



Licensing Sub Committee

Agenda

**Thursday, 11 April 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

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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

Thursday, 11 April 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. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 19 - 38)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 27th February and 12th March 2024.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Focaccia Mia (Ida's Kitchen), Arch 271, Poyser Street, London, E2 9RF (Pages 39 - 110)

Licensing Objectives:

- The prevention of public nuisance.



Representations:

- Licensing Authority
- Environmental Health

4 .2 Application for a Variation of a premises licence for (Captain Kidd), 108 Wapping High Street, London E1W 2NA (Pages 111 - 194)

Licensing Objectives:

- The prevention of public nuisance.

Representations:

- Residents

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Tuesday, 23 April 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: Linda Walker, Interim Director of Legal and Monitoring Officer, Tel: 0207 364 4348

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 27 FEBRUARY 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Ahmodul Kabir
Councillor Iqbal Hossain

Apologies:

None

Others Present in Person:

Derek Stewart	Legal Representative
Balbinder Sidhu	Applicant
Christopher Llyod	SPIRE Representative

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Lavine Miller-Johnson	(Licensing Officer)
Mohshin Ali	(Senior Licensing Officer)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure was noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premise Licence for Code Floors 3-4, 34 Westferry Circus London E14 8RR

This application was adjourned at the request of the Applicant. This application will now be considered at the Licensing Sub Committee on 23 April 2024.

3.2 Application for a New Premise Licence for Wang Wang, 4a Commercial Street, London, E1 6LP

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer introduced the report which detailed the application for a new premises licence for Wang Wang, 4a Commercial Street, London E1 6LP. The application sought authorisation for the sale by retail of alcohol from 08:00 hours to 21:00 hours Monday to Saturday.

It was noted that the application attracted representations against it from the Licensing Authority, SPIRE Resident Association, and one local resident. The representations asked that the application be refused on the basis of the Premises' location within the Brick Lane Cumulative Impact Zone (CIZ) and that granting it would add to crime and disorder and public nuisance.

At the request of the Chair, Mr Derek Stewart, Licensing Representative for the Applicant, Mr Balbinder Sidhu, explained that the hours applied for were modest and within the framework hours, that the premises was a grocery store specialising in oriental foods and that all alcohol beverages would be displayed and kept locked behind the counter similar to a tobacco display counter. It was noted that alcohol prices would vary between £15 - £95 and would not be available for self-service. Mr Stewart explained that this would reduce the chances of negatively adding to the cumulative impact area (CIA) and deter street drinkers.

Mr Stewart provided the Sub Committee with an alcohol list with the prices, this was consented to by the objectors as it was not provided in advance of the meeting. Mr. Stewart stated that the higher prices would deter the street drinkers that the objectors were concerned about and therefore help alleviate some of their concerns.

In response to questions the following was noted;

- That most products would be around 12% alcohol by volume and whiskey being approximate 40%.
- That the display area was very small, amounting to perhaps 2% of the area of the shop floor.
- It was confirmed that the Applicant would accept a condition limiting the display of alcohol to a specified percentage of the area of the Premises, if the Sub-Committee was minded to do so.
- That the shop was closed on Sundays.
- That it would be too onerous on the applicant to agree to a condition to restrict the alcohol sold at the premises to those on the list provided to

the Sub Committee for example if products became unavailable or could not be sourced.

- That alcoholic beverages being sold at the premises would not be readily available elsewhere such as supermarkets etc. x
- It was suggested to the Sub Committee that if a licence was granted, a designated area on the plan could be marked for where the alcohol could be displayed.

Members then heard from Mr Mohshin Ali, Licensing Officer, he referred to his representation on pages 209-213 and expressed concerns in relation to the impact on the CIA and the fact that the application did not meet the exemptions for a premises to be granted in the CIA and therefore unable to demonstrate how the granting of the licence would not negatively impact on the area. Mr Ali accepted the Premises was within framework hours but on the balance of probability the licence, if granted, would adversely impact the licensing objectives and that there would particularly be problems with access and egress. It was noted that the applicant had agreed to some of his conditions but not conditions 4 and 5.

Mr Christopher Lloyd then addressed the Sub-Committee on behalf of SPIRE. He explained that the Premises were located in a hotspot for anti-social behaviour. There were hostels nearby for people with addiction issues. The CIZ was intended to prevent additional crime and disorder and public nuisance associated with alcohol and granting this licence would add to that. He suggested that the issue would be one of supply and demand and if demand was high, then more alcohol would be sold. He was concerned that residents would have no control over the types of alcohol that would be sold.

In response to questions the following was noted;

- It was confirmed that conditions 4 & 5 would be agreed and that the Applicant was willing to have a personal licence holder on duty at all times the premise was open to the public.
- That the applicant was willing to agree to a certain percentage of the premises to be restricted for the display of alcohol.
- That alcohol of oriental origin would only be sold at the premises.
- Mr. Lloyd acknowledged that the applicant only intended to sell a limited alcohol offering, however he remained of the view that it would cause additional problems and referred to other licences in the area having been removed due to ASB.

Concluding remarks were then made by both parties.

DECISION

The Sub-Committee considered an application by Wang Wang 4A Ltd. for a new premises licence to be held in respect of Wang Wang, 4a Commercial Street, London, E1 6LP ("the Premises"). The application sought authorisation for the sale by retail of alcohol from 08:00 hours to 21:00 hours Monday to Saturday.

The application attracted representations against it from the Licensing Authority, SPIRE, and one local resident. The representations asked that the application be refused on the basis of the Premises' location within the Brick Lane Cumulative Impact Zone (CIZ) and that granting it would add to crime and disorder and public nuisance.

The Sub-Committee heard from the Applicant's agent, Mr. Stewart, and Mr. Sidhu, a director of the Applicant company. The Sub-Committee was informed that the Premises were a grocery store selling oriental products. Customers had been asking about the supply of oriental alcohol, such as sake, and the intention was to sell a limited alcohol offering of such products. Mr. Stewart stated that the wines would not be sold for less than £15.00 and that some of the products sold for £95.00. An alcohol list with the prices was given to the Sub-Committee. The objectors consented to this. Mr. Stewart stated that the prices would deter the problem drinkers that the objectors were concerned about. Alcohol would not be displayed for self-service; it would be kept behind the counter and behind locked gates. It was described as being similar to a tobacco display.

Mr. Stewart explained that the application had considered the CIZ and that the hours sought had been specifically in order to address that. They had tried to cover the issues that they thought would be engaged. The application was a straightforward one.

During questions from members it was ascertained that most products would be around 12% alcohol by volume. The display area was very small, amounting to perhaps 2% of the area of the shop. Mr. Stewart confirmed that the Applicant would accept a condition limiting the display of alcohol to a specified percentage of the area of the Premises, if the Sub-Committee was minded to do so.

The Legal Adviser asked if the Applicant would be willing to agree to a condition that restricted the alcohol permitted to be sold to those named on the list supplied. Mr. Stewart explained that this could cause difficulties if, for example, products became unavailable and could not be sourced. There was no intention to sell products that were readily available elsewhere, such as at supermarkets. He suggested that the Sub-Committee could mark on the plan the area at which alcohol could be displayed, given that it would be at the shelf behind the counter area. Later on, he confirmed that they were willing for there to be a personal licence holder on duty at all times and that condition 5 would be agreed.

Mr. Ali addressed the Sub-Committee and spoke to his representation. He was predominantly concerned about the impact on the CIZ. He accepted the Premises was within framework hours but that it had not met the possible exceptions. He considered that the licence, if granted, would adversely impact the licensing objectives and that there would particularly be problems with access and egress. He noted that the applicant had agreed to some of his conditions but not conditions 4 and 5, dealing with notices and the need for all persons selling alcohol to have written authorisation.

Mr. Lloyd addressed the Sub-Committee on behalf of SPIRE. The Premises were located in a hotspot for anti-social behaviour. There were hostels nearby for people with addiction issues. The CIZ was intended to prevent additional crime and disorder and public nuisance associated with alcohol and granting this licence would add to that. He suggested that the issue would be one of supply and demand and if demand was high, then more alcohol would be sold. He was concerned that residents would have no control over the types of alcohol that would be sold.

During questions, Mr. Lloyd acknowledged that there was only intended to be a limited alcohol offering. He remained of the view that it would cause additional problems and referred to other licences in the area having been removed.

The other objector did not attend but their representation was read and taken into account by the Sub-Committee.

This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. As it falls within a CIZ, the onus is on the Applicant to show that there will be no additional impact.

The Council's policy specifically provides examples of possible exceptions. Each case must be considered on its own merits even if it might be within an exception. The Sub-Committee considered this was a possible exception, being well within framework hours and only six days per week. Furthermore, it was clear that this was not a premises led by alcohol sales and that they would be ancillary to the main business of a grocery store. The Sub-Committee considered this to be an entirely different proposition to an off-licence, for example, where the emphasis would be on alcohol sales and a larger proportion of the shop floor given over to the display of alcohol.

The Sub-Committee accepted that the applicant had considered the CIA and that it was not required to specifically mention it. The proposed conditions, whilst requiring some refinement, provided a reasonable indication of the Applicant's intentions. Whilst the Sub-Committee noted the concerns of the objectors, they considered that they were not made out in this case. The alcohol on offer, given the prices, was not likely to encourage problem drinkers or give rise to the problems that cheap and plentiful alcohol does. It was not realistic to suggest that people would go to the Premises and purchase a bottle of sake for almost £100.00 and then drink that irresponsibly and in a way that impacted on the CIZ. Similarly, the cheapest beer would be sold for £6.00.

The Sub-Committee noted the presence of nearby hostels for people with alcohol and substance addiction problems. However, the Sub-Committee considered that those residents already had access to sources of cheap and readily available alcohol. By contrast, the alcohol on offer at the Premises and at the prices on offer, meant that such persons would not be at all likely to frequent the Premises in order to purchase alcohol.

The Sub-Committee was satisfied that limited hours and alcohol offering combined with the proposed and agreed conditions as well as additional conditions to be imposed by the Sub-Committee meant that the Applicant had rebutted the presumption against the grant of the licence. The Sub-Committee imposed two additional conditions (10 and 11 below). Condition 10 was imposed to ensure that the Premises is restricted to the particular type of alcohol suggested by Mr. Stewart. The Sub-Committee noted his concerns about the difficulty if restricted only to selling the products specified on the list provided to members. However, it is essential that there is some control over the type of alcohol sold. Condition 10 therefore allows the Premises the flexibility needed in the event of products changing or being unavailable from a supplier but without being able to change the type of products sold without first obtaining a variation of the condition.

With respect to condition 11, the Sub-Committee was keen to ensure that the alcohol offering remains small. As the Applicant was clear that the alcohol would be displayed in a discrete area behind the counter, the Sub-Committee considered it clearer to specify the area in which alcohol could be displayed rather than by reference to percentages of volume or area.

The application is therefore granted as follows:

Sale by retail of alcohol (off-sales only)

Monday to Saturday 08:00 hours to 21:00 hours

Hours at which the premises are open to the public

Monday to Saturday 08:00 hours to 21:00 hours

Conditions

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

2.A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer 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. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.

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

9.A personal licence holder shall be on the premises at all times that the premises are open and carrying on licensable activity.

10. Alcohol sales shall be limited to products of Oriental origin specified in the list annexed hereto or alternative products of a similar nature.

11. Alcohol may only be displayed for sale within the bounds of the area

marked "SH" located behind the counter on the plans annexed hereto appearing at square 4F.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Nil items.

The meeting ended at 8.00 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 12 MARCH 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Ana Miah
Councillor Suluk Ahmed
Councillor Faroque Ahmed

Apologies:

None

Others Present in Person:

Bill Donne	(Licensing Representative – Item 4.1)
Tom Sutton-Roberts	(Director of Troxy – Item 4.1)
M. Askor	(Resident – Item 4.1)
Christopher Llyod	(SPIRE – Item 4.2)
Yekub Miah	(Resident – Item 4.2)

Others In Attendance Virtually:

M. Hussain	(Pitsea TRA – Item 4.1)
Mr Islam	(Pitsea TRA- Item 4.1)
Abbie Kumar	(Applicant – Item 4.2)

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Lavine Miller-Johnson	(Licensing Officer)
Kathy Driver	(Principal Licensing Officer)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 4th and 19th December 2023 and 25th and 13th February 2024 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for the Troxy, 490 Commercial Road, London, E1 0HX

At the request of the Chair, Ms Kathy Driver, Licensing Officer introduced the report which detailed the application for a new premises licence for Troxy, 490 Commercial Road, London E1 0HX. It was noted that representations were received by two local residents and a resident's association with concerns relating to public nuisance and anti-social behaviour.

The Sub Committee heard from Mr Donne, Licensing Representative and Mr Sutton-Roberts, Director of the Company. Mr Donne explained that the premises already had an existing premises licence which had been in place for many years. However, this new application had been made because the venue was being refurbished and would include the provision of forty extra toilet facilities, he emphasised the fact that the existing licence conditions were somewhat vague and unenforceable and therefore the new application included proposed conditions which were more clear, robust, enforceable and proportionate to the licence if granted.

It was noted that the responsible authorities had been consulted, in particular the metropolitan police, and no concerns had been raised and therefore no representations had been received from any of the responsible authorities against this application.

Mr Sutton-Roberts also addressed the Sub-Committee and gave a brief history of the premises, it was noted that that the venue had been re-opened in 2006 and held around 150 events each year which included award shows, concerts, corporate events etc. and approximately 150,000 guests attended these events in total. That they generated business for the community and also employed local residents. He did not agree that the use of Nitrous Oxide (NOx) was anything to do with patrons of the Premises and it was not uncommon to see members of the public with their vehicles park up inhaling NOx.

Mr Donne asked that the Sub Committee note the additional submitted documents such as the plans, operational manual and fire risk assessment, etc. he said that all advertising and public notice requirements had been met

and that flyers had been sent out last year to residents with contact details of the management team should they have any concerns.

He concluded by stating that should the licence be granted, new conditions would be imposed which would help alleviate the concerns of residents. He said that the company operated a serious business and they were keen to work with its neighbours. He emphasised that the benefit of granting the application was a better licence overall, with clearer conditions. He noted that some of the issues of concern related to issues during the daytime, such as queues and that guests left promptly after club nights and there were no issues with dispersal.

Members then heard from Mr. Askor, local resident, he stated that the area was residential and that a number of elderly people lived in the nearby blocks. Ogilvie House, which was across the road, contained 150 flats. Crowd control was poor and the pavement by the Premises was frequently blocked by the queues. He had made a number of complaints about noise nuisance, none of which had been resolved. Residents were unable to open windows due to the noise and patrons would urinate in their car parks and doorways. He asserted that the Premises should not be able to operate beyond midnight.

Members also heard from Mr Islam a spokesperson on behalf of the Pitsea TRA. He stated that they did not wish to stop the premises from trading but also did not consider that licensable activity should be permitted after midnight. He highlighted similar concerns as Mr. Askor and said that the music from within the Premises was audible. He stated that they had not seen the flyer sent out by the venue. He reiterated the allegations in the representation such as public urination, use of and selling of drugs, and blocking of the highway and the use of NOx.

In response to questions from Members the following was noted;

- That it was unclear whether complaints of noise nuisance had been made to any of the responsible authorities.
- That the spokesperson for the TRA accepted that he could not prove that drugs were being sold and were linked to the Premises, but he was of the view it was.
- That a “significant sporting event.” would include events such as international or European football or rugby, The Ashes, and similar. The Legal Adviser further explored the possibility of greater clarity around this, and suggested a condition on the licence should it be granted that prior notification to the Licensing Authority is given for such events.
- That any litter would be dealt with by litter pickers after any event as there was no public waste bins on Pitsea Street. The objectors, however, asserted that litter picking was not carried out.
- Concerns were raised about patrons urinating in public, it was noted that the venue had explored the idea of having portaloos on the highway with the Council but this was not possible to facilitate.
- That the current licence allowed a capacity of 3,100 people standing and that the new application had applied for 3,600.

Concluding remarks were made by all parties.

DECISION

The Sub-Committee considered an application by Troxy London Ltd. for a new premises licence to be held in respect of The Troxy, 490 Commercial Road, London, E1 0HX ("the Premises"). The application sought authorisation for the sale by retail of alcohol, the provision of late night refreshment, and various forms of regulated entertainment. The start times differed but all ceased at midnight on Sunday, 02:00 hours Monday to Thursday, and 04:00 hours on Friday and Saturday. The closing times were thirty minutes after the cessation of licensable activities. In addition, non-standard timings were sought to 04:00 hours on bank holidays, until 06:00 hours on New Year's Day, and twenty-four hours when there was "a significant sporting event." The premises are already licensed and the application confirmed that the existing licence would be surrendered in the event that the application was granted.

Representations were received against the application from two local residents and from a residents' association. These were based predominantly on the prevention of public nuisance and alleged, among other things, noise and obstruction from patrons queuing, use of drugs and laughing gas and associated litter, noise disturbance late at night, and public urination.

The Sub-Committee heard from the applicant's agent, Mr. Donne, and Mr. Sutton-Roberts, the director of the applicant company. Mr. Donne explained that the application had been made because the venue was to be refurbished. The refurbishment included the provision of around forty extra toilets. The existing licence conditions were vague and unenforceable and the conditions had been thoroughly reviewed and reconsidered in the application. None of the responsible authorities had any concerns about the application and they had engaged with the proposed conditions. Additional conditions over and above what had been sought by the responsible authorities had also been agreed.

Mr. Roberts briefly outlined the history of the Troxy. The venue had been reopened in 2006 and held around 150 events each year. Around 150,000 people attended these events in total. They generated business for the community and employed local residents. It was a very important live music venue, especially as many others had been closed. Flyers had been sent to around 300 residents and businesses. The allegations of Nitrous Oxide (NOx) use were nothing to do with patrons of the Premises; it was not uncommon to see vehicles park up and their occupants inhaling NOx.

The Sub-Committee heard from Mr. Askor, who had made a representation. He stated that the area was residential and that a number of elderly people lived in the nearby blocks. Ogilvie House, which was across the road, contained 150 flats. Crowd control was poor and the pavement by the Premises was frequently blocked by the queues. He had made a number of complaints about noise nuisance, none of which had been resolved. Residents were unable to open windows due to the noise and patrons would

urinate in their car parks and doorways. He asserted that the Premises should not be able to operate beyond midnight.

The Sub-Committee also heard from a spokesperson on behalf of the Pitsea TRA. He stated that they did not wish to stop the licence but did not consider that licensable activity should be permitted after midnight. He echoed some of Mr. Askor's concerns and also stated that music from within the Premises was audible. He stated that they had not seen the flyer sent out by the venue. He reiterated the allegations in the representation such as public urination, use of and selling of drugs, and blocking of the highway.

During questions from members, the spokesperson for the TRA accepted that he could not prove that drugs were being sold and that it was linked to the Premises but that he knew what it looked like. It was not clear that complaints of noise breakout from the venue had been made to any of the authorities.

There was discussion as to precisely what might constitute a "significant sporting event." The Sub-Committee was told that this would include events such as international or European football or rugby, The Ashes, and similar. The Legal Adviser further explored the possibility of greater clarity around this and which potentially included prior notification to the Licensing Authority.

Mr. Donne emphasised that the benefit of granting the application was a better licence overall, with clearer conditions. He noted that some of the issues of concern related to issues during the daytime, such as queues. People left promptly after club nights and there were no issues with dispersal. This would be more tightly conditioned if the application were to be granted.

The issue of toilets and patrons urinating in public was discussed. Mr. Donne had noted in his skeleton argument that the person urinating did not appear to be one of their patrons, given that he was wearing a shirt and tie. In any event, however, they had explored the use of portaloos on the highway with the Council and this had not been possible. SIA were deployed at an early time and the videos seen by members showed them dealing with people and moving them off the road. Litter would be dealt with by litter picking after any events. There were no public waste receptacles on Pitsea Street. The objectors, however, asserted that litter picking was not carried out.

Mr. Donne clarified that the current licence allowed a capacity of 3,100 people standing and that they had applied for 3,600. The fire risk assessment allowed for 3,800. He also suggested that the current licence allowed for a number of late events and that the new licence was not as generous as the existing licence.

This application engages the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. It should be noted at the outset that the Premises are already licensed and this was not a review application. Similarly, it was not a variation. To some extent, this limited the Sub-Committee's options.

The Sub-Committee noted the lack of representations from responsible authorities and from others. However, that was an entirely neutral factor and could not be taken as indicating tacit support. Had the responsible authorities wished to expressly support the application they could have done so. Similarly, the lack of more residential representations, either in support or against, could not be considered to be anything other than a neutral factor. The Sub-Committee noted that some of the issues of concern were unrelated to the later hours sought. The issues with queuing, for example, took place during the day and were not a problem at the end of the evening. The Sub-Committee noted also the potential advantages of having more robust and clearer conditions.

The Sub-Committee accepted that some issues could not be attributed to the Premises on the information presented. There was no evidence that the NOx canisters were dropped by patrons and it was of note that the videos the Sub-Committee were shown did not appear to show any evidence of this. Similarly, there was only one video evidencing public urination and the Sub-Committee could not infer this was from a patron. However, the Sub-Committee accepted that it was likely that the assertion of patrons urinating in the car parks and doorways of nearby residential blocks was true to a degree.

Nonetheless, the Sub-Committee was very concerned about the substantially increased scope of the licence if granted. The licence presently, in general terms, allowed for licensable activity until midnight Sunday to Thursday and to 02:00 on Fridays and Saturdays. The application sought to extend those hours from Monday to Saturday by an additional two hours every day. Whilst Mr. Donne had suggested that this could happen under the existing licence, it could only do so on a limited basis. The licence allowed for an extension until around 06:00 hours on Friday and Saturday on twelve occasions per year (including New Year's Eve) and to 02:00 hours on forty-eight occasions per year on Sunday to Thursday. Capacity limits were also applicable to both particular events and to some of those extended hours.

What this application sought to do was to make the Premises a late-night venue six days per week with a substantially increased capacity. The Sub-Committee noted that the venue was situated in an area that was residential, with a number of blocks in the immediate vicinity. The Sub-Committee was therefore very concerned at the possibility of 3,600 people exiting the Premises late at night or in the early hours of the morning and the almost inevitable consequence of noise disturbance from those patrons, especially after an evening of drinking and loud music. That was far more difficult to control with conditions and it would likely have an impact on residents and others in the immediate vicinity.

The Council has a policy which specifies its preferred hours and whilst these are guideline hours only, the policy highlights the risk of greater scrutiny the later a venue wishes to operate. The Sub-Committee had regard to those matters, which are listed at paragraph 16.9 of the Policy. The Sub-Committee considered that the application did not properly address or consider the likely impact of large numbers of people leaving the venue in the early hours on a much more regular basis than they do at present.

The Sub-Committee noted that there was nothing before it to suggest that the Premises had operated to cause a problem when it did make use of its extended hours. However, those extensions, on at most sixty occasions during the year, did not mean that extending the hours on more than three hundred days per year, which is what this application would do, meant that there could and would be no additional impact on the surrounding area with respect to public nuisance.

The Sub-Committee noted also the statutory guidance at paragraphs 9.42 to 9.44, which makes clear that the Licensing Authority is best placed to decide on what is appropriate and proportionate to promote the licensing objectives. The Sub-Committee considered carefully the options open to it. It considered granting the application in part, with the proposed conditions and modifying the hours to more closely match the current licence. However, as the current licence would have effect unless and until surrendered, the likely outcome would be that the applicant would simply continue to operate under the current licence. Removing licensable activity from the scope of the licence would not address the Sub-Committee's concerns. It could not be said that any one particular activity would need to be removed in order to allay those concerns. As already mentioned, the applicant would no doubt simply continue to operate under the current licence.

Refusing to specify the DPS was not an option in this instance as there was no evidence from the police that the appointment of the proposed DPS would undermine the licensing objectives. The Sub-Committee was therefore satisfied that the only appropriate and proportionate step that could be taken in these particular circumstances was to refuse the application.

RESOLVED

That the application for a new premises licence for Troxy, 490 Commercial Road, London E1 0HX be **REFUSED**.

4.2 Application for a New Premises Licence for (A.V Wholesale), 47 Goulston Street, London E1 7TP

At the request of the Chair, Ms Kathy Driver, Licensing Officer introduced the report which detailed the application for a new premises licence for A. V. Wholesale, 47 Goulston Street, London, E1 7TP. The application sought authorisation for the sale by retail of alcohol from 10:30 hours to 20:30 hours seven days per week with the same opening hours as the hours applied for licensable activity. It was noted that representations were received by the Licensing Authority, two residents association and individual residents. Objections made, had reference to the Brick Lane Cumulative Impact Zone and issues of public nuisance.

At the request of the Chair, Mr Abbie Kumar, Applicant explained that the company's main business was the wholesale of cigarettes and household goods. He explained that if a licence was to be granted, they would sell alcoholic beverages ranging from different brands and different types which

would not be readily available elsewhere. He stated that these alcoholic drinks would mainly be for special occasions and to be consumed at home with family and friends and not to be consumed on the streets.

Mr. Kumar said that the objections related to late night nuisance and he did not consider that to be the case as the Premises had moderate opening hours and closed early. It was also noted that they did not often open on Saturdays but if they did, it would usually be open until 13:00 or 14:00 hours.

The Sub Committee then heard from Ms. Miller-Johnson, Licensing Officer, she referred to her representation contained in the agenda pack and acknowledged that the hours applied for, were within the Council's framework hours, however the application had made no mention of the CIZ or the issues that existed in the area in their application.

She stated that the applicant had mentioned at the meeting that the alcohol to be sold was not an "everyday" product, but this had not been mentioned in the application. It was also noted that there were some confusion over whether the alcohol was being bought in bulk for wholesale purchase or by retail? It was noted that the applicant had agreed to the Licensing Authority's suggested conditions, if the licence were to be granted, but that did not alleviate the concerns regarding the CIZ.

The Sub-Committee also heard from Mr. Lloyd on behalf of SPIRE and Mr Yekub Miah, a local resident. He explained that the Premises was located in a hotspot for anti-social behaviour (ASB). The business was the wholesale of cigarettes and selling alcohol would change that and attract and cause ASB. He also expressed concern over the fact that there was no control over the type of alcohol being sold or where it would be consumed. That the premises was in close proximity to residential dwellings and therefore an increase in footfall would increase noise nuisance.

In response to questions the following was noted;

- Mr. Kumar confirmed that that alcohol would be sale by retail and not as wholesale.
- Mr. Kumar stated that a benefit for granting this application would help to keep people calm by allowing them to purchase alcohol for their home as well as to help promote multi-culturalism.
- That there were no nearby off-licences and so prices in the area were inflated and by granting this licence this would encourage competition and better prices.
- That staff had the right to refuse sales if in doubt or had concerns and that they had experience of both the business and the area and Mr Kumar did not think they would negatively add to the existing issues of public nuisance.
- That they did not intend to compete on the prices of cans with local providers such as Sainsburys in Bell Lane, rather, the intention was to do so with bottles.

Concluding remarks were made by all parties.

DECISION

The Sub-Committee considered an application by AV Kakker Wholesale Ltd. for a new premises licence to be held in respect of A. V. Wholesale, 47 Goulston Street, London, E1 7TP (“the Premises”). The application sought authorisation for the sale by retail of alcohol from 10:30 hours to 20:30 hours seven days per week. The opening hours of the premises were the same as the hours for licensable activity.

The application received objections against it from a number of local residents, two residents’ associations, and the Licensing Authority. The representations made reference to the Premises’ location within the Brick Lane Cumulative Impact Zone (CIZ) and that the applicant had failed to demonstrate how they would avoid adding to the problems of over-saturation of licensed premises within the CIZ, particularly with respect to public nuisance.

The Sub-Committee heard from Abbie Kumar on behalf of the applicant. He explained that the company’s main business is wholesale of cigarettes and household goods. The intention with alcohol sales was to import hard-to-find products. The area was a diverse and multi-cultural one and the intention was to give people that taste of home. It was not intended that these would be items that people would drink on the street and it was suggested that they would be “showpiece” items.

Mr. Kumar did not consider that there would be any noise impact as the Premises would be closing early. In addition, their Saturday hours were flexible. They did not often open on a Saturday, but, if they did, it would usually only be to around 13:00 or 14:00 hours.

Ms. Miller-Johnson addressed the Sub-Committee with respect to her representation. The application had made no mention of the CIZ or the issues that existed there. The applicant had mentioned that the alcohol to be sold was not an “everyday” product, but that had not been mentioned in the application. There was also some confusion over whether the alcohol was being bought in bulk for wholesale. She noted that Mr. Kumar had agreed to her suggested conditions, if the licence were to be granted, but that did not allay her concerns. Mr. Kumar later, following a query from the Legal Adviser, confirmed that that alcohol would be by retail. Our Legal Adviser informed us that the Licensing Act 2003 excluded wholesale of alcohol from the need to be authorised by way of a premises licence.

Christopher Lloyd of SPIRE addressed the Sub-Committee on behalf of SPIRE and some of the local residents. He informed the Sub-Committee that the Premises are located in a hotspot for anti-social behaviour (ASB). The business was the wholesale of cigarettes and selling alcohol would change that. He also expressed concern over the fact that there was no control over the type of alcohol being sold or where it would be consumed.

During questions from Members, Mr. Kumar suggested that there would be a benefit in that it would help to keep people calm by allowing them to obtain alcohol from their home as well as to help promote multi-culturalism. Further, there were no nearby off-licences and so prices in the area were inflated. Granting this licence would therefore encourage competition. When asked how he would avoid adding to ASB in the area, Mr. Kumar stated that they had the right to refuse sales and that they had experience of both the business and the area and they did not think they would add to that. Their immediate neighbours were relatives and since returning to the area a few months ago they had not noticed any ASB and that the only incident of disorder they had seen had been between market traders. In addition, they did not intend to compete on the prices of cans; rather, the intention was to do so with bottles.

The objectors were asked for their views on the applicant's reasons why the licence could be granted. Mr. Lloyd pointed out that the applicant clearly wished to compete with other off-licences, which was wholly contrary to the point of the CIZ. Randall Thiel, whose representation appeared at Appendix 12, addressed the ASB issues. Ms. Miller-Johnson echoed Mr. Lloyd's concerns.

This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee had read and considered all of the representations and listened to the oral submissions. The Premises are in a CIZ and the onus is therefore on the applicant to rebut the presumption in favour of refusal. The policy is intended to be strictly applied (Paragraph 7 of the Cumulative Impact Assessments) and that the applicant needs to demonstrate that they will be exceptional. The Policy gives examples of premises which might (not will) be considered exceptional, such as operating within framework hours and not being alcohol-led.

This application was within framework hours. It appeared to be ancillary to the main business of tobacco wholesale. However, if granted there would be nothing to stop that changing in the future. The Sub-Committee was told that the intention was to sell "showpieces" but was given no examples of this or of the prices. Further, this appeared to be contradicted by the applicant's suggestion that it would allow for more competition. If the intention was to sell hard-to-find alcohol, it is hard to see how this would affect pricing of common products. In the absence of anything to support the applicant's assertion, the Sub-Committee found it more likely than not that the Premises would be seeking to compete on prices of bottles, whether beers or lagers or spirits, and of products that could be or were similar to those found elsewhere. That could drive prices down and a likely effect of that is that people would purchase alcohol from the Premises to drink on the street within the CIZ and not, as suggested by the applicant, in the comfort of their home. That gave rise to an almost inevitable conclusion that there would be impact on the CIZ. Even though the Premises would be closed by 20:30 hours, the people purchasing alcohol from it might well be in the CIZ for a considerable time thereafter.

The Sub-Committee noted the reference in some of the representations to nearby hostels for people with addiction and substance abuse issues. The application did not appear to take that into account nor did it consider the potential for those persons to seek to purchase cheaper alcohol from these Premises or others as a result of the applicant's intention to bring more competition.

The Sub-Committee also considered it highly unrealistic of the applicant to suggest that the option to purchase hard-to-find alcohol to give people a taste of home would have a calming effect or add greater harmony to the area. The Sub-Committee was also concerned by the applicant's apparent lack of appreciation of the area in which they intended to operate. Whilst the application is not required to specifically mention the CIZ, doing so certainly makes clear to the Sub-Committee that it has been considered. However, the operating schedule was wholly inadequate and suggested to the Sub-Committee that no appreciation or thought had been given to the CIZ or the Premises' potential impact on it.

The Sub-Committee was not satisfied that the applicant had rebutted the presumption against refusal of the application. It considered that the application, if granted, was more likely than not to adversely impact the CIZ by adding to the existing nuisance, ASB and crime and disorder issues already prevalent in the area. The application is therefore refused.

RESOLVED

That the application for a new premises licence for A. V Wholesale, 47 Goulston Street, London E1 7TP be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub-Committee agreed to extend the decision deadline to 31st May 2024 for the following applications;

- Monogroup, 1 Monkwood Way, London E3 2EG
- INIS, The Tramprey, 13 Rookwood Way, London E3 2XT
- Burgers LDN, 141 Leman Street London E1 8EY
- Captain Kidd, 108 Wapping High Street, London E1W 2NA

The meeting ended at 4.50 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee

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Agenda Item 4.1

Committee: Licensing Sub Committee	Date 11 April 2024	Classification Unrestricted	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premise Licence for Focaccia Mia (Ida's Kitchen), Arch 271, Poyser Street, London, E2 9RF Ward affected: Bethnal Green West
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1.0 Summary

Applicant:	J & J Kitchen Ltd (Ida Buglione)
Name and Address of Premises:	Focaccia Mia (Ida's Kitchen) Arch 271 Poyser Street London E2 9RF
Licence sought:	Licensing Act 2003 Sale by retail of Alcohol (on & off sales)
Objectors:	Licensing Authority Environmental Health

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 This is an application for a new Premise Licence for Focaccia Mia (Ida's Kitchen), Arch 271, Poyser Street, London, E2 9RF. This premises falls within the Bethnal Green Cumulative Impact Area.

3.2 The applicant has described the premises as: *A takeaway sandwich shop*

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

3.4 The hours applied for are as follows:

Sale of Alcohol (On & off sales only)

Monday – Sunday 11:00 – 22:00 hours

Opening times

Monday – Sunday 11:00 – 22:00 hours

4.0 **Location and Nature of the premises**

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

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

4.3 Photographs of the premises are included in **Appendix 4**.

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

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 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. It was last revised in December 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 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 made by the following.

Licensing Authority	Appendix 6
Environmental Health	Appendix 7

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

- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
 - CIA
- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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) any faults in the CCTV system, searching equipment or scanning equipment;
 - f) any refusal of the sale of alcohol;
 - g) any visit by a relevant authority or emergency service.
4. A direct telephone number for the manager at the premises shall be clearly displayed on our premises facia.
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.

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the police – **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) *any faults in the CCTV system, searching equipment or scanning equipment;*
- f) *any refusal of the sale of alcohol;*
- g) *any visit by a relevant authority or emergency service.*

4. *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
5. *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.*

9.0 **Licensing Officer Comments**

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

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

- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 9-14** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 **Appendices**

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Photographs of the premises
Appendix 5	Other licensed venues in the area

Appendix 6	Representations from LA
Appendix 7	Representation from EH
Appendix 8	Conditions agreed with police
Appendix 9	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 10	Licensing Officer comments on public nuisance
Appendix 11	S182 advice on public nuisance
Appendix 12	Cumulative Impact Area
Appendix 13	Licensing Policy relating to hours of trading
Appendix 14	Planning

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Appendix 1



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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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

Ida Buglione

Details

Registered number (where applicable)

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

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

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

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

We operate our main business from this premises, Ida's Kitchen - our family run and owned catering company est 1999. We have also recently launched a new venture called Focaccia Mia, whereby we sell sandwiches and other takeaway food items from this same premises. The premises license we are applying for is to offer alcoholic beverages alongside our sandwiches and other food items for our new venture Focaccia Mia. We do not have indoor seating, but instead have a few stools set up

Continued from previous page...

in front of our premises. So our customers will either be purchasing food and drinks to takeaway or to enjoy standing/sitting in front of our premises.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing performances of dance?

Yes No

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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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

No seasonal variations we can foresee at the moment.

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.

No non-standard timings we can foresee at the moment.

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

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

There will not be any adult entertainment taking place at our premises.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
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="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:00"/>
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.

No seasonal variations we can foresee at the moment.

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.

No non-standard timings we can foresee at the moment.

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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.

Well trained staff will be our main focus to ensure we meet all four licensing objectives. All staff will be advised of licensing law in writing before they are allowed to serve alcohol. A record will be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.

b) The prevention of crime and disorder

We only have one entry point, our front doors. We have four layers of physical security to protect our premises when closed or empty:

- 1) Our front door locks
- 2) Our roller shutter
- 3) A locked box protecting the key access to operate the shutter
- 4) 2 shutter bolt locks, one on either side, which hold the shutter down in a locked position

We will also be installing CCTV cameras, covering our single entry and exit point (our front doors) enabling frontal identification of every person that approaches our premises in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers are 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. 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 is 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.

There is also street lighting opposite our unit, as well as a motion censored light above our front doors, which is a good deterrent. During opening hours, our staff will all be trained to be vigilant and report any suspicious activity to the Police immediately.

c) Public safety

We will undertake a full risk assessment taking into account public safety, to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. All staff will be made aware of the risk assessment and precautionary measures therein.

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) any faults in the CCTV system, searching equipment or scanning equipment;
- f) any refusal of the sale of alcohol;
- g) any visit by a relevant authority or emergency service.

d) The prevention of public nuisance

We will have a noise management policy in place to ensure we are respecting the locals. However, as we are only operating during the day, and without any loud music or entertainment for the locals to feel they are being disturbed - this should be relatively straight forward to keep under control. In the unlikely instance that one of our customers are highly intoxicated, we will offer a free taxi phone service and a seat inside the premises, to avoid public nuisance and to get them home safely. We also have our telephone number clearly displayed on our premises facade, if anyone were to feel they wanted to inform us of a complaint. We will keep note of any instances such as these, in our incident log.

e) The protection of children from harm

Continued from previous page...

We will be requiring ID for the sale of alcohol for any individual who appears to be under 25 years of age to prove that they are over 18. Staff will be trained on how to competently check customers' identification where necessary. We will update our incident log whenever a sale is refused to a person who cannot prove they are over the age of 18. 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.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

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

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

Continued from previous page...

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

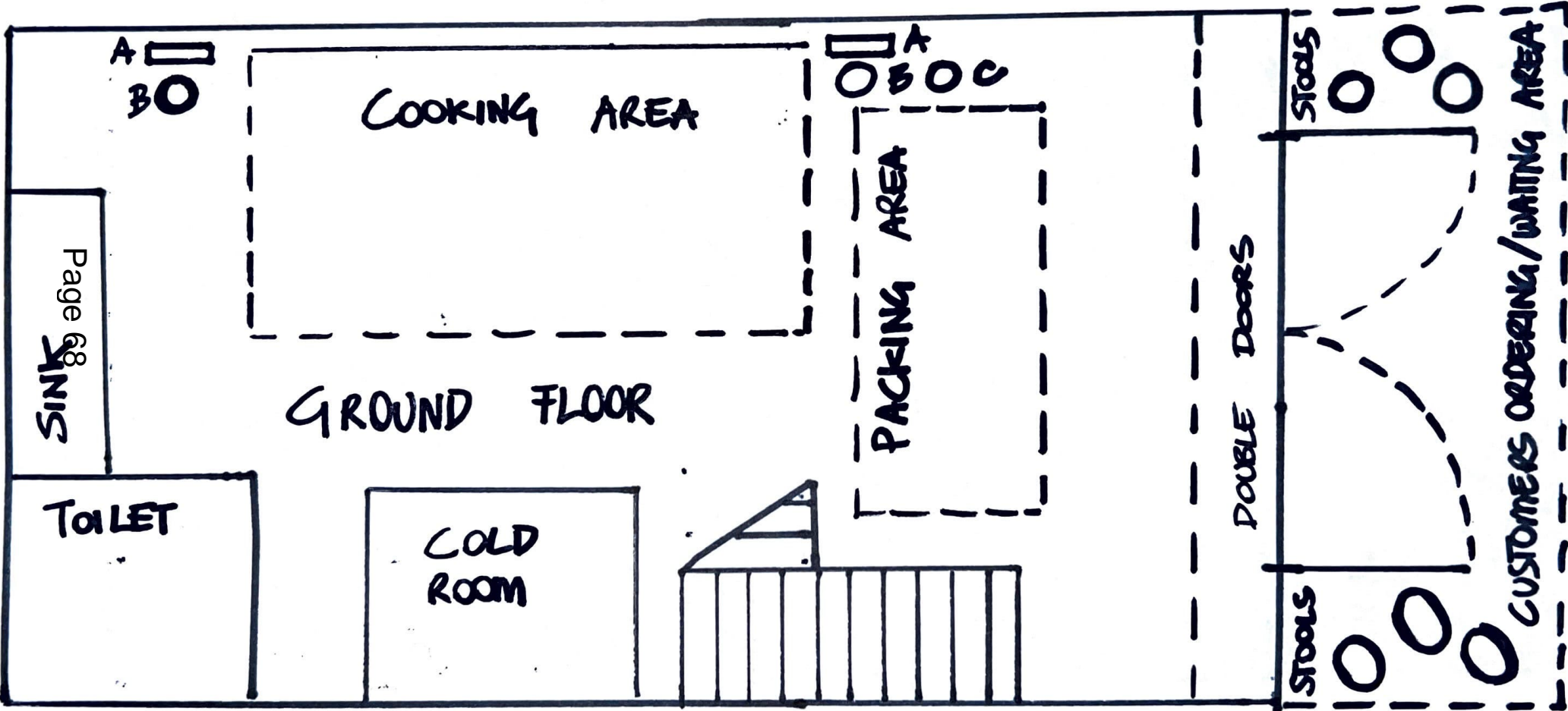
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

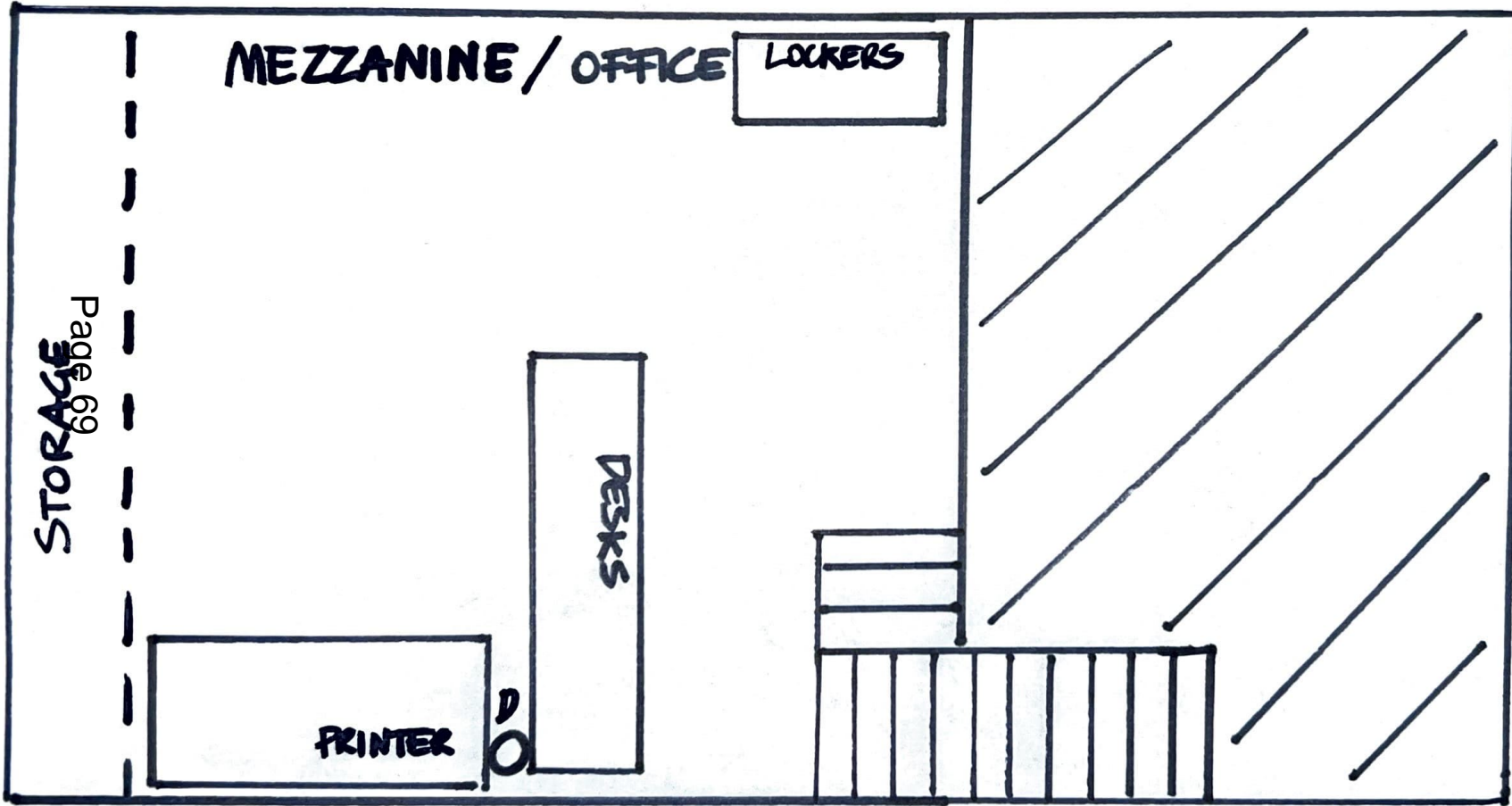
Appendix 2

A: FIRE BLANKETS

B: EXTINGUISHERS

C: WET CHEMICAL EXTINGUISHERS (FOR DEEP FRYERS)

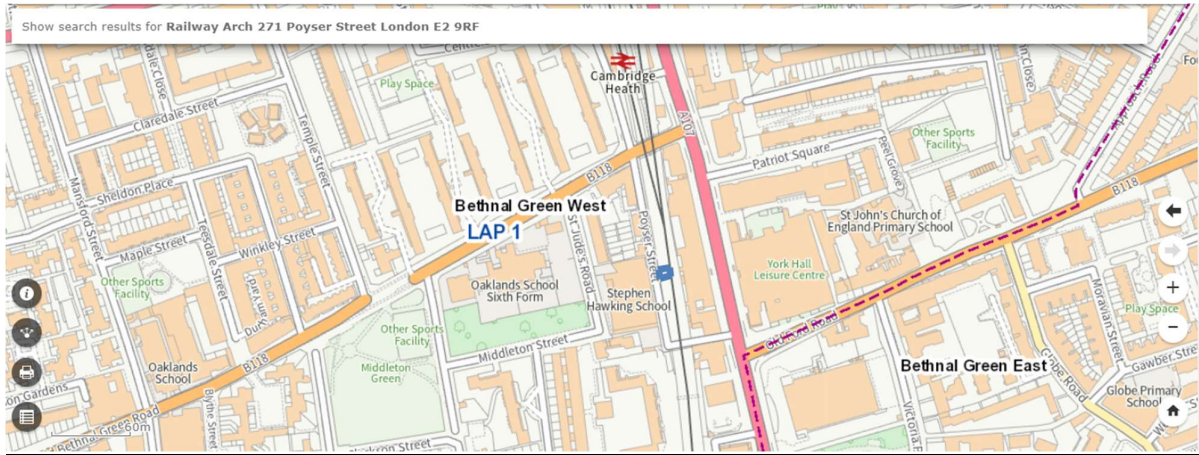
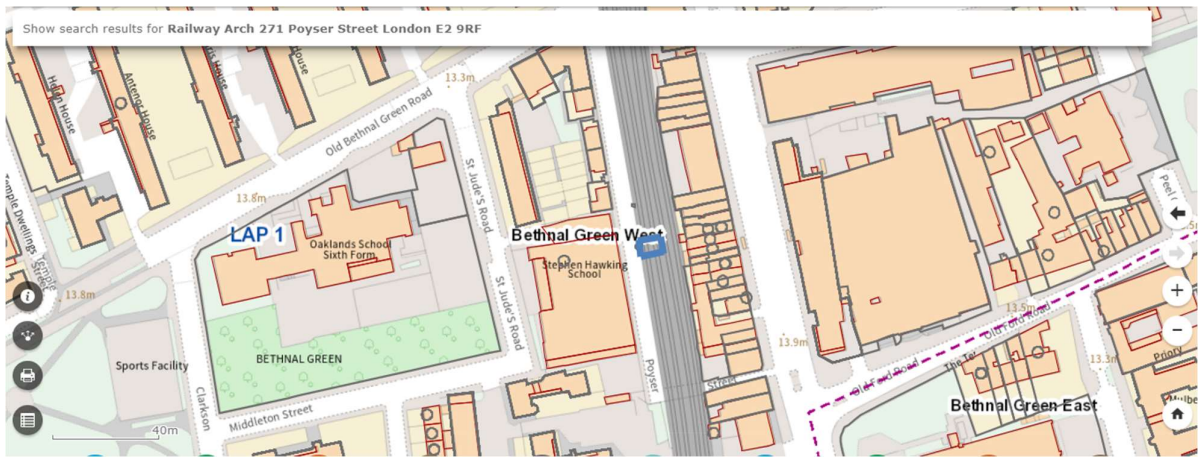
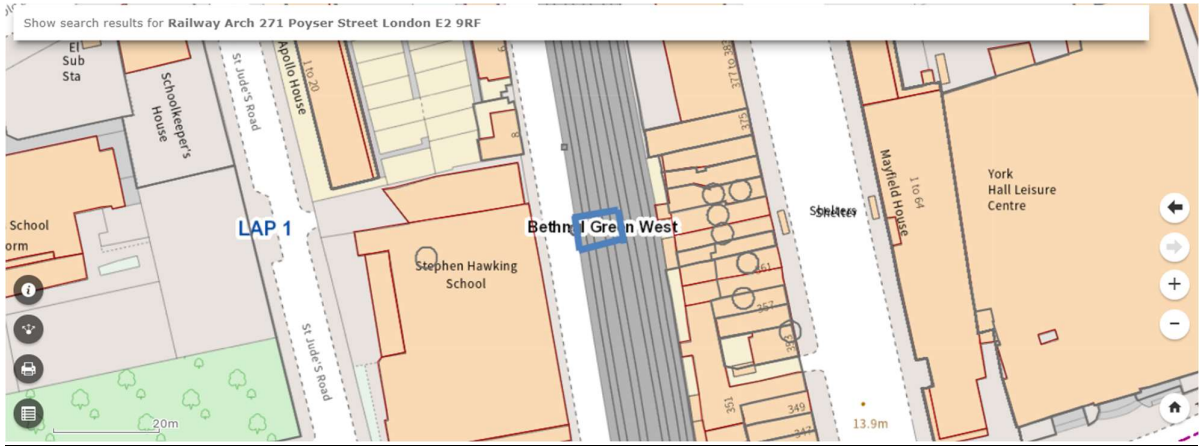




D: CO² EXTINGUISHER

Appendix 3

Maps – Arch 271 Poyser Street



Appendix 4

Photos – Arch 271, Poyser Street





Appendix 5

Premises	Licensable Activities	Opening Hours
Redchurch Brewery 273 Poyser Street	<u>Sale of alcohol (on & off)</u> Monday to Friday from 10:00 hours to 18:00 hours Saturday 10:00 hours to 16:00 hours	Monday to Friday from 10:00 hours to 18:00 hours Saturday 10:00 hours to 16:00 hours
Sake Sushi Railway Arch 268 Poyser Street	<u>The provision of late-night refreshment</u> Monday to Sunday from 23:00 hours to 02:00 hours (the following day)	Monday to Sunday from 12:00 hours to 02:00 hours (the following day)
Sourdough Pizza Kitchen Railway Arch 266 Poyser Street	<u>Sale of alcohol (on & off sales) and provision of recorded music:</u> Monday to Friday 12:00 – 22:30 hours Saturday and Sunday 10:00 – 22:30 hours	Monday to Friday 12:00 – 23:00 hours Saturday and Sunday 10:00 – 23:00 hours
City Supermarket 389 Cambridge Heath Road	<u>Sale of alcohol by retail (off sales)</u> Monday to Sunday 08:00 hours – 23:00 hours	Monday to Sunday 08:00 hours – 23:00 hours
Perfetto Pizza Ground Floor 391 Cambridge Heath Road	<u>The provision of late-night refreshment</u> Thursday to Sunday 23:00 hours to 01:00 hours	Monday- Wednesday from 11:00 hours to 23:00 hours Thursday – Sunday from 11:00 hours to 01:00 hours
Young Vegans Pizza Shop) 393 Cambridge Heath Road	<u>Sale of Alcohol (On sales)</u> Monday to Sunday, from 12:00 hours to 22:00 hours.	Monday to Sunday, from 12:00 hours to 22:00 hours.
Hulya's Cafe & Restaurant 357-359 Cambridge Heath Road	<u>Sale of Alcohol (on sales)</u> Monday to Sunday from 10:00 hours to 22:00 hours	Monday to Saturday from 06:00 hours to 22:30 hours Sunday from 07:00 hours to 22:30 hours
Cambridge Heath News 369 Cambridge Heath Road	<u>The sale by retail of alcohol (off sales)</u> Monday to Thursday 08:00 hours - 23:00 hours Friday & Saturday 08:00 hours - 00:00 hours (midnight) Sunday 08:00 hours – 22:30 hours	Monday to Thursday 08:00 hours - 23:00 hours Friday & Saturday 08:00 hours - 00:00 hours (midnight) Sunday 08:00 hours – 22:30 hours

Appendix 6

Corinne Holland

From: Lavine Miller-Johnson
Sent: 28 February 2024 14:17
To: inf [REDACTED]
Cc: Nicola Cadzow; 'MARK.J.Perry [REDACTED]'; Corinne Holland
Subject: New Premises Licence application - Ida's Kitchen, 271 Poyser Street, London E2 9RF MA 166573

Dear Applicant,

Licensing Act 2003
New Premises Licence Ida's Kitchen, 271 Poyser Street, London E2 9RF MA 166573

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

- ***The prevention of public nuisance***

I have reviewed your application for a new premises licence that falls within the Bethnal Green Cumulative Impact Area (CIA).

Your application does not state how, you would mitigate concerns of public nuisance whilst operating a business, with the offering of alcohol sales within a CIA.

You stated in the application that you are a business selling sandwiches and other take way food items. The purpose of this premises licence is to offer alcoholic beverages along side the offering of food.

I do not have objections to the nature of the business, or the hours of alcohol sales, however my concerns are that there is limited offering of conditions to prevent issues of public nuisance from arising within the CIA.

I am therefore making this representation against the application for the following reasons:

You have applied for sales of alcohol on and off the premises. The premises has no seating inside but offers stools outside of the premises, alternatively customers can stand up directly outside consuming alcohol.

As the application stands, I would assume that customers order food and an alcoholic drink and go outside. There is no condition preventing customers from just ordering an alcohol beverage without food and going outside and drinking or walking away from the premises with open containers of alcohol. This would be particularly concerning during the summer months or when the weather is warm and potentiality attracting customers to accumulate outside of the premises consuming alcohol until 22:00 hours, possibly causing a nuisance to local residents.

Great consideration has been given to the fact that the premise is in the Bethnal Green Cumulative Impact Area and although you has applied for framework hours there is not enough supporting evidence as to how the licensing objectives will be upheld with regards to public nuisance.

It is important to note that when applying for a licence in a CIA, applicants need to demonstrate that the granting of their application will not negatively add to the cumulative effect and undermine the licensing objectives.

On considering this application as it stands, I feel it does not uphold the following licensing objective of 'prevention of public nuisance' therefore the Licensing Authority feels that the application should be rejected.

If the licence is to be granted I would ask the following conditions be taken into consideration along with those already agreed with by other responsible authorities:

1. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or within the immediate vicinity.
2. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and the consumption of alcohol shall be ancillary to their meal.
3. All outside tables and chairs / stools shall be rendered unusable by 20:00 hours each day.
4. There shall be no vertical drinking of alcoholic beverages inside or outside of the premises at any time.
5. 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.

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

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Appendix 7

Corinne Holland

From: Nicola Cadzow
Sent: 28 February 2024 16:00
To: Licensing
Cc: 'MARK.J.Perry [REDACTED]; Ida's Kitchen Ldn; Lavine Miller-Johnson; Corinne Holland
Subject: 166573 - New premises licence application for Ida's Kitchen, 271 Poyser Street, London, E2 9RF

Good afternoon Licensing

Please take this as my holding representation to the New premises licence application for Ida's Kitchen, 271 Poyser Street, London, E2 9RF, 166573, until agreement has been made with the applicant

Kind regards

Nicola Cadzow
Environmental Protection Officer
Communities Directorate

From: Ida's Kitchen Ldn <[REDACTED]>
Sent: Wednesday, February 28, 2024 2:03 PM
To: Nicola Cadzow <[REDACTED]>
Cc: MARK.J.Perry [REDACTED] Licensing <[REDACTED]> Lavine Miller-Johnson <[REDACTED]>
Subject: Re: 166573 - New premises licence application for Ida's Kitchen, 271 Poyser Street, London, E2 9RF

Hi Nicola,

Thank you for your reply.

To confirm, patrons may either have one drink with their food and then leave, or they could come back for more food/drinks. This depends on whether they are ordering for takeaway or to consume on the premises (our external area).

Would it be possible to extend the hours of the external area use from 20:00 to 22:00, to match with the opening hours on our application? Aside from this minor amendment, we would be happy to agree to all three conditions.

I look forward to hearing back from you, thanks again!

Kind regards,

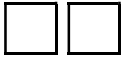
Jamal Mohammed
Marketing & Operations Manager
Ida's Kitchen Ldn

[REDACTED]

[REDACTED]

271 Poyser St, London, E2 9RF

idaskitchenldn.co.uk



The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

On Wed, Feb 28, 2024 at 11:58 AM Nicola Cadzow <[REDACTED]> wrote:

Good morning Ida,

Thank you for your email.

I am not sure why you were unable to get through.

Your premises is in Brick Lane Cummulative Impact Zone, so there is a greater emphasis on the applicant to show how they will comply with the licensing objectives. From Environmental Protection purposes I am looking at the licensing objective for the prevention of public nuisance. If you are selling alcohol are you advising that patrons will have one drink with a sandwich and then leave. Will patrons not be coming back into your shop for another drink?. There is a concern with patrons congregating outside you premises with or without food, drinking.

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time amended to read: **The external area shall not be used after 20:00 hours, except for seated patrons permitted to eat and drink, and shall be limited to 6 persons at any one time.**
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance

If you are not willing to agree with all three conditions proposed (including the amended condition 2)

regards

Nicola Cadzow

Environmental Protection Officer

Communities Directorate

From: Ida's Kitchen Ldn <[REDACTED]>
Sent: Tuesday, February 27, 2024 4:34 PM
To: Nicola Cadzow <[REDACTED]>
Cc: [REDACTED]; Licensing [REDACTED]>
Subject: Re: 166573 - New premises licence application for Ida's Kitchen, 271 Poyser Street, London, E2 9RF

Hi Nicola,

Thanks for your email.

I've tried to call the number in your signature above, but haven't been able to reach you. Just wanted to discuss the points above, to clarify how exactly we can apply them to our specific operation - as for example, we will not have people temporarily leaving and re-entering the premises, as outlined in the second point. Please see below a brief description of what it is we do/plan to do once we receive our licence:

We operate our main business from this premises, Ida's Kitchen - our family run and owned catering company est 1999. We have also recently launched a new venture called Focaccia Mia, whereby we sell sandwiches and other takeaway food items from this same premises. The premises licence we are applying for is to offer alcoholic beverages alongside our sandwiches and other food items for our new venture Focaccia Mia. We do not have indoor seating, but instead have a few stools set up in front of our premises. So our customers will either be purchasing food and drinks to takeaway or to enjoy standing/sitting in front of our premises.

I look forward to hearing back from you - thanks in advance!

Kind regards,

Jamal Mohammed

Marketing & Operations Manager

[REDACTED]
 [REDACTED]
 271 Poyser St, London, E2 9RF
 idaskitchenldn.co.uk



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On Mon, Feb 26, 2024 at 11:06 AM Nicola Cadzow <[REDACTED]> wrote:

Good morning Ida Buglione

I am reviewing your new premises licence application for Ida's Kitchen, 271 Poyser Street, London, E2 9RF ref 166573, with particular attention to licensing objective for the prevention of public nuisance, and wish for the following noise conditions to apply as follows, particularly when considering the premises is in Bethnal Green Cumulative Impact Zone as follows:-

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.

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

Await your confirmation of 1-3 above

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



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Appendix 8

Corinne Holland

From: MARK.J.Perry [redacted]
Sent: 02 Februar 2024 11:44
To: info [redacted]
Cc: Licensing
Subject: RE: Proposed Conditions Ida's Kitchen 271 Poyser St

Follow Up Flag: Follow up
Flag Status: Completed

Dear Jamal,

Thanks for agreeing conditions, Tower Hamlets Council Licensing please see conditions below agreed with the applicant.

Kind Regards

Mark



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

Email [redacted]
A: Licensing Office, 1st Floor Stoke Newington Police Station



From: Ida's Kitchen Ldn [redacted]
Sent: 29 January 2024 12:58
To: Perry Mark J - CE-CU [redacted]
Subject: Re: Proposed Conditions Ida's Kitchen 271 Poyser St

Hi Mark,

Nice speaking with you too - thanks for the call and for your help clarifying exactly what is expected/required by us.

I can confirm that we agree with the terms outlined above. As briefly discussed, we will be re-submitting our application Tue/Wed this week, hopefully meeting all the requirements this time around, with the kind help from yourself and Corinne.

Please let me know if you need anything else from us at all.

Kind regards,

Jamal Mohammed

Marketing & Operations Manager
Ida's Kitchen Ldn

- [Redacted]
- [Redacted]
- 271 Poyser St, London, E2 9RF
- idaskitchenldn.co.uk



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On Mon, Jan 29, 2024 at 12:19 PM <[Redacted]> wrote:

Hi Jamal,

Good to speak to you earlier, please see the discussions we discussed on the phone, if they are acceptable please reply and I will let Tower Hamlets Council Licensing know that we have agreed terms.

Should you have any questions please feel free to contact me.

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) any faults in the CCTV system, searching equipment or scanning equipment;
- f) any refusal of the sale of alcohol;
- g) any visit by a relevant authority or emergency service.

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

5. 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.

Kind Regards

Mark



PC Mark Perry

Central East Licensing Unit



Metropolitan Police Service (MPS)



Email 

A: Licensing Office, 1st Floor Stoke Newington Police Station



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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

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 11

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

Updated December 2022

Public nuisance

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

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

Appendix 12

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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

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

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.

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

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

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

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

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
 - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only;
 - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away); and,
 - Have arrangements to prevent vertical drinking, for example fully seated venues.

- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .

- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

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

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

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

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

Figure One

Brick Lane area:

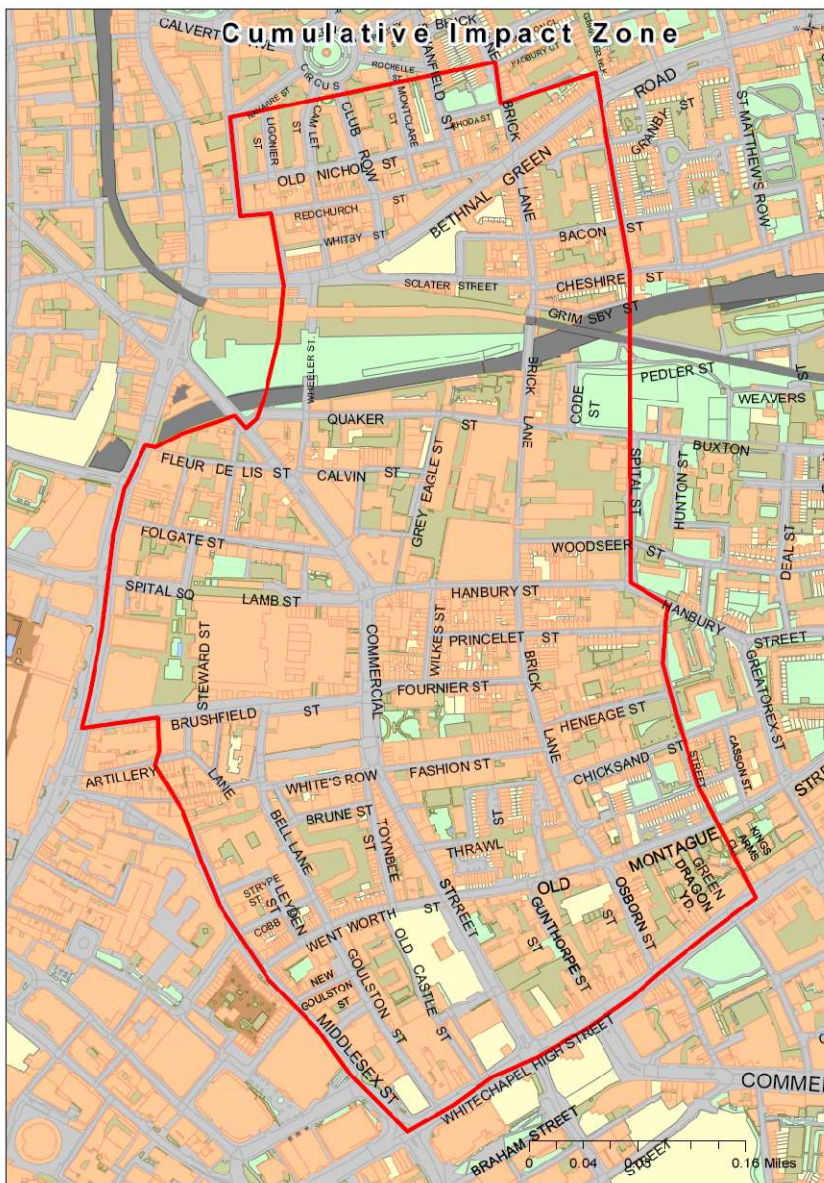
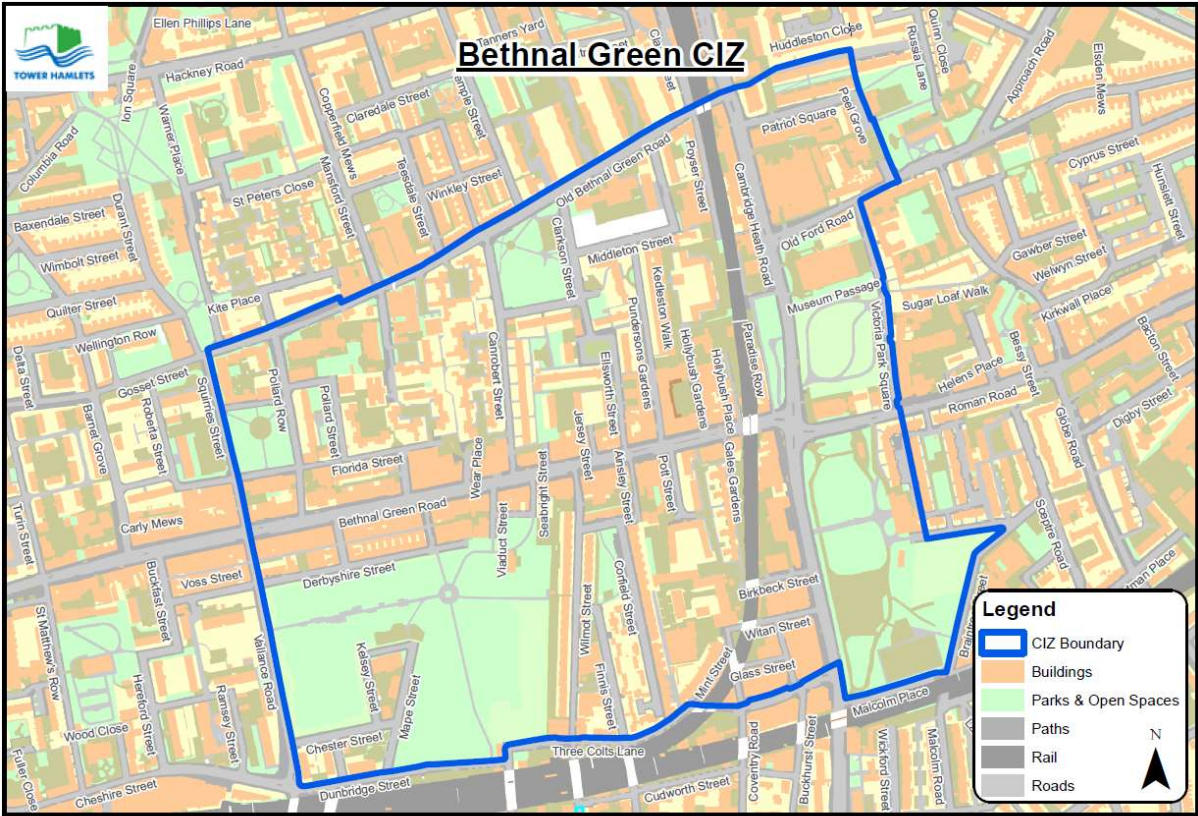


Figure Two:

Bethnal Green Area



Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 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 14

Planning

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

Agenda Item 4.2

Committee: Licensing Sub-Committee	Date 11 April 2024	Classification Unclassified	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health and Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (Captain Kidd), 108 Wapping High Street, London E1W 2NA Ward affected: St Katharine's and Wapping
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1.0 Summary

Licence holder:	Samuel Smith (Southern)
Name and Address of Premises:	Captain Kidd 108 Wapping High Street London E1W 2NA
Licence sought:	Licensing Act 2003 - variation <ul style="list-style-type: none">• Extend the times for the sale of alcohol
Representations:	Residents / resident's association

2.0 Recommendations

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

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

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

3.0 Background

3.1 This is an application for a variation of a variation of a premises licence for (Captain Kidd), 108 Wapping High Street, London E1W 2NA.

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

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

- *Monday to Saturday, from 11:00 hrs to 23:00 hrs*
- *Sunday, from 11:00 hrs to 22:30 hrs*

The opening hours of the premises

- *There are no restrictions on the hours during which this premises is open to the public (24 hours a day)*

Non-standard times (refer to licence for other times)

- *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).*

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

“Captain Kidd is a traditional Samuel Smith pub. This application is to remove all hours currently stated on the Premises Licence for the sale of alcohol, replace with standard hours Sunday to Thursday 11:00 to 23:00, extend the hours on Friday and Saturday until midnight and to add non-standard timings to extend for New Year's Eve”.

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

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

- *Monday to Thursday, from 11:00 hrs to 23:00 hrs (No change)*
- *Friday and Saturday, from 11:00 hrs to 00:00 hrs (midnight)*
- *Sunday, from 11:00 hrs to 23:00 hrs (No change)*

The opening hours of the premises

- *There are no restrictions on the hours during which this premises is open to the public (24 hours a day)*

Non-standard times

- *To end the hours from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.*

4.0 **Location and Nature of the premises**

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

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

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

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 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. It was last revised in December 2023.

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

6.0 **Representations**

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.

- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Gary Lee - **(Appendix 7)**
 - Helene Thill - **(Appendix 8)**
 - Stuart Thomson - **(Appendix 9)**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - London Fire Brigade
 - Planning Department
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objective(s), particularly the prevention of public nuisance and the prevention of crime and disorder.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

7.1 No existing conditions.

8.0 Conditions proposed by the applicant

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

8.2 *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.*

8.3 *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.*

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

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

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

8.6 *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.

- 8.7 *A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.*
- 8.8 *The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.*
- 8.9 *No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 07:00 hours on the following day.*
- 8.10 *No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 hours and 07:00 hours on the following day.*
- 8.11 *During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.*
- 8.12 *A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

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 31st 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.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>

9.2 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

9.3 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.4 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)

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

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

10.0 In **Appendices 10 - 15** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

11.0 **Legal Comments**

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

12.0 **Finance Comments**

12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy of the existing licence
Appendix 2	A copy of the variation application
Appendix 3	Maps of the venue
Appendix 4	Photographs showing vicinity of the venue
Appendix 5	Details of nearest licensed venues
Appendix 6	Home Office concerning relevant, vexatious and frivolous representations
Appendix 7	Representation of Gary Lee
Appendix 8	Representation of Helene Thill
Appendix 9	Representation of Stuart Thomson
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress Problems
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading

Appendix 1

(Captain Kidd)
108 Wapping High Street
London
E1W 2NA

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 9th August 2005

Amended Minor Variation: 18th May 2010



Part A - Format of premises licence

Premises licence number

26766

Part 1 - Premises details

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

108 Wapping High Street

Post town

London

Post code

E1W 2NA

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. 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

There are no restrictions on the hours during which this premises is open to the public

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

On and off sales only

Part 2

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

Samuel Smith Southern
[REDACTED]

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

01345661

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

Ashle Kendall
[REDACTED]

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

[REDACTED]

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

$$P = D + (D \times V)$$
 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
- (a)(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.

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

N/A

Annex 4 - Plans

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

28 June 2005



Part B - Premises licence summary

Premises licence number

26766

Premises details

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

108 Wapping High Street

Post town

London

Post code

E1W 2NA

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
On Good Friday, 12 noon to 10.30 p.m.
On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
On New Year's Eve from the end of permitted hours to the start

The opening hours of the premises	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.
	There are no restrictions on the hours during which this premises is open to the public

Name, (registered) address of holder of premises licence	Samuel Smith Southern [REDACTED]
--	-------------------------------------

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

Registered number of holder, for example company number, charity number (where applicable)	01345661
--	----------

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

State whether access to the premises by children is restricted or prohibited	No
--	----

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Samuel Smith (Southern)

(Insert name(s) of applicant)

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

Premises licence number 26766

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Captain Kidd 108 Wapping High Street			
Post town	London	Postcode	E1W 2NA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£73,000

Part 2 – Applicant details

Daytime contact telephone number	c/o [REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
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			

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)

Captain Kidd is a traditional Samuel Smith pub. This application is to remove all hours currently stated on the Premises Licence for the sale of alcohol, replace with standard hours Sunday to Thursday 11:00 to 23:00, extend the hours on Friday and Saturday until midnight and to add non-standard timings to extend for New Year's Eve.

Currently there are no additional conditions attached to the Premises Licence, if the application for a full variation is granted, we would ask for the proposed conditions, as stated in the attached Annex A, be added to the Premises Licence to better uphold the Licensing Objectives.

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

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <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 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			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
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			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>																							
				Outdoors	<input type="checkbox"/>																							
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Both
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			<u>Please give further details here</u> (please read guidance note 5)																									
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)																									
			<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)																									

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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed			<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)		
Thur					
Fri					
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

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	11:00	23:00						
Tue	11:00	23:00						
Wed	11:00	23:00						
Thur	11:00	23:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	00:00						
Sat	11:00	00:00						
Sun	11:00	23:00						

To end the hours from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None.</p>

Please tick as appropriate

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

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

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

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

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

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

b) The prevention of crime and disorder

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

c) Public safety

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

d) The prevention of public nuisance

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

e) The protection of children from harm

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

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. **ONLINE APPLICATION LA TO SERVE**
- 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	2 February 2024
Capacity	Keystone Law, Solicitors for and on behalf of the applicant

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) Marilyn Gayle Keystone Law 48 Chancery Lane			
Post town	London	Post code	WC2A 1JF
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

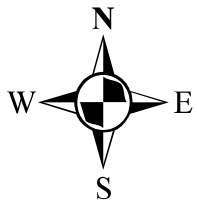
THE CAPTAIN KIDD
108 WAPPING HIGH STREET, LONDON E1W 2NA

ANNEX A – PROPOSED CONDITIONS

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. 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. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 07:00 hours on the following day.
10. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 hours and 07:00 hours on the following day.
11. 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.
12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.


Appendix 3



Map1




Legend

 Local Land and Property Gazetteer

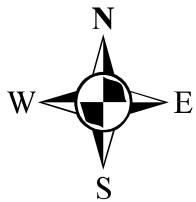
 OS Buildings

Ward Boundaries

 Ward Boundaries

LAP Boundaries

 LAP Boundaries



Map 1



Legend

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

Appendix 4

Premises photos: (Captain Kidd), 108 Wapping High Street, London E1W 2NA



Premises photos: (Captain Kidd), 108 Wapping High Street, London E1W 2NA



Appendix 5

Nearest licences: (Captain Kidd), 108 Wapping High Street, London E1W 2NA

Name and address	Licensable activities and hours	Opening hours
<p>(Town of Ramsgate) 62 Wapping High Street London E1W 2PN</p>	<p>The sale by retail of alcohol (On and off sales)</p> <p>a) Monday to Sunday from 09:00 hours until midnight.</p> <p>b) 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).</p> <p>The provision of live music:</p> <p>a) Monday to Sunday from 19:00 hours until 23:00 hours.</p> <p>b) On no more than fifteen non-standard timings per year including bank holidays from 10:00 hours until 02:00 am. Notification to be given to the Police, Licensing Authority and Environmental Health 7 days prior to the event. Permission must be sought and granted by the police at least 7 days in advance, for these hours to be applied.</p> <p>The provision of Recorded Music:</p> <p>a) Sunday to Wednesday from 09:00 hours until midnight</p> <p>b) Thursday to Saturday from 09:00 hours until 01:00 hours the following day</p> <p>c) On no more than fifteen non-standard timings per year including bank holidays from 10:00 hours until 02:00 am. Notification to be given to the Police, Licensing Authority and Environmental Health 7 days prior to the event. Permission must be sought and granted by the police at least 7 days in advance, for these hours to be applied.</p>	<p>a) Sunday, Monday, Tuesday and Wednesday:- 09:00 hours to 00:30 hours the following day</p> <p>b) Thursday, Friday and Saturday:- 09:00 hours to 01:30 hours the following day</p> <p>On permitted non-standard timings from 10:00 hours until 02:30 am.</p> <p>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.</p>

Nearest licences: (Captain Kidd), 108 Wapping High Street, London E1W 2NA

<p>(Urban Baristas) 138 Wapping High Street London E1W 3PA</p>	<p><u>The sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Friday, from 11:30 hrs to 23:00 hrs • Saturday, from 09:00 hrs to 23:00 hrs • Sunday, from 09:00 hrs to 22:30 hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 07:00 hrs to 23:30 hrs
<p>(Smiths by the River) 22 Wapping High Street London E1W 1NJ</p>	<p><u>Sale of Alcohol by retail. (On sales only)</u> Monday to Thursday 10:00 hours – 23:00 hours Friday & Saturday 10:00 hours – midnight Sunday 10:00 hours – 22:30 hours</p> <p><u>Late Night Refreshment</u> Friday & Saturday 10:00 hours – midnight</p>	<p>Monday to Thursday 10:00 hours – 23:30 Friday & Saturday 10:00 hours – 00:30 the following day Sunday 10:00 hours – 23:00 hours</p>

Appendix 6

**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 7

Dear Sir/Madam,

I am writing to make a formal representation against the application for a premises variation at the Captain Kidd Public House 108 Wapping High Street E1W 2NE which includes extending the Captain Kidd's license to midnight on Friday and Saturday, as well as extended hours on Sunday. As residents of St. John's Wharf, we are deeply concerned about the impact this extension will have on the immediate residents and local community. I must emphasize a critical factor that complicates matters: the landlord of the Captain Kidd Public House also owns the rental apartment block, New Tower Buildings, directly opposite the pub, through affiliate companies. This creates an inherent conflict of interest, as we understand that residents of New Tower Buildings are hesitant to voice their complaints directly to the council or landlord, fearing repercussion related to their tenancy agreements. Despite this challenge, I urge the local council to consider the following points when considering the application to extend the operating hours of the venue:

1. Heightened Noise levels and Disturbance:

The proposed extension is expected to result in heightened noise levels during the night, particularly around closing times and up to an hour post-closing with groups regularly congregating on the street and pavement, with frequent yelling and boisterous outbursts from inebriated patrons of the pub. This disturbance directly impacts the peace and tranquillity of the immediate residential area.

Residents have bedroom windows facing directly into the pub courtyard and street entrance. We all deserve a quiet environment for rest, especially families with young children and elderly individuals. Unfortunately, the current late night activities already negatively affect our overall quality of life and extended hours will further impact the well-being of residents.

During warmer summer months, we find ourselves unable to open our windows due to constant sleep disturbances caused by noise.

Our attention is drawn to two critical aspects:

- o Sound Amplification Inside the Pub Courtyard: The confined space within the courtyard between the street entrance and pub entrance exacerbates noise levels, especially during closing hours when patrons spill out.
- o Acoustic Attenuation in the Narrow Street: Resonances in the narrow street contribute to elevated noise levels as people exit the property and wait for onward transportation.

2. Traffic Congestion:

Narrow Section of Wapping High Street: The proposed late-night license has the potential to attract more visitors to an already narrow section of Wapping High Street. The limited road space exacerbates traffic congestion, especially as you would expect more patrons to be waiting for taxis and mini cabs rather than using public transport past midnight.

Impact on 100 Bus Route: The increased traffic could significantly affect the 100-bus route. Buses in the past have been forced to mount pavements to navigate around taxis and minicabs waiting for patrons. Such manoeuvres endanger pedestrians and disrupt the smooth flow of traffic.

Horn Noises and Inconvenience: The constant honking due to congestion creates noise pollution, disturbing residents' peace, and well-being. Additionally, residents accessing parking spaces face inconvenience as crowds, often intoxicated, gather at our garage entrances especially during periods of inclement weather.

3. Behaviour of Staff and Management

The unwillingness and/or motivation of Captain Kidd's staff to address unruly behaviour, particularly among large groups, is a significant concern. During closing hours, patrons often spill out onto the narrow street, beer glasses in hand, waiting for taxis and minicabs. This situation is exacerbated by the noise amplification caused by the tall buildings surrounding the pub.

We frequently experience shouting and unruly behavior, which disrupts the peace of our residential area. Despite the "Please be quiet, this is a residential area" signage we have erected, staff allow patrons to exit the premises with drinks and glasses. These patrons continue drinking outside the pub and near the entrance to our garages after closing time.

On several occasions, we have engaged with the Captain Kidd's management regarding lock-ins and other issues. Unfortunately, our interactions have been met with abusive behaviour. We can provide video evidence of the pub manager swearing and verbally abusing us when we confronted him about noise levels and patrons drinking beyond midnight. 4. Safety Concerns

Rowdy Behaviour and Alcohol-Related Incidents: The extended hours may lead to rowdier behaviour among patrons, especially during busier periods like summer. Such behaviour poses risks to both visitors and residents. Alcohol related incidents can escalate, affecting not only the pub's patrons but also those living nearby.

Empty Bottles and Safety Hazards: Patrons leaving the Captain Kidd often discard empty bottles carelessly near the entrance of our building's garages during closing times. This not only creates an eyesore but also poses a safety hazard. Broken glass and litter endanger residents and passersby, especially in the narrow street where the pub is located.

Public Urination in our Garage Entrances: Equally distressing is the misuse of the garage entrance area as a public restroom. The smell and unsanitary conditions resulting from this behaviour are unacceptable. Regular cleaning by our building manager becomes necessary to maintain hygiene and prevent health risks. For the record, the Captain Kidd Public House does not share the same historic significance as iconic pubs like the Prospect of Whitby and the Town of Ramsgate. Unlike those establishments, the Captain Kidd Public House was opened in the 1980s after the St. John's Wharf apartments were converted for residential use. It should not receive any special dispensation as a historic pub or listed building. It is essential to recognize that the area surrounding the Captain Kidd Public House is primarily residential. As residents, we respect the coexistence of pubs and residential spaces, understanding that pubs inherently generate noise. Living adjacent to a pub, we can reasonably accept that some level of disturbance is inevitable. However, we urge the local council to strike a balance between preserving the pub's character and ensuring the wellbeing of residents. Noise management and prevention of public nuisance should be paramount, and the proposed premises variation has the potential to exacerbate the issues mentioned above within this representation. Therefore, we implore the local council to:

1. **Independently Assess the Situation:** Conduct an impartial assessment of the impact of the license extension on residents, considering both the pub's interests and the community's well-being.
2. **Transparent Decision-Making:** Ensure transparency in the decision-making process, considering the unique circumstances of the landlord's dual ownership.
3. **Community Consultation:** Engage directly with residents in a wider catchment, bypassing the landlord, to gather feedback on the license extension. Anonymous channels for complaints would be particularly helpful.

4. Mitigation Measures: If the license extension proceeds, implement strict noise control measures, require security personnel during busy periods to discourage unruly behaviour, traffic management, and safety protocols to minimize adverse effects on residents. In conclusion, we urge the local council to act in the best interests of the community, considering the complexities arising from the pub landlord's dual role. Thank you for your attention to this matter and we trust that the local council will prioritise residents' well-being and address our concerns effectively when considering the application.

Yours sincerely,

Gary Lee



Appendix 8

Mohshin Ali

From: H  l  ne Thill [REDACTED]
Sent: 01 March 2024 18:08
To: Licensing
Subject: Representation - Ref CLC/EHTS/LIC/166599

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

I am opposing the project of Captain Kidd Public House (108 Wapping High Street London E1W 2NE) to extend their opening hours to midnight on Fridays and Saturdays as per their application to vary a premises licence under the Licensing Act 2003.

My representation is justified by the public nuisance that will generate their extended hours. I live in the building ([REDACTED]) next to Captain Kidd. At 11pm, when they close, their customers tend to stay outside for further loud chats which is already impacting our lives (I have 3 children who need to sleep at 11pm). Extending the opening hours will exacerbate the problem by keeping their neighboring awake even later.

I thank you in advance for your consideration.

Best regards,
Helene Thill

[REDACTED]

Appendix 9

Mohshin Ali

From: Thomson, Stuart [REDACTED]
Sent: 29 February 2024 19:01
To: Licensing
Cc: Duncan McLauchlan [REDACTED]; Frank Farnham
[REDACTED] 'Craig Dewar' Ximena Arana; gary lee; Dan Goldsack;
Norman.Beckman [REDACTED] Norman Beckman;
anna.sanhedrin [REDACTED]
Subject: Representation ref: CLC/EHTS/LIC/166599
Attachments: Representation ref CLC_EHTS_LIC_166599 Premises licence variation Captain Kidd
Public House.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dear Tower Hamlets Council Licensing Department,

I hope this email finds you well. I am writing on behalf of the St. John's Wharf Freehold Limited, 104-106 Wapping High Street E1W 2PR to formally express our objection to the application to vary the premises licence at the Captain Kidd Public House 108 Wapping High Street E1W 2NE (REF: CLC/EHTS/LIC/166599), specifically related to the extension of operating hours. As residents in the immediate vicinity, we believe it is essential to voice our concerns regarding this matter.

Our primary objections are as follows:

1. **Noise Disturbance:**
 - The extended hours are expected to result in heightened noise levels during the night, particularly around closing times and up to an hour post-closing.
 - Residents, including families with young children and elderly individuals, deserve a quiet environment for rest. Unfortunately, the narrow street and pub courtyard amplifies noise due to the surrounding tall buildings.
2. **Quality of Life Impact:**
 - The late-night activities already negatively impact our overall quality of life. We find ourselves unable to open our windows, especially in the busier summer months, due to constant sleep disturbances caused by noise from the pub's patrons.
 - Extending closing times will further exacerbate our quality of life, as it is reasonable to expect heightened noise levels well beyond midnight.
3. **Safety Considerations:**
 - Safety hazards may arise from rowdy behavior and alcohol-related incidents during extended hours.
 - Patrons leaving the Captain Kidd often urinate and discard empty bottles carelessly while congregating near the entrance of our building's garages, posing both an eyesore and a safety risk.

We have attached a detailed letter outlining our representation and objections. We kindly request that the council carefully consider the impact of this license extension on our community.

Thank you for your attention to this matter. We trust that the council will prioritize the well-being of residents and maintain the peace and tranquillity of our residential area.

Yours sincerely,

Stuart Thomson [REDACTED] on behalf of the Directors of St. Johns Wharf (cc'd in this email)

Invesco Asset Management Limited, Company No. 949417, Firm Reference No. 122674
Invesco Fund Managers Limited, Company No. 898166, Firm Reference No. 119298
Invesco Pensions Limited, Company No. 3507379, Firm Reference No. 188249
Invesco UK Services Limited, Company No. 06649814
Invesco UK Limited, Company No. 3004959

The first two listed companies are authorised and regulated by the Financial Conduct Authority. The third company is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. All companies are registered in England and Wales with their registered offices at Perpetual Park, Perpetual Park Drive, Henley-on-Thames, Oxfordshire, RG9 1HH, United Kingdom. UK Group VAT No. 245 055 771.

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My ref: CLC/EHTS/LIC/166599

28th February 2024

Dear Sir/Madam,

We are writing to make a formal representation against the application for a premises variation at the Captain Kidd Public House 108 Wapping High Street E1W 2NE which includes extending the Captain Kidd's license to midnight on Friday and Saturday, as well as extended hours on Sunday. As residents of St. John's Wharf, we are deeply concerned about the impact this extension will have on the immediate residents and local community.

I must emphasize a critical factor that complicates matters: the landlord of the Captain Kidd Public House also owns the rental apartment block, New Tower Buildings, directly opposite the pub, through affiliate companies. This creates an inherent conflict of interest, as we understand that residents of New Tower Buildings are hesitant to voice their complaints directly to the council or landlord, fearing repercussion related to their tenancy agreements.

Despite this challenge, I urge the local council to consider the following points when considering the application to extend the operating hours of the venue:

1. Heightened Noise levels and Disturbance:

- The proposed extension is expected to result in heightened noise levels during the night, particularly around closing times and up to an hour post-closing with groups regularly congregating on the street and pavement, with frequent yelling and boisterous outbursts from inebriated patrons of the pub. This disturbance directly impacts the peace and tranquillity of the immediate residential area.
- Residents have bedroom windows facing directly into the pub courtyard and street entrance. We all deserve a quiet environment for rest, especially families with young children and elderly individuals. Unfortunately, the current late-night activities already negatively affect our overall quality of life and extended hours will further impact the well-being of residents.
- During warmer summer months, we find ourselves unable to open our windows due to constant sleep disturbances caused by noise.
- Our attention is drawn to two critical aspects:
 - *Sound Amplification Inside the Pub Courtyard:* The confined space within the courtyard between the street entrance and pub entrance exacerbates noise levels, especially during closing hours when patrons spill out.
 - *Acoustic Attenuation in the Narrow Street:* Resonances in the narrow street contribute to elevated noise levels as people exit the property and wait for onward transportation.

2. Traffic Congestion:

- *Narrow Section of Wapping High Street:* The proposed late-night license has the potential to attract more visitors to an already narrow section of Wapping

High Street. The limited road space exacerbates traffic congestion, especially as you would expect more patrons to be waiting for taxis and mini cabs rather than using public transport past midnight.

- *Impact on 100 Bus Route:* The increased traffic could significantly affect the 100-bus route. Buses in the past have been forced to mount pavements to navigate around taxis and minicabs waiting for patrons. Such manoeuvres endanger pedestrians and disrupt the smooth flow of traffic.
- *Horn Noises and Inconvenience:* The constant honking due to congestion creates noise pollution, disturbing residents' peace, and well-being. Additionally, residents accessing parking spaces face inconvenience as crowds, often intoxicated, gather at our garage entrances especially during periods of inclement weather.

3. Behaviour of Staff and Management

- The unwillingness and/or motivation of Captain Kidd's staff to address unruly behaviour, particularly among large groups, is a significant concern. During closing hours, patrons often spill out onto the narrow street, beer glasses in hand, waiting for taxis and minicabs. This situation is exacerbated by the noise amplification caused by the tall buildings surrounding the pub.
- We frequently experience shouting and unruly behavior, which disrupts the peace of our residential area. Despite the "Please be quiet, this is a residential area" signage we have erected, staff allow patrons to exit the premises with drinks and glasses. These patrons continue drinking outside the pub and near the entrance to our garages after closing time.
- On several occasions, we have engaged with the Captain Kidd's management regarding lock-ins and other issues. Unfortunately, our interactions have been met with abusive behaviour. We can provide video evidence of the pub manager swearing and verbally abusing us when we confronted him about noise levels and patrons drinking beyond midnight.

4. Safety Concerns

- *Rowdy Behaviour and Alcohol-Related Incidents:* The extended hours may lead to rowdier behaviour among patrons, especially during busier periods like summer. Such behaviour poses risks to both visitors and residents. Alcohol-related incidents can escalate, affecting not only the pub's patrons but also those living nearby.
- *Empty Bottles and Safety Hazards:* Patrons leaving the Captain Kidd often discard empty bottles carelessly near the entrance of our building's garages during closing times. This not only creates an eyesore but also poses a safety hazard. Broken glass and litter endanger residents and passersby, especially in the narrow street where the pub is located.
- *Public Urination in our Garage Entrances:* Equally distressing is the misuse of the garage entrance area as a public restroom. The smell and unsanitary conditions resulting from this behaviour are unacceptable. Regular cleaning by our building manager becomes necessary to maintain hygiene and prevent health risks.

For the record, the Captain Kidd Public House does not share the same historic significance as iconic pubs like the Prospect of Whitby and the Town of Ramsgate. Unlike those establishments, the Captain Kidd Public House was opened in the 1980s after the St. John's Wharf apartments were converted for residential use. It should not receive any special dispensation as a historic pub or listed building.

It is essential to recognize that the area surrounding the Captain Kidd Public House is primarily residential. As residents, we respect the coexistence of pubs and residential spaces, understanding that pubs inherently generate noise. Living adjacent to a pub, we can reasonably accept that some level of disturbance is inevitable. However, we urge the local council to strike a balance between preserving the pub's character and ensuring the well-being of residents. Noise management and prevention of public nuisance should be paramount, and the proposed premises variation has the potential to exacerbate the issues mentioned above within this representation.

Therefore, we implore the local council to:

1. **Independently Assess the Situation:** Conduct an impartial assessment of the impact of the license extension on residents, considering both the pub's interests and the community's well-being.
2. **Transparent Decision-Making:** Ensure transparency in the decision-making process, considering the unique circumstances of the landlord's dual ownership.
3. **Community Consultation:** Engage directly with residents in a wider catchment, bypassing the landlord, to gather feedback on the license extension. Anonymous channels for complaints would be particularly helpful.
4. **Mitigation Measures:** If the license extension proceeds, implement strict noise control measures, require security personnel during busy periods to discourage unruly behaviour, traffic management, and safety protocols to minimize adverse effects on residents.

In conclusion, we urge the local council to act in the best interests of the community, considering the complexities arising from the pub landlord's dual role. Thank you for your attention to this matter and we trust that the local council will prioritise residents' well-being and address our concerns effectively when considering the application.

Yours sincerely,

Directors of St. John's Wharf Freehold Limited and Residents of [REDACTED]
Wapping [REDACTED]

- Hamid & Nima Noorizadeh. [REDACTED]
- Fraser Armstrong-Watters. [REDACTED]
- Ximena Arana Paredes & Stuart Thomson. [REDACTED]
- Anthony William Robinson. [REDACTED]
- Mr Matt Long & Ms Sally Long. [REDACTED]
- Mr Domique Thill & Ms Helene Thill. [REDACTED]
- Mr Dan Goldsack & Ms C Collier. [REDACTED]
- Mr James Mackie. [REDACTED]
- Mr Duncan C McLauchlan. [REDACTED]

- Tariq & Emma Aris. [REDACTED]
- Mr Gary Lee. [REDACTED]
- Mr A Al Sharif. [REDACTED]
- Mr & Mrs N Beckman. [REDACTED]
- Mr Frank Farnham. [REDACTED]
- Craig Dewar. [REDACTED]
- Mr S & Mrs E M Beale. [REDACTED]

Appendix 10

Noise while the premise is in use

General Advice

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 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 11

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 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 12

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 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 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 14

Planning

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

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

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