

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

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

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

## 5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> November 2023.
- 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 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations (objectors) have been made by the following resident and responsible authorities:
- J Paul - **(Appendix 6)**
  - Environmental Protection - **(Appendix 7)**
  - Health & Safety - **(Appendix 8)**
  - Licensing Authority (RA) - **(Appendix 9)**
  - Metropolitan Police Licensing - **(Appendix 10)**
  - London Legacy Development Corporation **(Appendix 11)**
- 6.9 In addition, representations supporting the application have been received from other persons as follows:
- Jessica Glenn - **(Appendix 12)**
  - James Harrigan - **(Appendix 13)**
  - Joao Pereira - **(Appendix 14)**
- 6.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Protection (Noise)
  - Trading Standards
  - Child Protection
  - Public Health
  - Home Secretary (Home Office Immigration Enforcement)
- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 6.12 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder, the prevention of public nuisance and public safety.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If

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

- 7.0 Conditions consistent with Operating Schedule (offered by the applicant)**
- 7.1 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.*
- 7.2 *The CCTV system serving the premises shall:*
- a) be maintained fully operational and in good working order at all times;*
  - b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol;*
  - c) show an accurate date and time that the images were made.*
- 7.3 *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
- 7.4 *An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:*
- a) all crimes reported to the venue;*
  - b) all ejections of patrons;*
  - c) any complaints received concerning crime and disorder*
  - d) any incidents of disorder;*
  - e) all seizures of drugs or offensive weapons;*
  - f) any faults in the CCTV system, searching equipment or scanning equipment;*
  - g) any refusal of the sale of alcohol;*
  - h) any visit by a relevant authority or emergency service.*
- 7.5 *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.*

7.6 *The premises will have a detailed documented security plan that must include but is not limited to:*

- a) *an ejection policy,*
- b) *a search policy,*
- c) *a queue management policy,*
- d) *a dispersal policy, and*
- e) *a drug policy.*

*These Policies shall be kept at the premises and be available on request to the Police or an authorised officer.*

7.7 *On any occasion that promoted ticketed events take place at the premises, SIA registered door supervisors will be engaged at 1 door Supervisor for every 75 customers.*

7.8 *Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.*

7.9 *At promoted ticketed events no patrons shall be admitted or re-admitted to the premises unless they have been physically searched, which will include a 'pat down search' and a full bag search. At all other times the use of searching will be risk assessed. This risk assessment shall be kept at the premises and be available on request to the Police or an authorised officer.*

7.10 *A clearly visible notice shall be placed at each entrance to the Premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.*

7.11 *The number of persons permitted in the premises at any one time (including staff) shall not exceed 300 persons.*

7.12 *The Premises licence holder shall ensure that there is a fire risk assessment and a copy is kept on site which can be viewed on request by an authorised person or the police.*

7.13 *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.*

- 7.14 *The premises shall have a written dispersal policy, that includes but is not limited to, a premises wind down plan (music turned down and lights turned up prior to closing time). The policy shall be kept at the premises and be available on request to the Police or an authorised officer.*
- 7.15 *No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 on the following day.*
- 7.16 *A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.*
- 7.17 *All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.*
- 7.18 *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.*
- 7.19 *The premises licence holder shall ensure that any patrons drinking and/or smoking in the outside area of the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance.*
- 7.20 *A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.*
- 7.21 *The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.*
- 7.22 *Notices shall be prominently displayed requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
- 7.23 *There shall be no speakers in the outside area.*

- 7.24 *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
- 7.25 *A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open. 4. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.*
- 7.26 *Children under the age of 16 will not be allowed on the premises unless they are accompanied by someone 18 or over.*
- 7.27 *All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every [insert appropriate number] months thereafter/[insert appropriate number] times a year. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:*
- a) the operation of the challenge 25 scheme;*
  - b) types of acceptable ID;*
  - c) the method of recording challenges;*
  - d) the likely consequences of making an underage sale;*
  - e) refusing sales to persons who appear to be drunk; and*
  - f) proxy sales.*

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

8.1 Conditions have not been agreed.

## **9.0 Licensing Officer Comments**

9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31<sup>st</sup> March 2025 unless the legislation is changed by the Secretary of State.

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

- had a premises licence application where permission for off sales was refused;
- had a variation of a premises licence seeking permission for off sales refused
- had a variation seeking to exclude off sales permission granted

- had a premises licence varied or modified by a review hearing to exclude off sales.
- 9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>
- 9.3 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - unamplified live music between 8am and 11pm in all venues.
  - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.4 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.5 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
  - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
  - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
  - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
  - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.6 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.9 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

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

9.11 In **Appendices 15 – 21** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### **10.0 Legal Comments**

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

#### **11.0 Finance Comments**

11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Other licensed venues in the area
<b>Appendix 5</b>	Home Office concerning relevant, vexatious and frivolous representations
<b>Appendix 6</b>	Representation of J Paul
<b>Appendix 7</b>	Representation of Environmental Protection
<b>Appendix 8</b>	Representation of Health & Safety
<b>Appendix 9</b>	Representation of Licensing Authority (RA)
<b>Appendix 10</b>	Representation of Metropolitan Police Licensing
<b>Appendix 11</b>	Representation of L.L.D.C.
<b>Appendix 12</b>	Representation of Jessica Glenn
<b>Appendix 13</b>	Representation of James Harrigan
<b>Appendix 14</b>	Representation of Joao Pereira
<b>Appendix 15</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 16</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 17</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 18</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 19</b>	Public safety
<b>Appendix 20</b>	Planning
<b>Appendix 21</b>	Licensing Policy relating to hours of trading

# Appendix 1

## Section 1 of 21

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	BOA001-1-0	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

* First name	Boat Live Works Ltd
* Family name	.
* E-mail	[REDACTED]
Main telephone number	<input type="text"/> Include country code.
Other telephone number	<input type="text"/>
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone	

Is the applicant:

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

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

### Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	12611058	
Business name	Boat Live Works LTD	If the applicant's business is registered, use its registered name.
VAT number	<input type="text"/> - <input type="text"/>	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

United Kingdom

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

St James House

Street

28 Park Place

District

City or town

Leeds

County or administrative area

Postcode

LS1 2SP

Country

United Kingdom

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

90

Street

White Post Lane

District

City or town

London

County or administrative area

Postcode

E9 5EN

Country

United Kingdom

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

0

## Section 3 of 21

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

### Confirm The Following

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

## Section 4 of 21

### NON INDIVIDUAL APPLICANTS

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

#### Non Individual Applicant's Name

Name

#### Details

Registered number (where applicable)

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

*Continued from previous page...*

Limited Liability Company

### Address

Building number or name	<input type="text" value="1st Floor"/>
Street	<input type="text" value="West Terrace"/>
District	<input type="text"/>
City or town	<input type="text" value="Folkestone"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="CT20 1TH"/>
Country	<input type="text" value="United Kingdom"/>

### Contact Details

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value=""/> dd / <input type="text" value=""/> mm / <input type="text" value=""/> yyyy
* Nationality	<input type="text"/>

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

Add another applicant

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?	<input type="text" value="28"/> dd	/	<input type="text" value="11"/> mm	/	<input type="text" value="2023"/> yyyy
---	---------------------------------------	---	---------------------------------------	---	---

If you wish the licence to be valid only for a limited period, when do you want it to end	<input type="text"/> dd	/	<input type="text"/> mm	/	<input type="text"/> yyyy
---	----------------------------	---	----------------------------	---	------------------------------

Provide a general description of the premises

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

Boat Live project is focused around a small mobile event space built inside an old canal boat, this space has primarily been used to showcase music from the vibrant east London electronic scene, facilitating recording and live broadcast of sessions. The boat has been additionally soundproofed with a professional noise propagation report produced and limits set on the sound system.

*Continued from previous page...*

The planned entertainment use of the site will be regular artist residencies booked and promoted by boat live with customers made up from walk up trade and our regular clientele. 75% of events will be in house productions, 25% to be in collaboration with external music and arts institutions. The operators intends to continue to book out the boat space providing live streaming and recording facilities for DJ's and electronic music and arts events. The lounge area will be a multi-disciplinary arts space, and hireable for corporate events, that will accommodate a large range of activities, from community projects, wellbeing, music, performance, gallery and café space in the daytime.

The premises will have a central beach themed courtyard area with flexible seating, keeping a space to give us the option to bring in food trucks / traders. There will be a service window from the kitchen container direct to the street, this will only be used from early morning through the daytime for sales of coffee and smoothies, no alcohol will ever be sold from this window.

In addition, the premises will run as a daytime food outlet with coffee from the street window, the lounge will be a multi-function space, looking to book in sound healing, yoga, offer it out for local residents to book for meetings and birthday parties etc.

In summary, the premises proposal is for a multi-use food, drinks, bookable space and event premises which will allow for multiple revenue streams to support our success and build a varied facility supporting use by a wide range of the local community.

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

## Section 6 of 21

### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

## Section 7 of 21

### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

## Section 8 of 21

### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

## Section 9 of 21

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Continued from previous page...

## Section 10 of 21

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

## Section 11 of 21

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

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

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

*Continued from previous page...*

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors                      ☐ Outdoors                      ☐ Both

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

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

State any seasonal variations for playing recorded music

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

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

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

## Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes                      ☒ No

## Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

☐ Yes                      ☒ No

## Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes                      ☐ No

### Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☐ Indoors ☐ Outdoors ☒ Both

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

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

State any seasonal variations

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

Continued from previous page...

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

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

--

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

*Continued from previous page...*

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises    ☐ Off the premises    ☐ Both

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

State any seasonal variations

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

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

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

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

**Name**

First name

Family name

Date of birth   
dd mm yyyy

*Continued from previous page...*

### Enter the contact's address

Building number or name

City or town

County or administrative area

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

### Section 16 of 21

#### ADULT ENTERTAINMENT

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

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

N/A

### Section 17 of 21

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY	Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
	Start	<input type="text"/>	End	<input type="text"/>
WEDNESDAY	Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
	Start	<input type="text"/>	End	<input type="text"/>
THURSDAY	Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
	Start	<input type="text"/>	End	<input type="text"/>
FRIDAY	Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:30"/>
	Start	<input type="text"/>	End	<input type="text"/>
SATURDAY	Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:30"/>
	Start	<input type="text"/>	End	<input type="text"/>
SUNDAY	Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
	Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

*Continued from previous page...*

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

Please see b) - d) below.

b) The prevention of crime and disorder

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

2. The CCTV system serving the premises shall:

- a) be maintained fully operational and in good working order at all times;
- b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and
- c) show an accurate date and time that the images were made.

3. 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.

4. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

5. 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.

6. The premises will have a detailed documented security plan that must include but is not limited to:

- a) an ejection policy,
- b) a search policy,
- c) a queue management policy,
- d) a dispersal policy, and
- e) a drug policy.

These Policies shall be kept at the premises and be available on request to the Police or an authorised officer.

7. On any occasion that promoted ticketed events take place at the premises, SIA registered door supervisors will be engaged at 1 door Supervisor for every 75 customers.

8. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number

*Continued from previous page...*

and the dates and times they are on duty.

9. At promoted ticketed events no patrons shall be admitted or re-admitted to the premises unless they have been physically searched, which will include a 'pat down search' and a full bag search. At all other times the use of searching will be risk assessed. This risk assessment shall be kept at the premises and be available on request to the Police or an authorised officer.

10. A clearly visible notice shall be placed at each entrance to the Premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.

c) Public safety

11. The number of persons permitted in the premises at any one time (including staff) shall not exceed 300 persons.

12. The Premises licence holder shall ensure that there is a fire risk assessment and a copy is kept on site which can be viewed on request by an authorised person or the police.

d) The prevention of public nuisance

13. 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.

14. The premises shall have a written dispersal policy, that includes but is not limited to, a premises wind down plan (music turned down and lights turned up prior to closing time). The policy shall be kept at the premises and be available on request to the Police or an authorised officer.

15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 on the following day.

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

17. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

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

19. The premises licence holder shall ensure that any patrons drinking and/or smoking in the outside area of the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance.

20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

21. The licence holder shall enter into an agreement with a local taxi or private carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such

*Continued from previous page...*

services.

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

24. There shall be no speakers in the outside area.

e) The protection of children from harm

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

26. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open. 4. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

27. Children under the age of 16 will not be allowed on the premises unless they are accompanied by someone 18 or over.

28. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every [insert appropriate number] months thereafter/[insert appropriate number] times a year. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:

- a) the operation of the challenge 25 scheme;
- b) types of acceptable ID;
- c) the method of recording challenges;
- d) the likely consequences of making an underage sale;
- e) refusing sales to persons who appear to be drunk; and
- f) proxy sales.

## **Section 19 of 21**

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

*Continued from previous page...*

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

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

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

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

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

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

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

*Continued from previous page...*

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

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

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

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

*Continued from previous page...*

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

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

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

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

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

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

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

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

*Continued from previous page...*

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

## Section 21 of 21

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

100.00

## DECLARATION

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

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

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

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

\* Full name

Woods Whur

\* Capacity

Solicitors for the Applicant

\* Date

30 / 10 / 2023  
dd mm yyyy

Add another signatory

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

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

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

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

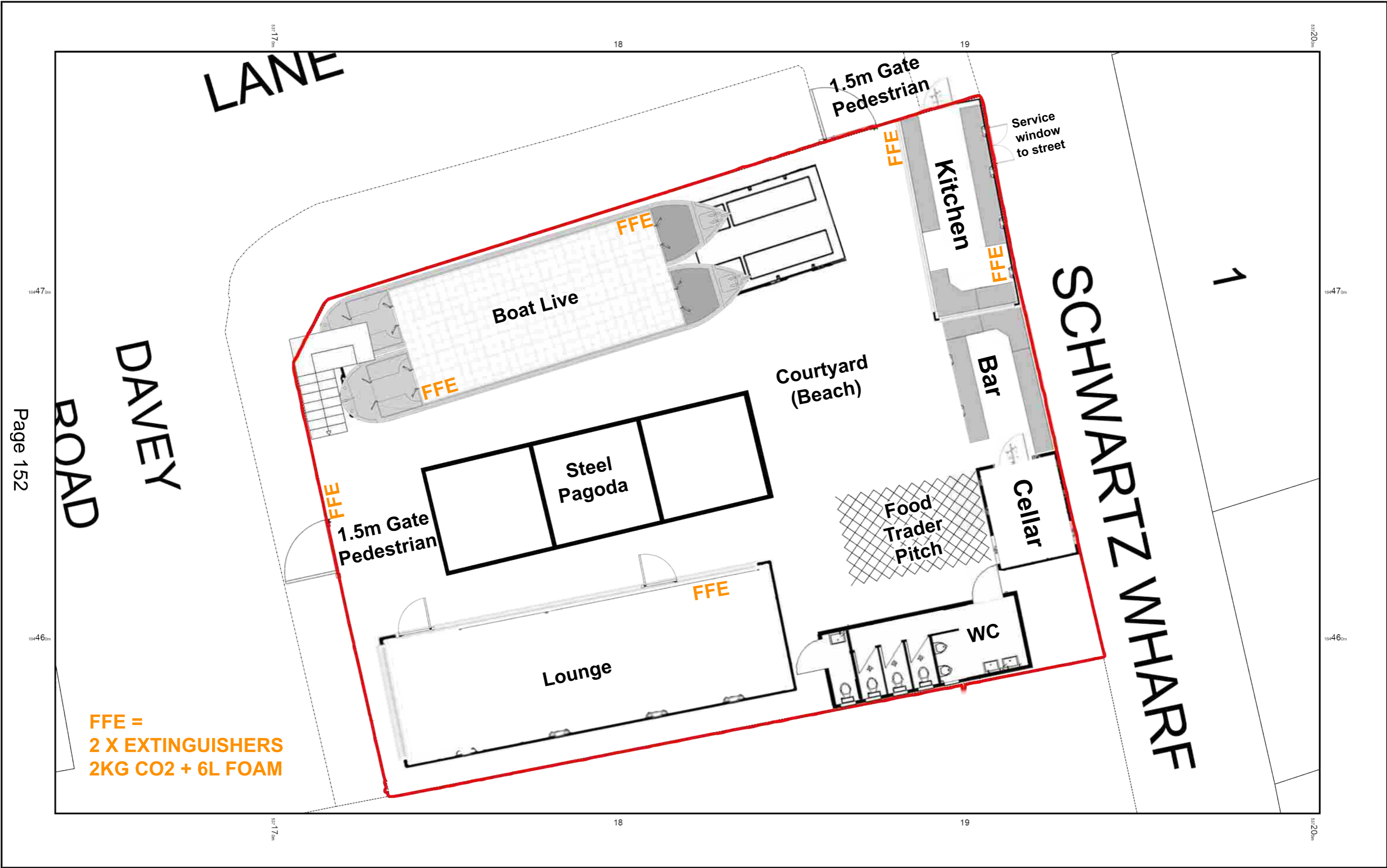
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY

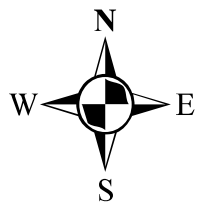
Applicant reference number	BOA001-1-0
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

# Appendix 2

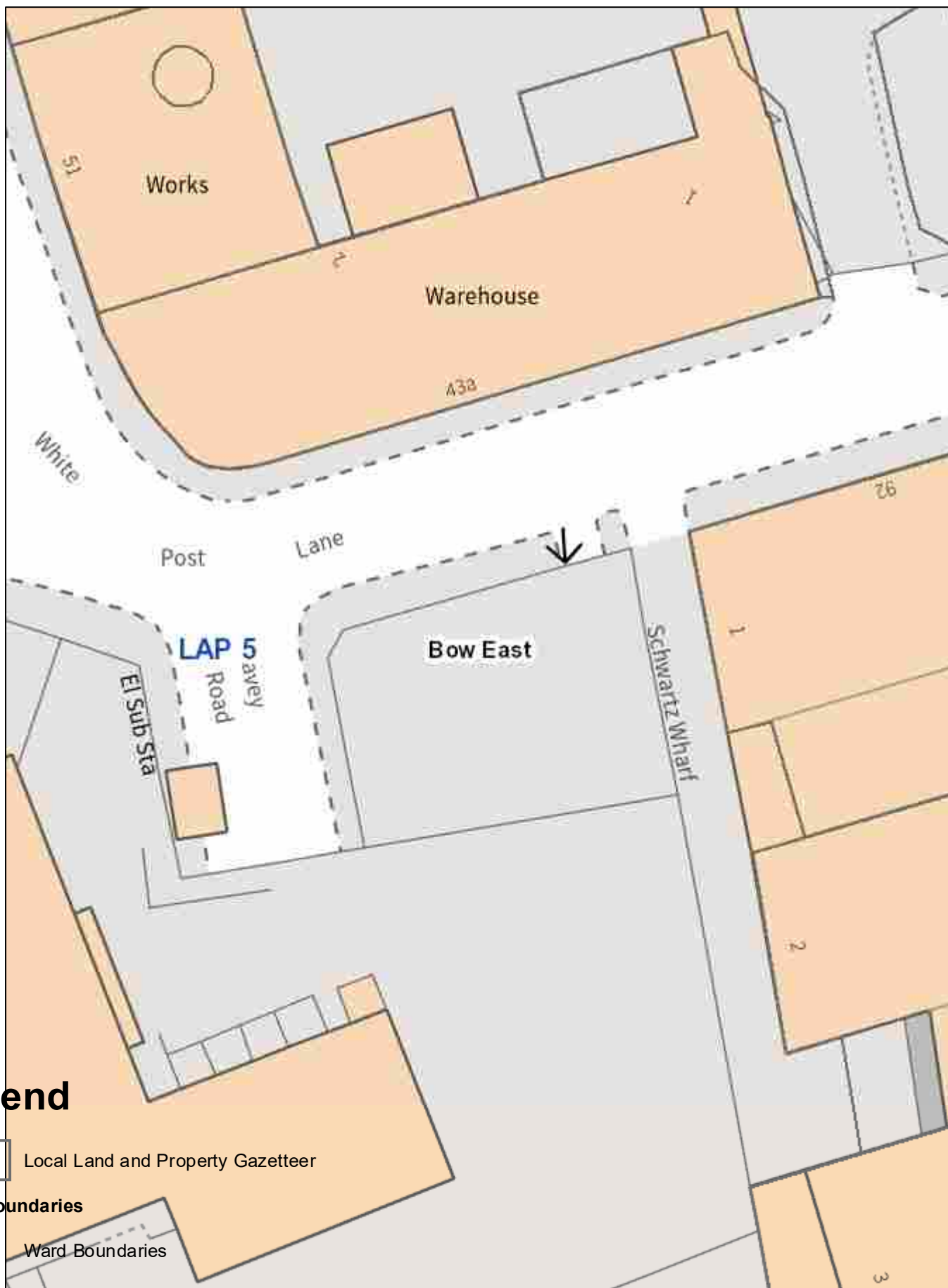
# Boat Live Works Redline Site Plan 1:100 @ A3



# Appendix 3



# 90 White Post Lane



## Legend

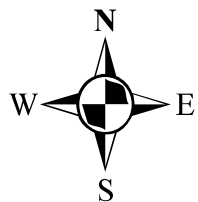
Local Land and Property Gazetteer

### Ward Boundaries

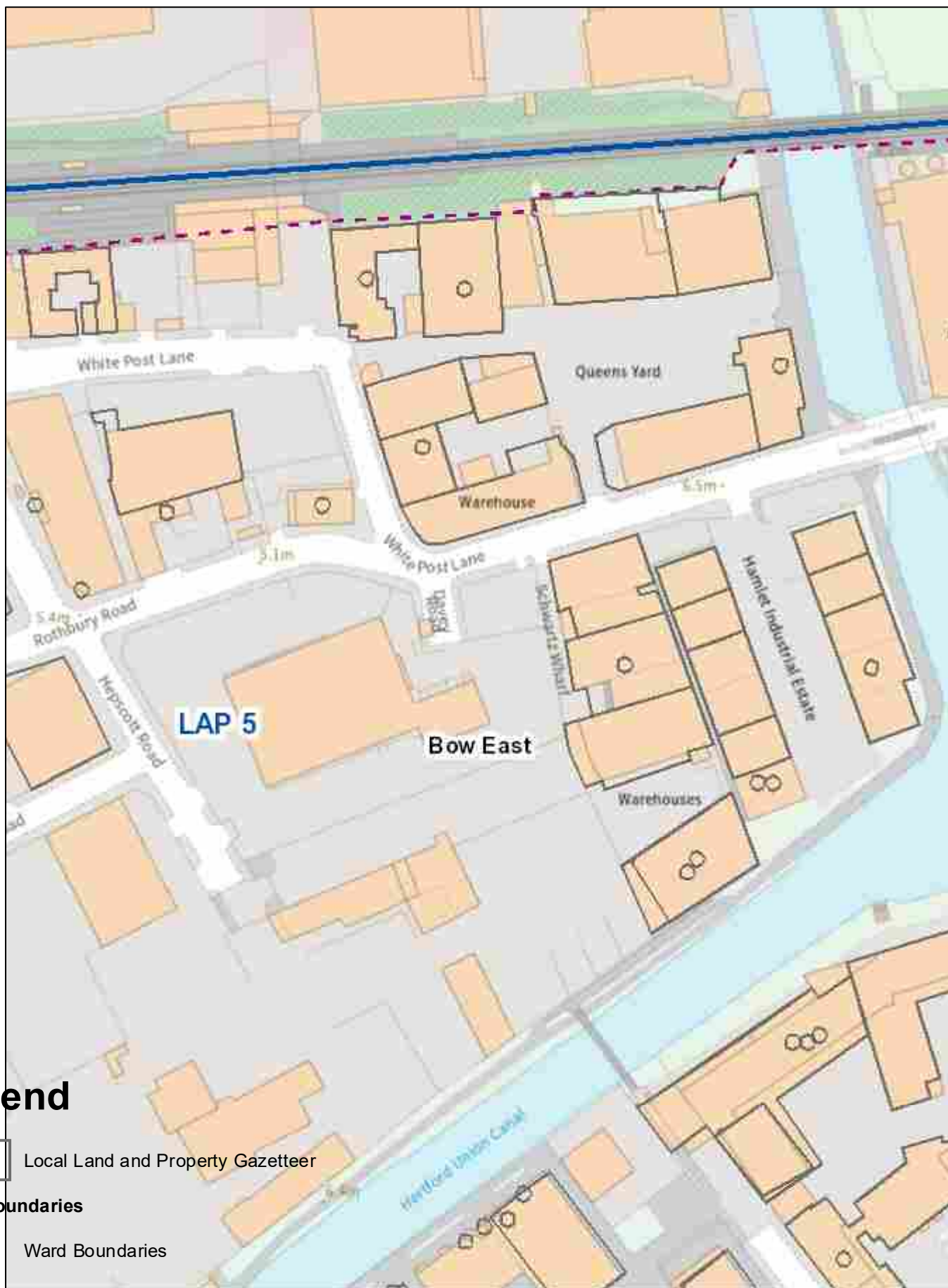
Ward Boundaries

### LAP Boundaries


LAP Boundaries




# 90 White Post Lane



## Legend

 Local Land and Property Gazetteer

### Ward Boundaries

 Ward Boundaries

### LAP Boundaries

 LAP Boundaries

# Appendix 4

**Nearest licences:** (Boat Live), 90 White Post Lane, London E9 5EN

Name and address	Licensable activities and hours	Opening hours
<b>Howling Hops Unit 9 Queens Yard White Post Lane London E9 5EN</b>	<p><u>The Supply of Alcohol (both on and off premises)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 12:00hrs (midday) to 23:00hrs</li> <li>• Friday to Saturday from 12:00hrs Midday) to 01:30hrs</li> </ul> <p><u>Provision of Regulated Entertainment: Plays, Films, Indoor Sporting Events, Live Music (indoors), Recorded Music (indoors), Performance of Dance, Anything of a similar Description</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday from 12:00hrs (midday) to 23:00hrs</li> <li>• Friday and Saturday from 12:00hrs (midday) to 01:30hrs</li> </ul> <p><u>The Provision of Late Night Refreshments</u></p> <ul style="list-style-type: none"> <li>• Friday and Saturday 23:00hrs – 0200hrs</li> </ul>	<p>Sunday to Thursday from 12:00hrs to 23:30hrs</p> <p>Friday to Saturday from 12:00hrs to 02:00hrs (the following day)</p>
<b>(The Yard Theatre) Unit 2a Queens Yard White Post Lane London E9 5EN</b>	<p><u>The supply of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight)</li> <li>• Thursday from 12:00hrs (midday) 02:00hrs (the following day)</li> <li>• Friday to Saturday from 12:00hrs (midday) to 03:00hrs (the following day)</li> </ul> <p><u>The provision of regulated entertainment in the form of plays (indoors), films (indoors), performances of dance (indoors)</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday from 12:00hrs (midday) to 23:00hrs</li> </ul> <p><u>The provision of regulated entertainment in the form of live music (indoors), recorded music (indoors)</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 18:00hrs to 00:00hrs (midnight)</li> <li>• Thursday from 18:00hrs to 02:00hrs (the following day)</li> <li>• Friday to Saturday from 18:00hrs to 03:00hrs (the following day)</li> </ul> <p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> <li>• Sunday to Wednesday from 23:00hrs to 00:00hrs (midnight)</li> </ul>	<p>Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight)</p> <p>Thursday from 12:00hrs (midday) to 02:00hrs (the following day)</p> <p>Friday to Saturday from 18:00hrs to 03:00hrs (the following day)</p> <p><u>Non-Standard Times</u> 40 nights per year opening times and licensable activities extended until 6am</p>

**Nearest licences:** (Boat Live), 90 White Post Lane, London E9 5EN

	<ul style="list-style-type: none"> <li>Thursday from 23:00hrs to 02:00hrs (the following day)</li> <li>Friday to Saturday from 23:00hrs to 03:00hrs (the following day)</li> </ul> <p><u>Non-Standard Times (supply of alcohol, late night refreshment and recorded music only)</u></p> <ul style="list-style-type: none"> <li>40 nights per year opening times and licensable activities extended until 6am</li> </ul>	
<b>Wicked Fish Queens Yard White Post Lane London E9 5EN</b>	<p><b><u>Late Night Refreshment</u></b> Sunday to Thursday from 23:00 -01:00 HRS Friday to Saturday from 23:00 - 04:00 HRS</p> <p><b>Non-standard timing</b> Christmas Eve and New Year's Eve Christmas Eve and Christmas Day 23:00 hours to 05:00 hours New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours</p> <p>The sale by retail of alcohol <b><u>(on sales only)</u></b></p> <ul style="list-style-type: none"> <li>Monday to Sunday 12:00 – 23:00 hours</li> </ul>	<p>Sunday – Thursday from 06:00 hours to 01:30 hours Friday -Saturday from 06:00 hours to 04:30 hours</p> <p><b>Non-standard timing</b> Christmas Eve and Christmas Day 23:00 hours to 05:00 hours New Years Eve 23:00 hours to 05:00 hours (the day following), New Year's Day 23:00 hours to 05:00 hours</p>
<b>(Colour Factory) Unit 8a, Queens Yard White Post Lane London E9 5EN</b>	<p><b>The sale by retail of alcohol (on &amp; off sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Thursday 09:00 hours to 23:00 hours</li> <li>Friday &amp; Saturday 09:00 hours to 03:30 hours the following day</li> <li>Sunday 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><b>The provision of late-night refreshment – Indoors and outdoors</b></p> <ul style="list-style-type: none"> <li>Friday and Saturday, from 23:00 hours to 02:00 hours the following day</li> </ul> <p><b>The provision of regulated entertainment (Plays, Performances of Dance) – indoors</b></p> <ul style="list-style-type: none"> <li>Monday to Thursday 09:00 hours to 23:30 hours</li> <li>Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><u>(Films) - indoors</u></p>	<p>Monday to Thursday 09:00 hours to 23:30 hours</p> <p>Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</p> <p>Sunday, from 09:00 hours to 00:00 hours (midnight)</p> <p><u>Non-standard timings:</u> For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the</p>

**Nearest licences:** (Boat Live), 90 White Post Lane, London E9 5EN

	<ul style="list-style-type: none"> <li>Monday to Thursday 09:00 hours to 23:30 hours</li> <li>Friday &amp; Saturday, from 09:00 hours to 04:00 hours the following day</li> <li>Sunday 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><u>(Indoor Sporting Event)</u></p> <ul style="list-style-type: none"> <li>Monday to Thursday, from 09:00 hours to 23:30 hours</li> <li>Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><u>Live Music &amp; Recorded Music (indoors &amp; outdoors) – Live music cease 23:00 hours outside)</u></p> <ul style="list-style-type: none"> <li>Monday to Thursday 09:00 hours to 23:30 hours</li> <li>Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>Sunday 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><u>Anything of a similar description to Live Music, Recorded Music or Performance of Dance – indoors and outdoors</u></p> <ul style="list-style-type: none"> <li>Monday to Thursday 09:00 hours to 23:30 hours</li> <li>Friday &amp; Saturday 09:00 hours to 04:00 hours (the following day)</li> <li>Sunday, from 09:00 hours to 00:00 hours (midnight)</li> </ul> <p><u>Non-standard timings:</u> For the 20 occasions per year for <u>Live music, recorded Music, late night refreshment</u> until 02:30 hours the following day, closing at 03:00 hours the following day, including the New Year's Eve closing at 04:00 hours the following day that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>	<p>Licensing Objectives will not be met, have the right to refuse an event.</p>
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**Nearest licences:** (Boat Live), 90 White Post Lane, London E9 5EN

<p><b>(Old Street Brewery) Unit 1, Queens Yard White Post Lane Hackney Wick London E9 5EN</b></p>	<p><b>The sale by retail of alcohol – On and off sales</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 10:00 hrs to 00:00 hrs (midnight)</li> </ul> <p><b>The provision of late night refreshments – Indoors and outdoors</b></p> <ul style="list-style-type: none"> <li>Sunday to Wednesday, from 23:00 hrs to 23:30 hrs</li> <li>Thursday to Saturday, from 23:00 hrs to 00:00 hrs (midnight)</li> </ul> <p><b>The provision of regulated entertainment – Indoors and outdoors</b> <u>(Recorded Music only)</u></p> <ul style="list-style-type: none"> <li>Sunday to Wednesday, from 10:00 hrs to 00:00 hrs (midnight)</li> <li>Thursday to Saturday, from 12:00 hrs to 00:30 hrs the following day</li> </ul>	<p>Sunday to Wednesday, from 10:00 hrs to 00:00 hrs (midnight)</p> <p>Thursday to Saturday, from 10:00 hrs to 00:30 hrs the following day</p>
<p><b>(Crate Bar &amp; Pizzeria) White Building Unit ,7 Queens Yard White Post Lane London E9 5EN</b></p>	<p><b>Sale by retail of alcohol (on and off sales)</b></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 09:00 hours to 23:30 hours</li> <li>Thursday to Sunday, from 09:00 hours to 01:30 hours the following days</li> </ul> <p><b>The provision of late night refreshment – Indoors</b></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 23:00 hours to 23:30 hours</li> <li>Thursday to Sunday, from 23:00 hours to 01:30 hours the following days</li> </ul> <p><b>The provision of regulated entertainment – Indoors and outdoors</b> <b>Plays, Films,</b></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 09:00 hours to 00:00 hours (midnight)</li> <li>Thursday to Sunday, from 09:00 hours to 02:00 hours the following days</li> </ul> <p><b>Live Music, recorded music (outside only until 21:00 hours)</b></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 09:00 hours to 00:00 hours (midnight)</li> <li>Thursday to Sunday, from 09:00 hours to 02:00 hours the following days</li> </ul> <p><b>Performance of dance</b></p> <ul style="list-style-type: none"> <li>Monday to Wednesday, from 09:00 hours to 23:30 hours</li> <li>Thursday to Sunday, from 09:00 hours to 01:30 hours the following days</li> </ul>	<p>Monday to Wednesday, from 09:00 hours to 00:00 hours (midnight)</p> <p>Thursday to Sunday, from 09:00 hours to 02:00 hours the following days</p>

# Appendix 5

## **Section 182 Advice by the Home Office Updated on August 2023**

### Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards.

If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

# Appendix 6

## Mohshin Ali

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**From:** joe bettell [REDACTED]  
**Sent:** 27 November 2023 09:02  
**To:** Licensing  
**Subject:** Representation - Boat Works Live LTD - 90 White Post Lane, Hackney Wick, E9 5EN - Premises Licence

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

Dear Sir / Madam,

I would like to object to the issue of a premises licence to Boat Live at 90 White Post Lane E9 5EN on the following grounds:

Public Nuisance - This venue is located directly next door to residential buildings. Already with its current opening times and the events it has held at 90 White Post Lane we already have its patrons urinating in the area around it especially Schwartz Wharf and causing loud noise whilst at the property and outside of it. The sand which they use to cover the uneven ground is also always spread outside the pavement.

When the boat was located 66-78 Whitepost Lane it was constantly causing a noise disturbance and can't see any reason why they will stick to it now. This is also well documented by the Police.

Crime and disorder - It has been well documented by the police the open use of drugs at its previous location and its patrons being drunk and no one being in charge.

To issue this premises with a license that will allow them to sell alcohol and play music will only allow them to abuse it and cause nuisance and upset to the surrounding residents.

It is for the reasons above I object to the premises license being issued.

Kind regards,

J Paul,  
[REDACTED]

# Appendix 7

## Mohshin Ali

---

**From:** Licensing  
**Sent:** 27 November 2023 10:28  
**To:** Mohshin Ali  
**Subject:** FW: Boat Live, 90 White Post Lane, London, E9 5EN - New Premises Licence Application - Site Meeting 1100hrs, 24 November 2023  
**Attachments:** WhitePostLane\_printout rev b.pdf

---

**From:** Onuoha Olere [REDACTED]  
**Sent:** Monday, November 27, 2023 9:20 AM  
**To:** 'Christopher Rees-Gay' [REDACTED]; 'mark.j.perry' [REDACTED]  
Lavine Miller-Johnson <Lavine.Miller-Johnson@towerhamlets.gov.uk>; Tom Lewis <Tom.Lewis [REDACTED]>; Mehboob Ahmed [REDACTED]; James Doherty [REDACTED] Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** Nicola Cadzow [REDACTED]; Tim Hung [REDACTED]  
**Subject:** RE: Boat Live, 90 White Post Lane, London, E9 5EN - New Premises Licence Application - Site Meeting 1100hrs, 24 November 2023

Dear Licensing,

Further to our site visit on Friday 24<sup>th</sup> November 2023, we can confirm that the bass from the music in the lounge area of the venue was audible at staircase within the nearest residential building.

If this was the case during the nighttime, music level especially the bass is likely to affect sleep and could be considered a disturbance. We acknowledge the fact by the applicant ( sound engineer) that background noise during the nighttime is higher than the daytime ambient noise due to other entertainment premises in the vicinity. However, contribution from the Boat Live would likely exacerbate the existing ambient noise level in the area.

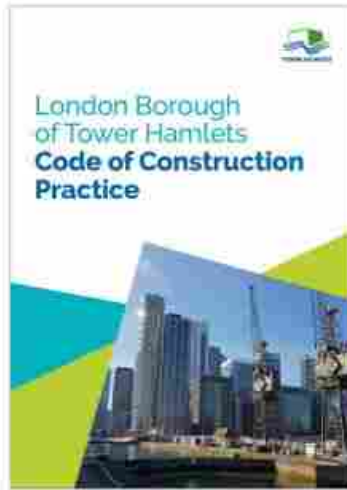
Therefore, our objection as put forward by Nicola Cadzow still stands. We are unable to withdraw our objection.

Map is attached for easy understanding

Kind regards

Olere

*Onuoha OLERE*  
***Environmental Protection Officer***  
*Environmental Health & Trading Standards*  
*Communities Directorate*  
*4<sup>th</sup> Floor, Tower Hamlets Town Hall*  
*160 Whitechapel Road*  
*London, E1 1BJ*  
[REDACTED]



### 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 will have the 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](#).*

### 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/lgn/environment and waste/environmental health/pollution/Guidance-for-Section-61-Applications.aspx](https://www.towerhamlets.gov.uk/lgn/environment%20and%20waste/environmental%20health/pollution/Guidance-for-Section-61-Applications.aspx)

---

**From:** Christopher Rees-Gay <[REDACTED]>

**Sent:** Friday, November 24, 2023 2:48 PM

**To:** 'mark.j.perry' [REDACTED]; Lavine Miller-Johnson [REDACTED]  
[REDACTED] Tom Lewis [REDACTED] Mehboob Ahmed [REDACTED]  
[REDACTED] Onuoha Olere [REDACTED] James Doherty [REDACTED]

**Subject:** RE: Boat Live, 90 White Post Lane, London, E9 5EN - New Premises Licence Application - Site Meeting 1100hrs, 24 November 2023

Good Afternoon All,

Many thanks for your time this morning on site. I must apologise that the site was not finished.

### Public Safety

I will pull together the house keeping list I made on our walk round first thing Monday and circulate then. Needless to say we will be offering a 'works' condition that the premises not be able to trade until the premises is finished and signed off.

### Noise Concerns

In terms of noise, Warren will be coming back to take further recordings over a weekend in order to obtain background noise levels, but noise testing was done from the lounge and the boat with a resident in a nearside flat.

### Crime and Disorder

Lise (new head of security) did a walk through/talk through of how the premises would operate in terms of security for large events when the three areas were open. I do not believe there were any concerns in relation to the mechanics of this. The CCTV will need to be signed off and a light required where searches take place, this will be picked up also in the list that I will circulate.

Thank you again for your time,

Many thanks

Chris

Christopher Rees-Gay

Woods Whur 2014 Limited

[REDACTED]

[REDACTED]

Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

---

**From:** Christopher Rees-Gay

**Sent:** 23 November 2023 10:43

**To:** 'mark.j.perry' [REDACTED]; 'Lavine Miller-Johnson' [REDACTED]

[REDACTED]; Tom Lewis [REDACTED] Mehboob Ahmed

[REDACTED] [Onuoha.Olere](#) [REDACTED]

[James.Doherty](#) [REDACTED]

**Subject:** Boat Live, 90 White Post Lane, London, E9 5EN - New Premises Licence Application - Site Meeting 1100hrs, 24 November 2023

**Importance:** High

Good Morning All,

Ahead of tomorrow's meeting at the premises, please see below the previous email and supporting documents sent prior to the application being submitted. I have also for ease attached the submitted application and the plan.

Further to our meeting with Mark and Nicola on 9 November, I can confirm that Warren King our sound expert will be on hand for sound testing in the nearby flats.

**Nicola/Olere** - can you please confirm if you have managed to liaise with the local resident to gain access.

**Mark** - Lise Munro from 'Hold Fast First' will now be the lead in relation to security at the premises and will be on hand to discuss any concerns with you.

I look forward to meeting you tomorrow,

Many thanks

Chris

Christopher Rees-Gay

Woods Whur 2014 Limited

[REDACTED]

**From:** Christopher Rees-Gay

**Sent:** 25 October 2023 21:06

**To:** 'mark.j.perry'; 'Nicola Cadzow'

<'; 'Licensing@towerhamlets.gov.uk'

**Subject:** Boat Live, 90 White Post Lane, London, E9 5EN - New Premises Licence Application

**Importance:** High

Good Evening Mark, Nicola, Levine,

We are instructed by Boat Live Works Ltd in relation to a new premises licence application for Boat Live, 90 White Post Lane, London, E9 5EN. We are aware of the recent licensing subcommittee hearing that took place on 12 September 2023 and the decision to refuse the grant of the application. We have been instructed, therefore, to reapply for the premises licence.

### Background

Boat Live project is focused around a small mobile event space built inside an old canal boat, this space has primarily been used to showcase music from the vibrant east London electronic scene, facilitating recording and live broadcast of sessions. The boat has been additionally soundproofed with a professional noise propagation report produced and limits set on the sound system.

The planned entertainment use of the site will be regular artist residencies booked and promoted by boat live with customers made up from walk up trade and our regular clientele. 75% of events will be in house productions, 25% to be in collaboration with external music and arts institutions. The operators intends to continue to book out the boat space providing live streaming and recording facilities for DJ's and electronic music and arts events. The lounge area will be a multi-disciplinary arts space, and hireable for corporate events, that will accommodate a large range of activities, from community projects, wellbeing, music, performance, gallery and café space in the daytime.

The premises will have a central beach themed courtyard area with flexible seating, keeping a space to give us the option to bring in food trucks / traders. There will be a service window from the kitchen container direct to the street, this will only be used from early morning through the daytime for sales of coffee and smoothies, no alcohol will ever be sold from this window.

In addition, the premises will run as a daytime food outlet with coffee from the street window, the lounge will be a multi-function space, looking to book in sound healing, yoga, offer it out for local residents to book for meetings and birthday parties etc.

In summary, the premises proposal is for a multi-use food, drinks, bookable space and event premises which will allow for multiple revenue streams to support our success and build a varied facility supporting use by a wide range of the local community.

We have therefore worked with the operator in order to deal with the concerns raised both in the representations and made at the hearing.

### Issues raised within representations and at the hearing

1. **Hours and activities** - The application is now for the licensing hours set out within the Tower Hamlets Statement of Licensing Policy at paragraph 16 namely:
  - Sunday - 06:00 hours to 22:30 hours
  - Monday to Thursday - 06:00 hours to 23:30 hours
  - Friday and Saturday - 0 6:00 hours to 00:00 hours (midnight)

A further 30 minutes for closing has been added to these times.

Non-standard timings have not been sought in this application.

2. A fire risk assessment for the premises has now been undertaken, with the premises now in its finished state. Please see attached FRA. In addition specific capacities have been worked out for each area within the premises, please see attached capacity calculations document. A capacity condition is offered in the conditions.

### **Crime and Disorder**

3. Specific to the levels of security at the premises, for promoted ticketed events, there will be a condition offered that there will be one member of SIA security for every 75 customers, at all other times security staff provision at the premises will be risk assessed. This risk assessment shall be kept at the premises and be available on request to the Police or an authorised officer.
4. There are a comprehensive suite of security plans dealing with searching, drugs and ejections. There are also additional policies in relation to queueing and dispersal. Please see attached policies. This will also be conditioned on the premises licence.
5. In addition there will be a specific search condition offered, namely: At promoted ticketed events no patrons shall be admitted or re-admitted to the premises unless they have been physically searched, which will include a 'pat down search' and a full bag search. At all other times the use of searching will be risk assessed. This risk assessment shall be kept at the premises and be available on request to the Police or an authorised officer.
6. Mention was made of drug dealing, nitrous oxide sellers as well as drunk and disorderly behaviour around the premises. Since the premises has been occupied this type of behaviour has not occurred as they have moved out of the alleyway outside the Schwartz Wharf because of our presence.

### **Public Safety**

7. Ground Levels - more sand has been applied to the ground and as such the external area has been flattened and the levels raised within the premises, in particular now covering the base of the frames that was a concern. Signage has been increased at the entrance and information online that the floor surface is primarily sand and that customers should wear appropriate footwear. Lighting at the premises has also been improved.
8. In relation to the low wall within the boat itself, it can be confirmed that in the boat, two entrances have been opened up within the sound lobby and there is no longer a need to climb over the central divide with the entrances being modified to increase headroom with warning tape and 'Mind Your Head' signs now in place.
9. There was concern in relation to how hot it might get within the boat with doors and windows closed. A new airflow system has been fitted with a 2800 rpm speed, 1500m<sup>3</sup>/hr movement capacity per hour.
10. In addition fixed installation testing for the electrics has now been completed, with both reports now attached.

### **Noise Concerns**

11. Specifically in relation to noise and sounds from the premises, there is a noise limiter condition that also confirms that it will be locked away with the PLH being the only person holding a key for the noise limiter. It should also be noted that there are no external speakers.
12. An acoustic report has been undertaken by an external third party noise expert who has set the limits that will ensure that noise at the premises is not an issue. Obviously we would welcome a visit from environmental health to come and test this should they wish. However, we are aware having operated under the limits within this noise report that no noise complaints have been received.

### **Management**

Rhys Rose will be the Designated Premises Supervisor at the premises, he is extremely experienced at operating and managing both premises and events. In addition Caroline Milsom and Danilo Pires are both

obtaining there personal licences. So that the premises will benefit from having three personal licences across the management team.

I can confirm that a total of 24 days of TENs have been operated without incident, which should provide you with reassurance that the granting of this license will promote the licensing objectives. The comprehensive operating schedule of conditions again will ensure that the licensing objectives are promoted.

Please see attached draft premises licence application, we are looking to submit the application at the start of next week and so should you have any comment on this please do let me know. So that you can see that the premises is now complete, with no further works required, could we please invite you to an on-site meeting on Tuesday, 21 November 2023.

If you could please let me have any feedback on the application by close of play Sunday 29 October 2023, alternatively, I am more than will to work with you during the advertising period to pick up on any concerns you may have.

I look forward to hearing from you.

Many thanks

Chris

Christopher Rees-Gay

Woods Whur 2014 Limited

[REDACTED]

[REDACTED]

Woods Whur 2014 Limited, St James House, 28 Park Place, Leeds, LS1 2SP

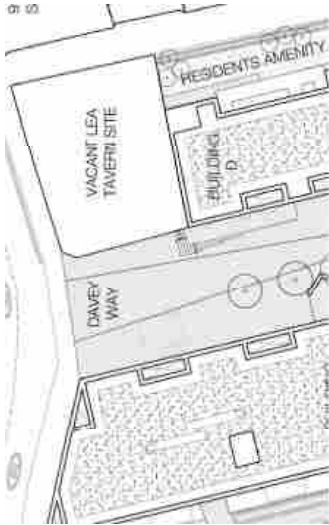
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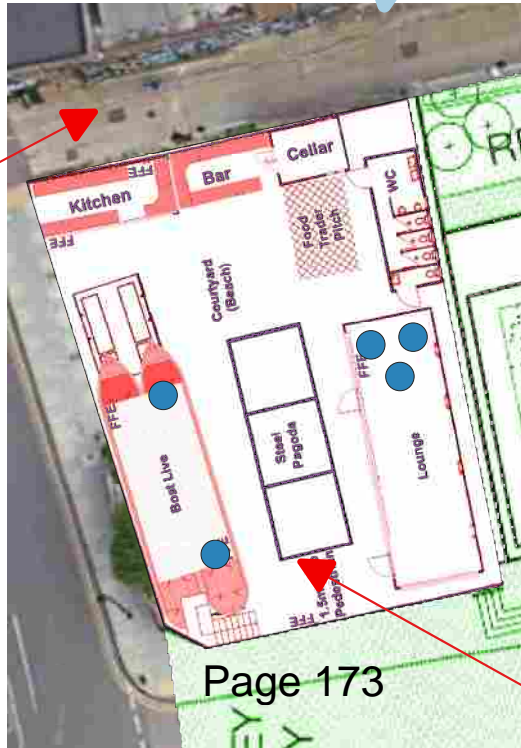


Observation:  
 Noise limiters were installed but not setup yet.  
 The sound engineer to provide noise measurement data in nighttime period.  
 The issue would be low frequency noise (from bass such 63Hz and 125 Hz from lounge etc).  
 The music was turned on for testing. Not audible at window staircase at 1/F 92 Schwartz Wahrf during the visit. (window was not directly facing to the Boat Live)



Future receptors

Existing receptors



● Loudspeakers inside  
 lounges and Boat live  
 (indoors). No  
 external was found.

Steel Pagoda was  
 open space seatings



## Mohshin Ali

---

**From:** Licensing  
**Sent:** 22 November 2023 10:30  
**To:** Mohshin Ali  
**Subject:** FW: 164312 REPRESENTATION New premise license application for Boat Live 90 White Post Lane

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

---

**From:** Nicola Cadzow [REDACTED]  
**Sent:** Wednesday, November 22, 2023 8:57 AM  
**To:** Licensing <Licensing@towerhamlets.gov.uk>  
**Cc:** 'MARK.J.Perry' [REDACTED]; Christopher Rees-Gay [REDACTED]; Lavine Miller-Johnson [REDACTED]  
**Subject:** 164312 REPRESENTATION New premise license application for Boat Live 90 White Post Lane

Good morning Licensing,

Please take this as my holding representation for the new premise license application for Boat Live 90 White Post Lane under the Licensing Act 2003, for the prevention of public nuisance.

There is site visit on Friday 24<sup>th</sup> November 2023, with licensing officer, Police Licensing etc, as arranged by Solicitor for Boat Live application, and we will review our decision after this time.

Kind regards

Nicola Cadzow  
Environmental Protection Officer  
Communities Directorate  
Environmental Health and Trading Standards  
4th Floor, Tower Hamlets Town Hall  
160 Whitechapel Road  
London, E1 1BJ

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

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# Appendix 8

## Mohshin Ali

---

**From:** James Doherty  
**Sent:** 27 November 2023 16:58  
**To:** Mohshin Ali; Boat Live  
**Subject:** FW: Boat Live, 90 White Post Lane, London, E9 5EN

I am a Health & Safety Officer, making comment on the application for, the granting of the premises licence of Boat Live - 90 Whitepost Lane E9 5EN. A site visit by the responsible authorities was conducted on Friday 24<sup>th</sup> November 2023.

During the visit I had some concerns regarding the operating of the premises and the owner of the site Mr Antonio Miranda.

As per Friday 24<sup>th</sup> November's visit, many items were identified to the responsible person and which agreed needed to be completed.

I requested a complete site Health & Safety tour to be completed with regards to securing all loose objects that had a potential to lift in windy conditions.

Also,

- . Securely screen off the electrical point to the DJ booth, main boat.
- . Add hand rail to new staircase of main boat.
- . Secure all handrails to external boarded 'deck' area.
- . Install smoke alarm to main boat.
- . Remove all trip hazards being bar area and secure flooring.
- . Add directional signage to rear music area exit door plus emergency lighting to vestibule.
- . Audit, tidy and remove any surplus power cables.
- . Ensure final exit fire escape gates are fully functional.

Based on my visit I feel that these hazards/observations unless rectified undermine the licensing objective of Public Safety.

Kind Regards

James Doherty  
Health and Safety Officer  
Licensing and Safety Team  
Environmental Health and Trading Standards  
Communities Directorate  
4<sup>th</sup> Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

  
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# Appendix 9

## **Lavine Miller-Johnson**

---

**From:** Lavine Miller-Johnson  
**Sent:** 27 November 2023 15:49  
**To:** Mohshin Ali  
**Cc:** 'MARK.J.Perry [REDACTED]'; Christopher Rees-Gay; Onuoha Olere; Tim Hung  
**Subject:** Boat Live - 90 Whitepost Lane E9 5EN  
**Attachments:** LMI.Images.11.9,23.pdf; LMI.Images.24.11.23.pdf

Dear Licensing Authority,

**Licensing Act 2003**  
**Boat Live - 90 Whitepost Lane E9 5EN MA 164312**

I am the Licensing Officer, acting as Responsible Authority, making comment on the application for, the granting of the premises licence of Boat Live - 90 Whitepost Lane E9 5EN. A site visit by the responsible authorities was conducted on Friday 24<sup>th</sup> November 2023. During the visit I had some concerns regarding the operating of the premises and the owner of the site Mr Antonio Miranda.

When a previous visit was made on Monday 11<sup>th</sup> September 2023, PC Mark Perry (licensing police) raised concerns over the security system in place of the site, namely searches on entrance to the premises. The view of the camera entrance was obscured and not sufficient to prevent crime and disorder and for the safety of patrons and staff. Mr Miranda and Mr Rose were advised to move the location of the obscured camera and to place a further camera directly at the site of entry. Neither of these tasks have been carried out at the point of our visit on, the 24<sup>th</sup> November 2023 (over two months previous). I was told during the meeting by Mr Miranda that he has purchased the additional cameras but has not yet installed them.

I noted that the premises had further works carried out since the previous visit. The outdoor container (lounge area), that was open to the elements of possible noise nuisance has now been enclosed. A health and safety officer carried out inspections within this area and noted that fire extinguishers were three years out of date. The officer also noted, further concerns such as, electrical safety issues behind the DJ area such as extension cords not being used correctly. There were also issues regarding the entrance / exit door, inadequate lighting and the exit door sticking when we tried to exit the lounge showed further H&S concerns. There was also no fire exit signs displayed,

Now that the container (lounge area) had been enclosed, the noise team noted that, the base from this area was audible from the staircase of the nearest residential dwelling. With the baseline from the lounge and the boat, playing at the same time (they intend on having two events on site at a time) this could add to potential public nuisance within the area.

There is also a concern that, sound escaping from both the boat / lounge area and customers in high spirits, will cause a further nuisance when accessing the bar which is situated in the outdoor area. Due to the location of the bar it would be difficult to condition the use of the outdoor area.

Further concerns raised with the condition of the bar area have been brought to the attention of the food team.

The boat area- during the visit back in September, there were concerns within the boat access to the small lounge area near the DJ booth. In September, when officers questioned how patrons would access this area with no door but having to climb over a low wall, Mr Miranda said that they are going to cut out the wall to make access easier for this area. On observation during the visit on 25<sup>th</sup> November 2023, they had not cut out this section of the low wall but have made another door entrance into this area. However although the door gives allowance for easier access, there was no safety measures in place preventing patrons (possibly under the influence of alcohol) from still climbing over this wall. Mr Miranda said that they are going to put a type of barrier up to prevent patrons from climbing over.

Although again, some improvements have been made, there is still some elements of concern to the disorganised operating of the site. Mr Miranda and his team have had a number of weeks to get the site to an acceptable condition, whereby responsible authorities can make an informed decision on the granting of this licence. Based on Mr Miranda not addressing many of the concerns raised previously, I have very little faith in that, the site would be operated in an organised manner if the licence was granted, nor do I have faith in that Mr Miranda would uphold the licensing objectives, prevention of public nuisance, prevention of public safety and crime and disorder.

This responsible authority does not believe that, granting a licence and conditioning the use of the licence to be, once the works have been completed to be satisfactory, because all of the concerns raised in September should have been completed before this application was made.

Therefore this responsible authority is not in support of the granting of this licence and ask that members reject this application.

Please see images attached from 11<sup>th</sup> September 2023 visit and 24<sup>th</sup> November 2023 visit

**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 5008

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Image 1. Steps going into the boat with sand on the steps (As I was going up into the boat I found it to be slippery)



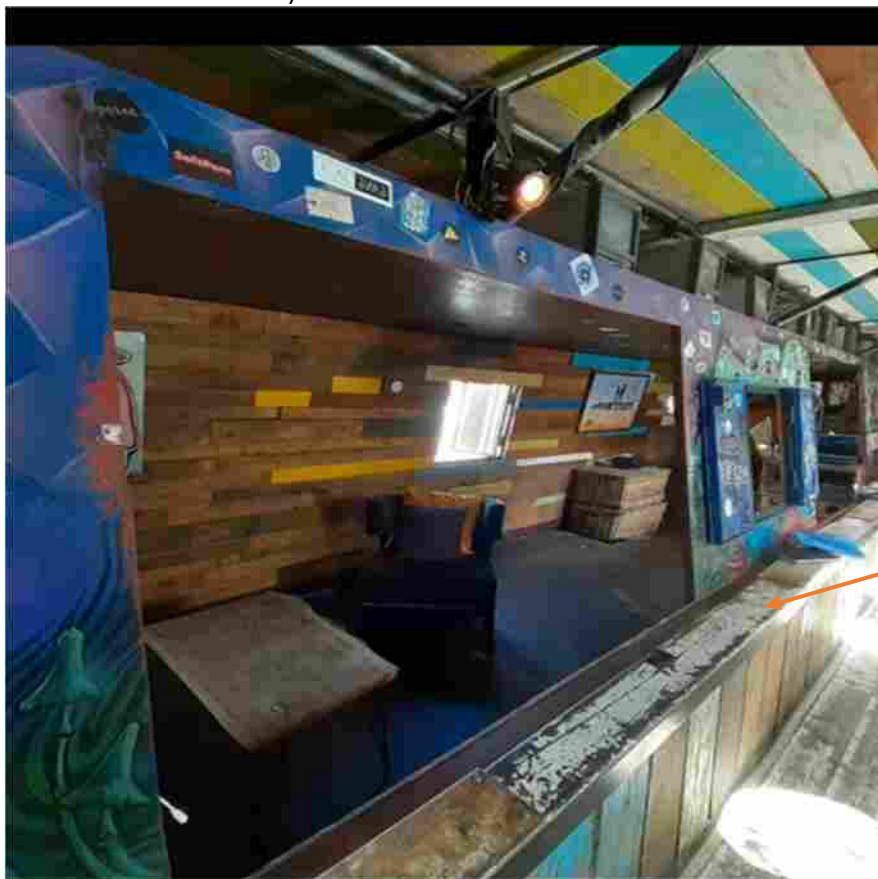
Sand on steps

Image 2 – Taken inside of the boat (Seating area patrons will have to climb over a short wall to enter and exit this area.)



Short wall to climb over

Image 3 – Taken inside of the boat (Seating area patrons will have to climb over a short wall to enter and exit this area.)



Short wall

Image 3 – Kitchen hatch



Image 4- Bar area



Images 5 – outside area



Image 6 – Proposed café area that will have background music provided.



Image 1 -Lounge entrance /exit – no fire exit signs



Image 2 -Out of date fire extinguishers last inspected 2019



Image 3- Internal entrance into the boat – no sign stating mind your head

Potential customers under the influence of alcohol banging their head when stepping down into the boat



Image 4- Bar area



**Image 5- New entrance door created to prevent customers from climbing over the low wall**



**Image 6 – Low wall not secured to prevent customers from climbing over**



**Image 7 – No disability access to the toilets ( ramps provided)**



**Image 8 - outs of the lounge area now enclosed**



# Appendix 10

## Mohshin Ali

---

**From:** MARK.J.Perry [REDACTED]  
**Sent:** 27 November 2023 23:58  
**To:** chris [REDACTED]; Licensing; Mohshin Ali  
**Subject:** Objection Boat Live Premises License  
**Attachments:** WhitePostLane\_printout rev b.pdf

Dear all,

Central East Police Licensing formally object to the application of a premises license for Boat Live. This objection is on the grounds of preventing Crime and Disorder and Public Nuisance.

While we welcome the improvements made, we cannot escape the fact that the venue is less than 10 meters from a residential premises. Given the unique nature of the venue with 2 small structures and a courtyard with bar and chill out area there is we going to be we believe noise nuisance from people at the venue especially in the open courtyard area. People who have consumed alcohol are far more likely to have raised voices which will we believe noise nuisance.

People will also be moving in and out from the small venues to the courtyard area, moving from an confined space where loud music is playing and they have had to shout to be heard to an open space next to people trying to sleep, which again we believe will cause noise nuisance. Especially in the summer when weather is warmer people are going to be drinking outside which again we believe will impact the lives of people living 10 meters away.

When people are leaving the venue and are waiting for Ubers and hanging around outside, they will be standing outside residential properties, and people trying to sleep, which will cause noise nuisance.

We do not believe that there is any way that an outside site so close to residential premises can operate without causing noise nuisance. Other such premises in Hackney Wick when they have operated an outside space have had to close at 9pm, as when they have opened past this time they have generated complaints from residents.

We also believe that the premises if allowed to open will lead to an increase in crime and disorder. With three areas to cover plus having security at the entrance would mean it requires security both at the entrance for searching, in the boat, in the container and in the open area, which is very expensive and difficult to manage. Each area of the site would also have to be covered by CCTV, which is difficult to do with an outside space. So far the venue has failed to complete all the works necessary for it to operate safely, despite having many months in which to do so. Please see attached list of work still to be done.

With dance music events there is a real risk of drug use and supply taking place inside the venue as customers use drugs as part of their night out. We simply do not believe such a complicated site can be effectively covered by security to prevent this.

For these reasons we ask that the application is rejected.

Kind Regards

Mark



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



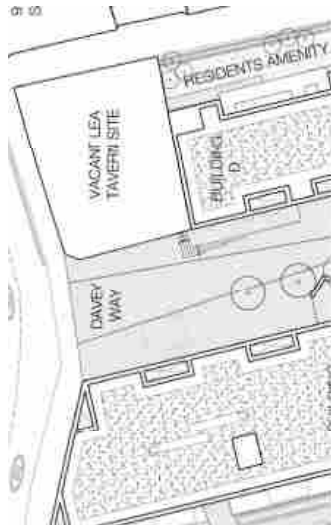
A: Licensing Office, 1<sup>st</sup> Floor Stoke Newington Police Station



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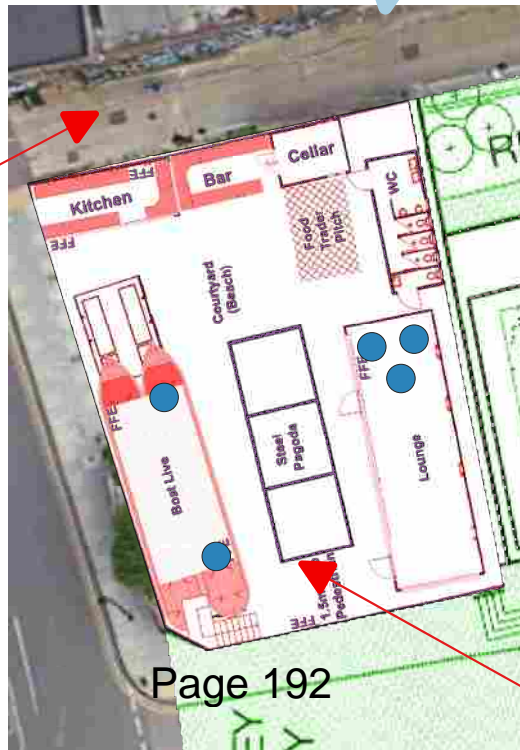


Observation:  
 Noise limiters were installed but not setup yet.  
 The sound engineer to provide noise measurement data in nighttime period.  
 The issue would be low frequency noise (from bass such 63Hz and 125 Hz from lounge etc).  
 The music was turned on for testing. Not audible at window staircase at 1/F 92 Schwartz Wahrf during the visit. (window was not directly facing to the Boat Live)



Future receptors

Existing receptors



● Loudspeakers inside  
 lounges and Boat live  
 (indoors). No  
 external was found.  
 Steel Pagoda was  
 open space seatings



# Appendix 11

## Mohshin Ali

---

**From:** Licensing  
**Sent:** 14 November 2023 17:29  
**To:** Mohshin Ali  
**Subject:** New Premises 164312 - 'Boat Live', 90 White Post Lane, Hackney Wick:

---

**From:** Richard McFerran [REDACTED]  
**Sent:** Tuesday, November 14, 2023 11:15 AM  
**To:** Sonia Joseph <[REDACTED]>  
**Subject:** RE: Online New Premises 164312

Dear Sonia,

LLDC Planning Policy & Decisions Team (PPDT) have the following comments to make on the application for 'Boat Live' at the cleared site at 90 White Post Lane, Hackney Wick:

- PPDT are currently considering a planning application (ref: 23/00333/FUL) for the long-term redevelopment of the site comprising a six-storey commercial building with flexible restaurant/café/bar use (Class E/Suis Generis) at ground floor level and workshop/office space above (Class E). This planning application is not connected to this licensing application.
- The site formerly housed a public house – The Lea Tavern – which was demolished in December 2008. The site has remained vacant since then. No planning applications have been made in relation to the 'boat' structure or event use that is subject of this licensing application.
- Furthermore, PPDT Officers are likely to consider that the previous lawful use of the site as a drinking establishment has been abandoned. This is noting that the physical public house building was demolished 15 years ago and the period of non-use since then.
- The Town and Country Planning (General Permitted Development Order) 2015 allows for temporary uses without the need for planning permission. However, this is limited to no more than 28 days in any calendar year. Having viewed the licensing submission, there is no reference to the proposed use being temporary or limited to such a time period.
- Given the nature of the proposed use, the playing of amplified music, the areas of external courtyard within the site, structures with openable elements and the maximum capacity of the site, PPDT Officers have concerns as to possible noise and disturbance to existing and future residents of the area.

Do let me know if you have any queries in relation to the above.

Regards

Richard

**Richard McFerran** (*he/him*)  
**Team Leader**

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London Legacy Development Corporation  
Level 9  
5 Endeavour Square  
London

# Appendix 12

## Mohshin Ali

---

**From:** Jessica Alice Glenn [REDACTED]  
**Sent:** 07 November 2023 18:59  
**To:** Mohshin Ali  
**Subject:** Re: Boat Live, 90 White Post Lane, London E3 5EN

Jessica Glenn  
[REDACTED]

I believe increased footfall in the area and door staff presence will have a positive impact on the following:

- public safety
- the prevention of crime and disorder

Thanks,

Jessica

On 7 Nov 2023, at 11:49, Mohshin Ali [REDACTED] wrote:

Dear Sir/Madam,

Licensing Act 2003  
New premises licence - Boat Live, 90 White Post Lane, London E3 5EN

Thank you for your email.

Under the Licensing Act 2003, one of the criteria for your representation to be valid is that we require the full address of anyone making a representation. For your representation to be valid, you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

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

If you do make a valid representation by providing your full address, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (contact details redacted) and the applicant is entitled to a full, un-redacted copy of your representation.

Please reply back as soon as you can (27th November 2023 at the latest), otherwise your representation will not count as a valid representation.

You can find further information on our website:  
[www.towerhamlets.gov.uk/representation](http://www.towerhamlets.gov.uk/representation)

I look forward to hearing from you.

Kind regards,

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

[REDACTED] 020 7364 5008  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) ; [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

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

From: Jessica Alice Glenn [REDACTED]  
Sent: Sunday, November 5, 2023 5:25 PM  
To: Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
Subject: Boat Live Works Ltd

Hello,

I am a local resident and I would like to express my support in favour of granting the premises licence to Boat Live Works Ltd. The existence of the venue is great for the local neighbourhood and makes me feel safer as a result of the door staff presence and increased footfall to the area.

Thanks,

Jessica

# Appendix 13

## Mohshin Ali

---

**From:** james harrigan [REDACTED]  
**Sent:** 07 November 2023 12:22  
**To:** Mohshin Ali  
**Subject:** Re: Premises Licence Application - Boat Live Works LTD

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

James Harrigan  
[REDACTED]

I believe increased footfall in the area and door staff presence will have a positive impact on the following:

- > • public safety
- >
- > • the prevention of crime and disorder

Thanks,

James

Sent from my iPhone

> On 7 Nov 2023, at 11:42, Mohshin Ali [REDACTED] > wrote:

>

> Dear Sir/Madam,

>

> Licensing Act 2003

> New premises licence - Boat Live, 90 White Post Lane, London E3 5EN

>

> Thank you for your email.

>

> Under the Licensing Act 2003, one of the criteria for your representation to be valid is that we require the full address of anyone making a representation. For your representation to be valid, you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

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

>

> If you do make a valid representation by providing your full address, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (contact details redacted) and the applicant is entitled to a full, un-redacted copy of your representation.

>

> Please reply back as soon as you can (27th November 2023 at the latest), otherwise your representation will not count as a valid representation.

>

> You can find further information on our website:

>

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.towerhamlets.gov.uk%2Frepresentation&data=05%7C01%7CMohshin.Ali%40towerhamlets.gov.uk%7Cfe9c4acd3f174d432c9d08dbdf8c2d38%7C3c0aec87f983418fb3dcd35db83fb5d2%7C0%7C0%7C638349565394325386%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=iomDBLr7eRN6Q1AQN33LFwn0RE%2FE7SQmmtLBJr0En5o%3D&reserved=0>

>

> I look forward to hearing from you.

>

> Kind regards,

>

> Mohshin Ali

> Senior Licensing Officer

> Licensing and Safety Team

> Environmental Health & Trading Standards Communities Directorate Tower

> Hamlets Town Hall

> 160 Whitechapel Road

> London E1 1BJ

>

> [REDACTED] 020 7364 5008

> <https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.towerhamlets.gov.uk%2F&data=05%7C01%7CMohshin.Ali%40towerhamlets.gov.uk%7Cfe9c4acd3f174d432c9d08dbdf8c2d38%7C3c0aec87f983418fb3dcd35db83fb5d2%7C0%7C0%7C638349565394325386%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=TVTTD%2FeoiYv%2BDeD%2FjtZPT2BbOqvDgfzp%2BAX4PiGMjvA%3D&reserved=0>

> towerhamlets.gov.uk%2F&data=05%7C01%7CMohshin.Ali%40towerhamlets.gov.uk%7Cfe9c4acd3f174d432c9d08dbdf8c2d38%7C3c0aec87f983418fb3dcd35db83fb5d2%7C0%7C0%7C638349565394325386%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=TVTTD%2FeoiYv%2BDeD%2FjtZPT2BbOqvDgfzp%2BAX4PiGMjvA%3D&reserved=0

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> ta=TVTTD%2FeoiYv%2BDeD%2FjtZPT2BbOqvDgfzp%2BAX4PiGMjvA%3D&reserved=0

> licensing@towerhamlets.gov.uk

>

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>

>

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

> From: james harrigan [REDACTED]

> Sent: Sunday, November 5, 2023 4:34 PM

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

> Subject: Premises Licence Application - Boat Live Works LTD

>

> Hello,

>

> I am a local resident and I would like to express my support in favour of granting the premises licence to Boat Live Works Ltd. The existence of the venue is great for the local neighbourhood and makes me feel safer as a result of the door staff presence and increased footfall to the area.

>

> Thanks,

>

> James

>

>

> Sent from my iPhone

# Appendix 14

## Mohshin Ali

---

**From:** João Pereira [REDACTED]  
**Sent:** 21 November 2023 21:11  
**To:** Mohshin Ali  
**Subject:** Re: Boat Live Works Ltd - Premises Licence Application

Dear Mohshin,

Thank you for your email.

My address is: [REDACTED]

For my representation, on top of my previous email, I strongly believe that having inclusive and safe spaces, inviting to everyone from all different kinds of backgrounds, helps people to feel less isolated, and to find a community with which they can engage and grow with. In turn, this can provide with a safety net to better navigate the various life challenges in a healthier manner, which can ultimately impact and improve the sense of social and civil responsibility in the fabric of our community.

Thank you,  
Joao Pereira

On Mon, 20 Nov 2023 at 17:42, Mohshin Ali [REDACTED] > wrote:

Dear Sir/Madam,

### **Licensing Act 2003**

New premises licence - Boat Live, 90 White Post Lane, London E3 5EN

Thank you for your email.

Under the Licensing Act 2003, one of the criteria for your representation to be valid is that we require the full address of anyone making a representation. For your representation to be valid, you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

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

If you do make a valid representation by providing your full address, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (contact details redacted) and the applicant is entitled to a full, un-redacted copy of your representation.

Please reply back as soon as you can (27th November 2023 at the latest), otherwise your representation will not count as a valid representation.

You can find further information on our website:

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

I look forward to hearing from you.

Kind regards,

**Mohshin Ali**

Senior Licensing Officer

Licensing and Safety Team

Environmental Health & Trading Standards

Communities Directorate

Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BJ

 020 7364 5008

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

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---

**From:** João Pereira [REDACTED]  
**Sent:** Sunday, November 19, 2023 8:19 PM  
**To:** Licensing <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)>  
**Subject:** Boat Live Works Ltd - Premises Licence Application

To whom it may concern,

I would like to express my full support on the Boat Live Works Ltd application for a Premises Licence.

This is truly a unique space that brings the residents and visitors of Hackney Wick an opportunity to engage in a free and creative environment, interacting and listening to music.

Hackney Wick is culturally a much richer neighbourhood having more spaces like this.

Thank you,

Joao Pereira

Hackney Wick Resident - Bagel Factory

# Appendix 15

## 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 11.1 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 11.4)**.

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 11.2 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 to 9pm or limiting numbers)
- 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)
- Measures to prevent noise/fumes from engines, drivers (including smoking),
- Measures to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents

## 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 16

## **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 11 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 11.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 16.1**).

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 16.6**)

The Council has adopted a set of framework hours (**See 16.8 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 (**See Appendix 3 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 17

## **Anti-Social Behaviour on the Premises**

### Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Section 9 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 Conditions **(See Appendix 3 of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

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

### Police Powers

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

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

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

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

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

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

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

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

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

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 18

## **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 5.14 and 5.15 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 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **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 20 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).

Licence conditions should not duplicate other legislation (1.16).

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders

- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

# Appendix 19

## Safety Problems

### General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

### Licensing Policy

Premises should be constructed so as to minimise public safety risks. (**See 10.1**).

The Licensing Authority expects applicants to seek advice from both the Council's Environmental Health (Health and Safety) Team and also the London Fire Brigade. (**See 10.2**). The applicant should identify where existing legislation is not adequate. (**See 10.3**).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Conditions (See **Appendix 3 of the Licensing Policy**). In particular Members may wish to consider the following: (this list is not exhaustive):

- Restrictions on use of glass containers
- Frequent waste disposal
- Ensuring limits on maximum safe capacity
- Fire Safety checks
- Emergency procedures
- Emergency vehicle access
- First Aid trainers on the premises and appropriate first aid kits
- Ensuring safety when people leave the premises

One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:

- Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
- Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services. (**10.4**)

**Martyn's Law** – This will place a requirement on those responsible for certain locations/premises to consider the threat from terrorism and implement appropriate and proportionate mitigation measures, see link below. Numerous licensed premises within the borough may fall within the scope of this legislation. The law is likely to come into force in 2024/25, or sooner. Thus, Licence holders and applicants should consider the threat from terrorism and implement appropriate and proportionate mitigation measures. **(10.7)**

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

The public safety objective “Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using a relevant premises rather than public health, which is addressed in other legislation” **(2.7)**. For example, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises, this may also assist with promoting the crime and disorder objective.

Safe capacities “should only be imposed where necessary for the promotion of public safety or the prevention of disorder.” However if no safe capacity has been imposed through other legislation a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. Capacity limits maybe appropriate in preventing disorder. **(2.17)**.

### Other Legislation

- The Health and Safety at Work Act 1974, and various Regs.
- The Regulatory Reform Order (Fire Safety) 2005.

For further guidance applicants may use Health and Safety Executive website:  
[www.hse.gov.uk](http://www.hse.gov.uk)

# Appendix 20

## **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.

# Appendix 21

## **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 16.8 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 16.9 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