



Licensing Sub Committee

Agenda

**Tuesday, 25 June 2024 at 6.30 p.m.
Committee Room - Tower Hamlets Town Hall,
160 Whitechapel Road, London E1 1BJ**

Contact for further enquiries:

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

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



Public Information

Viewing or Participating in Committee Meetings

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

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

Meeting Webcast

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A Guide to Licensing Sub Committee

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

Public Engagement

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

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 25 June 2024

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

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

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

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

2. RULES OF PROCEDURE (PAGES 9 - 18)

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

3. ITEMS FOR CONSIDERATION

- 3.1 Application for a New Premise Licence for (Sainsbury's) 409 - 413 Mile End Road London E3 4PB (Pages 19 - 94)**
- 3.2 Application for a New Premise, Vittoria Wharf Studio, 10 Stour Road, London E3 2NT (Pages 95 - 192)**
- 3.3 Application for a Variation of a premises licence for Slurp Noodles Spitalfields Ground Floor and Basement 60-62 Commercial Street London E1 6LT (Pages 193 - 274)**



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

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

Next Meeting of the Licensing Sub Committee

Tuesday, 9 July 2024 at 2.00 p.m. to be held in Committee Room - Tower Hamlets
Town Hall, 160 Whitechapel Road, London E1 1BJ



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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: | 14th June 2016 |
| Reviewed By: | Senior Corporate and Governance Legal Officer |
| Approved By: | Licensing Committee |
| Date Approved: | 14th June 2016 |
| Version No. | 1 |
| Document Owner: | Paul Greeno |
| Post Holder: | Senior Corporate and Governance Legal Officer |
| Date of Next Scheduled Review: | 31st 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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Agenda Item 3.1

| | | | | |
|--|----------------------|---------------------------------------|------------|-----------------|
| Committee: Licensing Sub Committee | Date 25 June 2024 | Classification Unrestricted | Report No. | Agenda Item No. |
|--|----------------------|---------------------------------------|------------|-----------------|

| | |
|--|--|
| Report of: Ashraf Ali Interim Director of Public realm Originating Officer: Lavine Miller-Johnson Licensing Officer | Title: Licensing Act 2003 Application for a new Premise Licence for (Sainsbury's) 409 – 413 Mile End Road London E3 4PB Ward affected: Bow West |
|--|--|

1.0 Summary

| | |
|-------------------------------|---|
| Applicant: | Sainsbury's Supermarket Ltd |
| Name and Address of Premises: | Sainsbury's 409-413 Mile End Road London E3 4PB |
| Licence sought: | Licensing Act 2003 Sale by retail of Alcohol (off sales) |
| Objectors: | Residents & Ward Councillor |

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Lavine Miller-Johnson
020 7364 2665

3.0 **Background**

3.1 This is an application for a new Premise Licence for (Sainsbury's) 409 – 413 Mile End Road London E3 4PB.

3.2 The applicant has described the premises as: *A convenience store.*

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

3.4 The hours applied for are as follows:

Sale of Alcohol (off sales only)

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

Opening times

Monday – Sunday 24 hours a day

4.0 **Location and Nature of the premises**

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

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

4.3 Photographs of the premises 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 13**
- 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.

| | | |
|------------------------|----------------------------------|-------------|
| David Berridge | resident | Appendix 6 |
| Danny Boyle | resident | Appendix 7 |
| Grace Boyle | resident | Appendix 8 |
| Cllr Nathalie Bienfait | Ward Cllr (Green Party Bow West) | Appendix 9 |
| Gail Stevens | resident | Appendix 10 |
| John White | resident | Appendix 11 |

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

days and will be made available subject to compliance with data protection legislation to the police for inspection on request.

4. The system must be able to export recorded images to a removable means e, g, CD/ DVD and have its own software enabled to allow playback / review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display on any recording the correct time and date of the recording.
7. The applicant will at all times maintain adequate levels of staff and security such staff and security levels will be disclosed on request to the licencing authority and the police.
8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
9. The premises licence holder will ensure that an age verification policy will be applied to the premises whereby all cashier's will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years old (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the police – **Appendix 12**

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. CCTV will cover any external automated teller machines installed inside or outside of the premises.
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. Any faults will be reported internally by this staff member and logged as soon as practicable.

3. 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.
4. An incident log shall be kept by the licence holder, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.

9.0 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 13-17** 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 6-11 | Representations from residents & Ward Councillor |
| Appendix 12 | Conditions agreed with the Police |
| Appendix 13 | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations |
| Appendix 14 | Licensing Officer comments on public nuisance |
| Appendix 15 | S182 advice on public nuisance |
| Appendix 16 | Licensing Policy relating to hours of trading |
| Appendix 17 | Planning |

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Appendix 1

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

Applying as an individual

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

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

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

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

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /

dd mm yyyy

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

dd mm yyyy

Provide a general description of the premises

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

A convenience store located at 409-413 Mile End Road, London, E3 4PB.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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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

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NA

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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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 (£)

635.00

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.

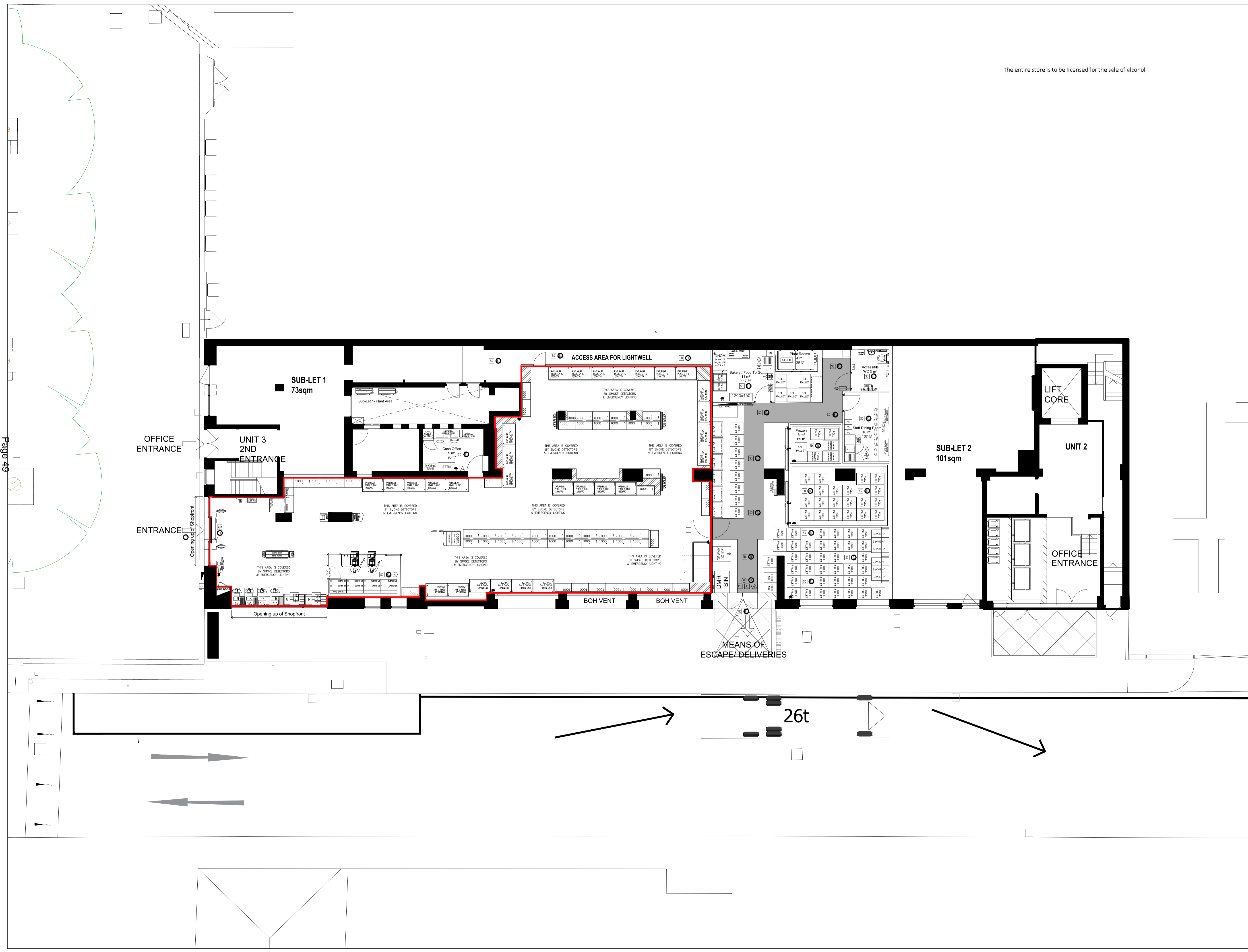
Don't forget to make sure you have all your supporting documentation to hand.

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



The entire store is to be licensed for the sale of alcohol

NOTES

DO NOT SCALE

REVISIONS

| NO. | DESCRIPTION |
|-----|-------------|
| | |
| | |
| | |

LEGEND

| SYMBOL | DESCRIPTION |
|--------|---|
| PB | PUSH BAR |
| FS | FIREMANS SWITCH |
| CA | FIRE ALARM CALL POINT |
| EW | FIRE EXTINGUISHER WATER |
| EF | FIRE EXTINGUISHER FOAM |
| ED | FIRE EXTINGUISHER DRY POWDER |
| EC | FIRE EXTINGUISHER CARBON DIOXIDE |
| BL | FIRE BLANKET |
| AM | AFFF MULTIPURPOSE EXTINGUISHER |
| FR | FIRE FIGHTING HOSE REEL |
| ED | FIRE EXIT DOORS |
| ASD | AUTOMATIC SLIDING DOORS |
| MSL | DOORS WITH ELECTRO MAGNETIC LOCKS |
| E | EXIT SIGN (RUNNING MAN) |
| SM | SMOKE DETECTOR CEILING MOUNTED |
| HFD | HIDDEN FIRE DETECTOR |
| FAB | FIRE ALARM BELL |
| FAP | FIRE ALARM PANEL |
| SP | AUTOMATIC SPRINKLER POINTS |
| ELP | EMERGENCY LIGHTING POINT |
| ELI | EMERGENCY LIGHTING ILLUMINATED EXIT BOX |

0000
MILE END

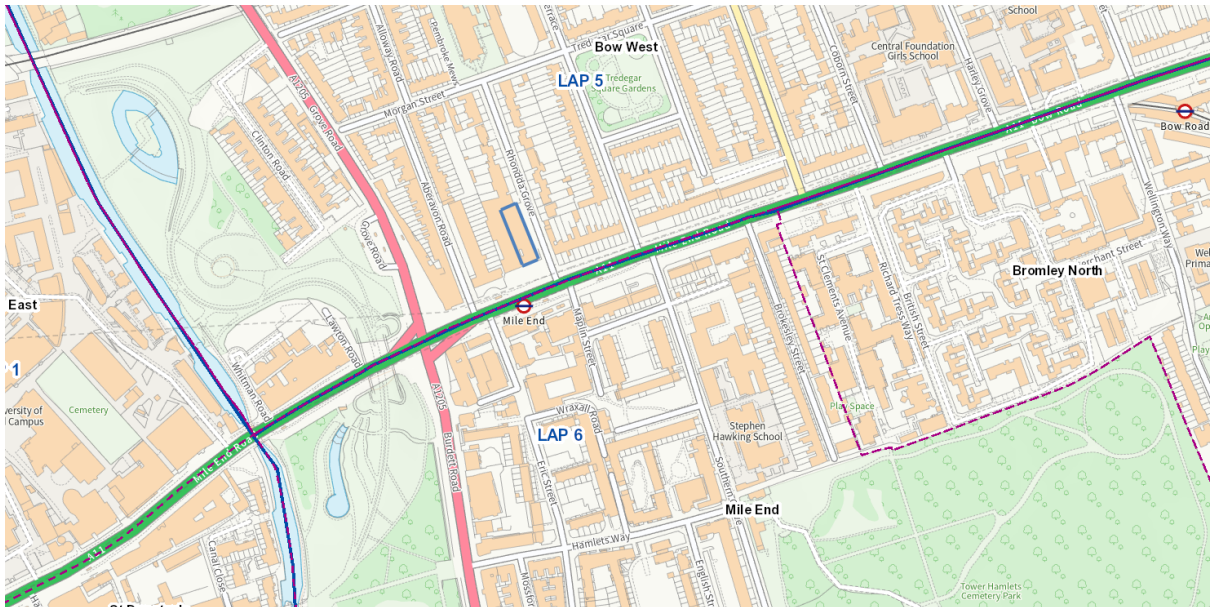
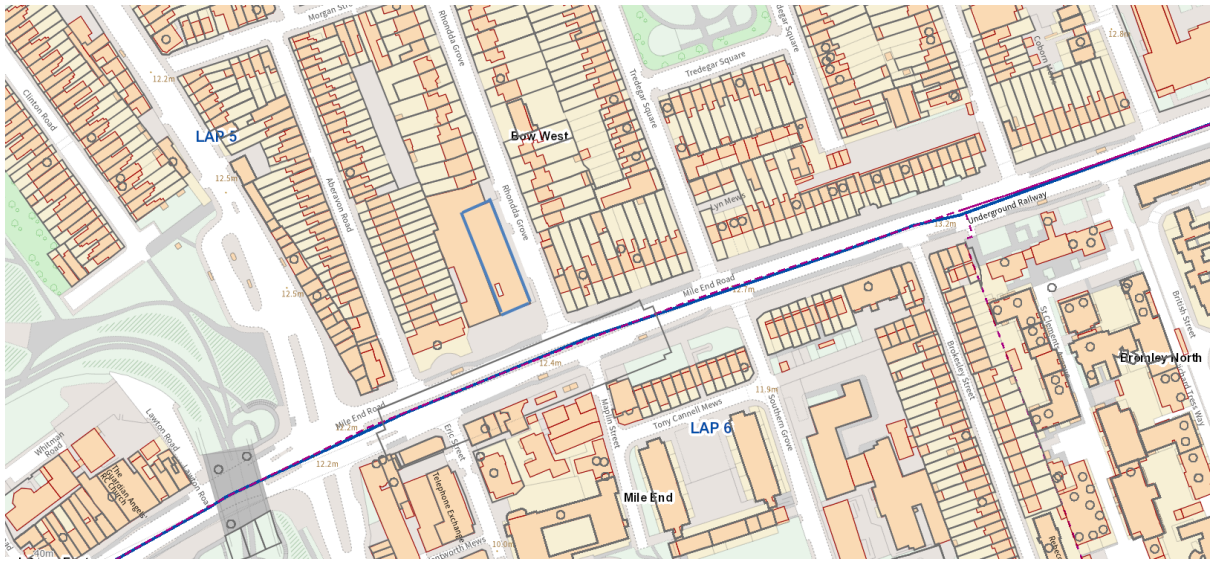
PROPOSED
GROUND FLOOR
STORE PLAN

| | |
|---|-----------------------|
| LICENSING MANAGER JOANNE SURGUY | AGENCY CAD |
| DRAWING CREATION 28.02.2024 | SCALE 1:100 |
| DRAWING NUMBER 0000G01-I | REVISION - |

Sainsbury's
 STORE DEVELOPMENT GROUP, SAINSBURY'S SUPERMARKETS LTD
 33 HORSBORN LONDON, EC1N 2PT
 TELEPHONE - 020 7695 6000 FAX - 020 7695 7610

Appendix 3

Map of the surrounding area



Appendix 4

Photographs of the premises



Licensing Act 2003
Application for a Premises Licence

Name of Applicant: Sainsbury's Supermarkets Ltd

Address: Sainsbury's, 409-413 Mile End Road
Tower Hamlets, London, E3 4PB

Licensing Authority: London Borough of Tower Hamlets Council

Licensing Authority Address: Licensing Team, London Borough of Tower Hamlets, Tower Hamlets Town Hall, 1 Whitechapel Road, London, E1 1BJ
(where a record of the application may be inspected during normal office hours)

Licensing Authority Website: www.towerhamlets.gov.uk

The applicant has applied to the Licensing Authority for a premises licence for the above premises for the following licensable activities:

To allow the sale of alcohol to be between the hours of 0700 and 2300 daily for consumption off the premises

Any person or responsible authority (as defined by the Licensing Act 2003) may make representations to the Licensing Authority no later than 1 April 2024.

Any representations made to the Licensing Authority must be in writing.

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is an unlimited fine.

Winckworth Sherwood LLP,
Arbor, 255 Blackfriars Road, London, SE1 9AX
Ref: AGS/26508/02174/RPB
Solicitors and authorised agents for the applicant.

Dated: 4 March 2024



Appendix 5

| Premises | Licensable Activities | Opening Hours |
|--|---|---|
| (The Bancroft Arms) 410 Mile End Road London E1 4RQ | 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). On and off sales | There are no restrictions on the hours during which this premises is open to the public |
| (Sainsbury's) 420 – 430 Mile End Road London E1 4PE | The sale by retail of alcohol <ul style="list-style-type: none"> • Monday to Sunday 07:00hrs to 24:00hrs (midnight) Off sales | Monday to Sunday 00:00hrs to 24:00hrs (24 hours a day) |
| (Nando's) 552 Mile End Road London E3 4PL | <u>Late Night Refreshment</u> Monday to Sunday 23:00 hours – midnight <u>Sale of Alcohol.</u> Monday to Sunday 11:00 hours – midnight On and off sales | Monday to Sunday 11:00 hours – 00:30 hours the following day |
| Rooster's Piri Piri) 558 Mile End Road London | Supply of Alcohol <ul style="list-style-type: none"> ▪ Monday to Saturday from 10:00 hours to midnight ▪ Sunday from 12:00 hours to midnight | <ul style="list-style-type: none"> ▪ Monday to Sunday from 10:00 hours to midnight |

| | | |
|--|---|--|
| E3 4PL | <p>Late Night Refreshment</p> <ul style="list-style-type: none"> ▪ Monday to Sunday until midnight <p>Regulated Entertainment</p> <p><u>Live music</u></p> <ul style="list-style-type: none"> ▪ Monday to Sunday from 20:00 hours to midnight <p><u>Recorded music</u></p> <ul style="list-style-type: none"> ▪ Monday to Sunday from 20:00 hours to midnight <p>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> <p>On and off sales</p> | |
| <p>Food Sale Express Ltd) 564A Mile End Road Bow London E3 4PH</p> | <p>The sale by retail of alcohol</p> <p>Monday to Sunday from 08:00 hours to 01:00 hours the following day.</p> | <p>Monday to Sunday from 08:00 hours to 01:00 hours the following day.</p> |
| <p>Kebabish) 564b Mile End Road London E3 4PH</p> | <p><u>The provision of late night refreshment</u></p> <p>Monday to Sunday from 23:00 hours to 01:00 hours the following day.</p> | <p>Monday to Sunday from 23:00 hours to 01:00 hours the following day.</p> |
| <p>Fast Food Corner) 572 Mile End Road London</p> | <p>The provision of late night refreshment</p> <p>Sunday to Thursday from 23:00 hours to 01:00 hours Friday and Saturday from 23:00 hours to 02:00 hours</p> | <p>Sunday to Thursday from 23:00 hours to 01:00 hours Friday and Saturday from 23:00 hours to 02:00 hours</p> <p>Christmas Eve and New Year's Eve from 23:00 hours to 02:00 hours</p> |

| | | |
|---|--|--|
| E3 4PH | Christmas Eve and New Year's Eve from 23:00 hours to 02.00 hours | No restrictions |
| Rusty Bike 588 Mile End Road London E3 4PH | The sale by retail of alcohol: (on and off sales) Monday to Wednesday 11:00 hours to 23:00 hours Thursday to Saturday 11:00 hours to midnight Sunday 12 midday to 23:00 hours On and off sales | Monday to Wednesday 11:00 hours to 23:30 hours Thursday to Saturday 11:00 hours to 00:30 hours Sunday 12:00 hours to 23:30 hours |

Appendix 6

Kathy Driver

From: David Berridge [REDACTED]
Sent: 01 April 2024 23:29
To: Licensing
Subject: Fwd: Objection - Premises Licence - 409-413 Mile End Road, E3 4PB, Reference M/167271

This is a repeat of my earlier e-mail, but with my Name, Address and telephone number attached. Sorry for the duplication.

This is a formal Objection to the proposed Premises Licence at 409-413 Mile End Road, E3 4PB, Reference M/167271.

The objection concerns increased traffic, noise, parking, hours of use & deliveries, and litter. Non of which were considered at all at the planning application stage.

I think the results of the proposed new supermarket will be as follows. These reductions in residential amenity will be greater as a result of a Premises Licence, but are not wholly attributable to the Licence. However, several have implications for public nuisance, public safety and the protection of children.

INTRODUCTION Rhondda Grove is a quiet residential street already coping with high stress from vans from Gateway, parking by Gateway, and use as a rat-run through to Tredegar Road and the A12 Motorway.

Rhondda Grove is the main street used by many pedestrians to reach Mile End Station from the North, and is often used by classes of school children going on outings.

On Mondays to Fridays Gateway has between 10 and 15 transit type vans arrive in the street and park, presumably while the receive their tasks for the day.

Currently Gateway staff and customers park on the narrow strip between the building and the street. There is an unusually long cross-over there of about 55 metres in length. Perhaps because the kerb is not particularly well marked, vans and cars often park partially or wholly across the pavement.

Gateway are not leaving the building, so this situation will worsen.

TRAFFIC: There will be increased traffic due to deliveries, Deliveroo and similar, and shopping by car.

Deliveries: Other supermarkets on Mile End Road receive deliveries on Mile End Road, usually late at night, when parking on Mile End Road is not problematic. In this instance there is both a pedestrian crossing and a bus stop which prevent parking on Mile End Road.

So the proposal is to have deliveries in Rhondda Grove.

Whilst the delivery doors are not opposite houses, they are very close to 31, 31a and 31b.

Furthermore, that end of Rhondda Grove is often full of parking at that time, particularly, for example during Diwali at the Hindu Pragati Sangha at 32 & 33 Rhondda Grove.

So delivery lorries will often have to park in the middle of the road, thus blocking it, causing problems for everyone, but especially for Emergency Services.

No time restrictions were placed on deliveries at the Planning stage, so they could take place at any time during the night.

Deliveroo and similar. Mopeds and motorbikes used by these delivery drivers will bring extra noise to the area.

They will tend to congregate on the spacious area in front of the supermarket, causing a nuisance by their number (who will be waiting for orders), and a danger by both biking around the forecourt and onto and off it.

Shopping by car. Other supermarkets do not have a quiet residential street nearby, in which shoppers from Zone B can park with no parking restrictions, and others can park freely outside Mon-Fri 08:30 to 17:30. This will encourage more traffic and more competition for parking spaces.

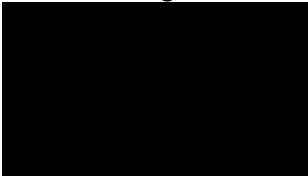
NOISE All the above will contribute to a noisier environment in Rhondda Grove, possibly leading to

PARKING The lack of consideration about deliveries will cause more parking problems, as will additional people parking to shop.

HOURS OF USE & DELIVERIES These issues have been covered above, save that a large delivery vehicle may not be able to exit Rhondda Grove Northwards because of the narrow turns, and might be tempted to reverse into Mile End Road.

LITTER Currently people in cars buy food at local take-aways, eat the food in their cars, and then drop their unwanted food and packaging before leaving. The new supermarket will exacerbate this problem.

David Berridge



Appendix 7

Kathy Driver

From: Development Control
Sent: 02 April 2024 09:53
To: Licensing
Subject: FW: 409-413 Mile End Road

From: Danny Boyle [REDACTED]
Sent: Monday, April 1, 2024 10:30 PM
To: Development Control [REDACTED]
Subject: 409-413 Mile End Road

This is a formal Objection to the proposed Premises Licence at 409-413 Mile End Road, E3 4PB, Reference M/167271.

The objection concerns increased traffic, noise, parking, hours of use & deliveries, and litter. Non of which were considered at all at the planning application stage.

I think the results of the proposed new supermarket will be as follows. These reductions in residential amenity will be greater as a result of a Premises Licence, but are not wholly attributable to the Licence. However, several have implications for public nuisance, public safety and the protection of children.

INTRODUCTION Rhondda Grove is a quiet residential street already coping with high stress from vans from Gateway, parking by Gateway, and use as a rat-run through to Tredegar Road and the A12 Motorway.

Rhondda Grove is the main street used by many pedestrians to reach Mile End Station from the North, and is often used by classes of school children going on outings.

On Mondays to Fridays Gateway has between 10 and 15 transit type vans arrive in the street and park, presumably while they receive their tasks for the day.

Currently Gateway staff and customers park on the narrow strip between the building and the street. There is an unusually long cross-over there of about 55 metres in length. Perhaps because the kerb is not particularly well marked, vans and cars often park partially or wholly across the pavement.

Gateway are not leaving the building, so this situation will worsen.

TRAFFIC: There will be increased traffic due to deliveries, Deliveroo and similar, and shopping by car.

Deliveries: Other supermarkets on Mile End Road receive deliveries on Mile End Road, usually late at night, when parking on Mile End Road is not problematic. In this instance there is both a pedestrian crossing and a bus stop which prevent parking on Mile End Road.

So the proposal is to have deliveries in Rhondda Grove.

Whilst the delivery doors are not opposite houses, they are very close to 31, 31a and 31b.

Furthermore, that end of Rhondda Grove is often full of parking at that time, particularly, for example during Diwali at the Hindu Pragati Sangha at 32 & 33 Rhondda Grove.

So delivery lorries will often have to park in the middle of the road, thus blocking it, causing problems for everyone, but especially for Emergency Services.

No time restrictions were placed on deliveries at the Planning stage, so they could take place at any time during the night.

Deliveroo and similar. Mopeds and similar motorbikes used by these delivery drivers will bring extra noise to the area

They will tend to congregate on the spacious area in front of the supermarket, causing a nuisance by their number (who will be waiting for orders), and a danger by both biking around the forecourt and onto and off it.

Shopping by car. Other supermarkets do not have a quiet residential street nearby, in which shoppers from Zone B can park with no parking restrictions, and others can park freely outside Mon-Fri 08:30 to 17:30. This will encourage more traffic and more competition for parking spaces.

NOISE All the above will contribute to a noisier environment in Rhondda Grove, possibly leading to

PARKING The lack of consideration about parking deliveries will cause more parking problems, as will additional people parking to shop.

HOURS OF USE & DELIVERIES These issues have been covered above, save that a large delivery vehicle may not be able to exit Rhondda Grove Northwards.

Danny Boyle



Sent from my iPhone

Appendix 8

Kathy Driver

From: Grace Boyle [REDACTED]
Sent: 01 April 2024 22:28
To: Licensing
Subject: Objection to proposed premises licence at 409-413 Mile End Road, Reference M/167271

Follow Up Flag: Follow up
Flag Status: Completed

This is a formal Objection to the proposed Premises Licence at 409-413 Mile End Road, E3 4PB, Reference M/167271.

I am owner and resident of 29 Rhondda Grove. Every room of my house, apart from one, has windows that look into the loading bay of the coming Sainsbury's.

The objection concerns increased traffic, noise, parking, hours of use & deliveries, and litter. Non of which were considered at all at the planning application stage.

I think the results of the proposed new supermarket will be as follows. These reductions in residential amenity will be greater as a result of a Premises Licence, but are not wholly attributable to the Licence. However, several have implications for public nuisance, public safety and the protection of children.

INTRODUCTION Rhondda Grove is a quiet residential street already coping with high stress from vans from Gateway, parking by Gateway, and use as a rat-run through to Tredegar Road and the A12 Motorway.

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Currently Gateway staff and customers park on the narrow strip between the building and the street. There is an unusually long cross-over there of about 55 metres in length. Perhaps because the kerb is not particularly well marked, vans and cars often park partially or wholly across the pavement.

Gateway are not leaving the building, so this situation will worsen.

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No time restrictions were placed on deliveries at the Planning stage, so they could take place at any time during the night.

Deliveroo and similar. Mopeds and motorbikes used by these delivery drivers will bring extra noise to the area. They will tend to congregate on the spacious area in front of the supermarket, causing a nuisance by their number (who will be waiting for orders), and a danger by both biking around the forecourt and onto and off it.

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NOISE All the above will contribute to a noisier environment in Rhondda Grove, possibly leading to

PARKING The lack of consideration about deliveries will cause more parking problems, as will additional people parking to shop.

HOURS OF USE & DELIVERIES These issues have been covered above, save that a large delivery vehicle may not be able to exit Rhondda Grove Northwards because of the narrow turns, and might be tempted to reverse into Mile End Road.

LITTER Currently people in cars buy food at local take-aways, eat the food in their cars, and then drop their unwanted food and packaging before leaving. The new supermarket will exacerbate this problem.

Please confirm receipt of this email.

Grace Boyle



Appendix 9

Kathy Driver

From: Nathalie Sylvia Bienfait
Sent: 29 March 2024 20:03
To: Licensing
Subject: Objection to application ref. M/167271

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing team,

I write to object to the application for a licence to sell alcohol at the planned new Sainsbury's on Mile End Road - application ref. M/167271.

My concerns centre around the following points:

- There are several independent shops locally which will struggle as a result of a supermarket in the area. Specifically, Mile End Food and Wine and Ye Olde Corner Shoppe, My Local 1 and the shops along Roman Road. There is already a plethora of supermarkets in the area, and I strongly believe we should be supporting independent businesses to thrive rather than allowing large chains to dominate.
- There are concerns from local residents who have contacted me since the application has come to light that the sale of alcohol may encourage anti-social behaviour in the area.
- The other shops along Mile End Road, specifically the two Coops have experienced significant shop-lifting in recent months, and the grant of a licence here will make Mile End and Bow even more of a target for this activity.

I hope my objections will be taken on board by the Licensing team and Committee when considering this case. If possible, I would like the chance to address the committee on this matter before they make their decision.

I look forward to hearing from you.

Kind regards,
Nathalie

Cllr Nathalie Bienfait



Please note that I am currently working full time and there may be a delay in responding, but I do my best to handle all enquiries promptly.

Appendix 10

Corinne Holland

From: Gail Stevens [REDACTED]
Sent: 30 March 2024 01:01
To: Licensing
Subject: REF_ AGS_26508_2174 (409-413 Mile End Road)

Hello,

I'm writing as a resident of Rhondda Grove, E3 5AP. I strongly object to this application to make the new Sainsbury's (on the corner of our street) licensing hours 7.00 to 23.00 seven days a week.

I live in the first house next to the Territorial Army forecourt on Rhondda Grove. I have lived there for 27 years. I have been given no notice that a supermarket would open at the end of our road and I have received no response from the Planning Officer as to an explanation for this.

We used to have a real problem with drunks sitting on the wall of the TA forecourt next to my gate day and night when my children were young, discarding their empty cans and bottles in our front garden, and urinating on our gate and fence.

Eventually the Territorial Army management installed lockable gates across the forecourt and the drunks moved elsewhere; things improved.

I am worried that being able to purchase alcohol so close for so many hours seven days a week will mean these problems inevitably return.

Furthermore, we already have a problem with idling traffic and drug dealing from parked cars in Rhondda Grove and will now of course have far more polluting traffic in our street whilst people 'pop' into Sainsbury's.

I am hoping to sell my house as I face limited mobility. I am convinced that these new issues of congestion, increased attendant air pollution, litter, idling cars, noise and mess will decrease the value of my house and people's desire to live in Rhondda Grove.

Furthermore I am at a loss to understand why anyone needs to buy alcohol at 7am?!?

I propose therefore that this Sainsbury's is not allowed to trade 24 hours and that instead it closes its premises every evening at 8pm latest and remains closed until 8am the following morning.

I also propose that any license to sell alcohol should be limited to business hours or less, ie 9 am to 5pm weekdays only.

I urge you to grant my proposal and have some consideration for local residents, particularly those who, like me, live in Rhondda Grove.

Yours faithfully,

Gail Stevens
[REDACTED]

Appendix 11

Lavine Miller-Johnson

From: John [REDACTED]
Sent: 21 March 2024 11:57
To: Licensing
Subject: REF: AGS/26508/2174 (409-413 Mile End Road)

Dear Sir/Madam,

I am writing to formally object to the proposed alcohol sales license for the proposed Sainsbury's at 409-413 Mile End Road . As a resident in the vicinity, I have serious concerns regarding the potential impact associated with alcohol sales at this location as well as the application for 24 hour trading. There are already similar supermarkets nearby (e.g Co-op ~100m, Tesco ~300m, and indeed two other Sainsbury's within 900m). This Supermarket, however, will encourage street parking with folk popping in for a pint of milk etc. This will significantly increase disturbance from vehicular traffic.

1. Noise Disturbance

- Rhondda Grove is a quiet residential street and will be deeply impacted by having a 24/7 supermarket with alcohol on sale 07:00-23:00.
- Due to the road layout, I expect increased traffic to use the neighbouring residential streets of Aberavon Road and Morgan Street to approach and/or drive away from the store. With lots of U turns (as the exit to Rhondda Grove is left turn only)
- The sale of alcohol often leads to increased foot traffic, especially during late hours.
- Noise from customers, delivery trucks, and late-night shoppers will disrupt the peace and tranquility of our residential neighborhood.
- Noise from mopeds zooming 24/7 to pick up Deliveroo and Ubereats orders has not been considered in either this licensing application or the planning application itself.

2. Proximity to Residential Areas

- This Sainsburys is situated close to residential properties within the Tredegar Square Conservation Area.
- The noise generated by alcohol-related activities, such as restocking, loading/unloading, and customer conversations, could significantly affect the quality of life for nearby residents.

3. Public Safety

- Excessive noise can contribute to public safety concerns, especially if it leads to disturbances, altercations, or loitering.
- Our community deserves a safe and peaceful environment.
- The area outside already has considerable issues with pavement parking and I see no plans in place to tackle this. I am concerned this will lead to accidents in the immediate vicinity.



4. Impact on Vulnerable Groups

- Elderly residents, children, and individuals with health conditions may be particularly sensitive to noise disturbances.
- The proposed alcohol sales could adversely affect their well-being.

5. Alternative Solutions

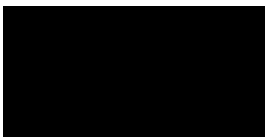
- I urge the council to consider alternative solutions, such as limiting alcohol sales hours or implementing noise reduction measures.
- Balancing commercial interests with community well-being is crucial.

I kindly request that the council thoroughly assess the potential impact of alcohol sales and 24/7 opening and take into account the concerns of local residents. I believe that responsible licensing decisions are essential for maintaining a harmonious neighborhood.

Thank you for your attention to this matter. I trust that you will carefully consider the objections raised by concerned residents.

Sincerely,

John White



Appendix 12

Corinne Holland

From: MARK.J.Perry [REDACTED]
Sent: 04 April 2024 11:53
To: [REDACTED] k Licensing
Cc: [REDACTED]
Subject: RE: Premises License Application Sainsburys Mile End Road

Hi Robert, Andrew,

Apologies for the delay, happy to agree below conditions, I have ccd in Tower Hamlets Council.

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

Kind Regards

Mark



From: Robert Botkai <[REDACTED]>
Sent: 26 March 2024 17:10
To: Perry Mark J - [REDACTED]
Cc: Andrew Sanders [REDACTED]
Subject: RE: Premises License Application Sainsburys Mile End Road

Hi Mark

I have taken instructions and suggested slightly amended conditions below. There are some records which are maintained centrally. I am also not sure that condition 5 is needed for a Sainsbury's store. Sainsbury's does have numerous polices as you can imagine.

- 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. CCTV will cover any external automated teller machines installed inside or outside of the premises.
- 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. Any faults will be reported internally by this staff member and logged as soon as practicable.
- 3) 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.
- 4) An incident log shall be kept by the licence holder, 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.

Many thanks

Robert

From: MARK.J.Perr [REDACTED]
Sent: 25 March 2024 11:47
To: Robert Botkai [REDACTED]
Cc: Andrew Sanders [REDACTED]
Subject: RE: Premises License Application Sainsburys Mile End Road

Hi Robert,

Are you free for a call re this today?

Do you have a direct dial number I can contact you on?

Kind Regards

Mark



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



From: Robert Botkai [redacted]
Sent: 22 March 2024 19:20
To: Perry Mark J - CE-CU <[redacted]>
Cc: Andrew Sanders <[redacted]>
Subject: FW: Premises License Application Sainsburys Mile End Road
Importance: High

Hi Mark

How are you?

In condition 2 can we delete the 2nd sentence? We would not expect to report CCTV faults to the police (if this is what you intended).

Condition 4(f) as above.

Condition 5 seems to have some words missing? I have not seen this condition before!

Can we discuss please?

Thanks

Robert

From: [redacted]
Sent: 22 March 2024 14:08

To: Andrew Sanders <[REDACTED]>
Subject: Premises License Application Sainsburys Mile End Road

Hi Andrew,

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

- 1) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. CCTV will cover any external automated teller machines installed inside or outside of the premises.
- 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. Any faults will be reported by this staff member and logged as soon as practicable.
- 3) 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.
- 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) A compressive crime and disorder, and anti-social behaviour within the store. This policy will document strategies used to help prevent theft and anti-social behaviour. Such a policy will consider things such as SIA security, Product placement, and alarming certain products. This policy is to be reviewed annually by the Designed Premises Supervisor t. This policy will be available on request by the Police or authorised officer.

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

Kind Regards

Mark



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



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Appendix 13

**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 14

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 15

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 16

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 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 17

Planning

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

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Agenda Item 3.2

| | | | | |
|--|--------------------|---------------------------------------|------------|-----------------|
| Committee: Licensing Sub Committee | Date 25 June 24 | Classification Unrestricted | Report No. | Agenda Item No. |
|--|--------------------|---------------------------------------|------------|-----------------|

| | |
|---|---|
| Report of: Tom Lewis Service Manager Regulatory Services (Commercial) Originating Officer: Lavine Miller-Johnson Licensing Officer | Title: Licensing Act 2003 Application for a new Premise, Vittoria Wharf Studio, 10 Stour Road, London E3 2NT Ward affected: Bow East |
|---|---|

1.0 Summary

Applicant: **Vittoria's Secret Limited**

Name and Address of Premises: **Vittoria Wharf Studio**
10 Stour Road
London
E3 2NT

Licence sought: **Licensing Act 2003**
Sale by retail of Alcohol (on sales only)
Provision of Regulated Entertainment

Objectors: **Resident, Police and Environmental Protection**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Lavine Miller-Johnson
020 7364 2665

3.0 **Background**

- 3.1 This is an application for a new Premise Licence for Vittoria Wharf Studio, 10 Stour Road, London, E3 2NT.
- 3.2 The applicant has described the premises as: *Vittoria Wharf Studio is a single room multipurpose studio and event space.*
- 3.3 A copy of the application is shown in **Appendix 1**
- 3.4 The hours applied for are as follows:

Recorded Music (indoors)

Thursday from 23:00 hours to 00:00 hours
Friday & Saturday from 23:00 hours to 01:00 hours

Sale of Alcohol (on sales only)

Monday to Wednesday from 11:00 hours to 23:00 hours
Thursday from 11:00 hours to 00:00 hours
Friday & Saturday from 11:00 hours to 01:00 hours
Sunday from 10:00 hours to 23:00 hours

Opening Hours

Monday – Wednesday from 11:00 hours to 23:30 hours
Thursday from 11:00 hours to 00:30 hours
Friday & Saturday 11:00 hours to 01:30 hours
Sunday 10:00 hours to 23:30 hours

- 3.5 The site plan of the venue is included as **Appendix 2**

4.0 **Location and Nature of the premises**

- 4.1 Maps showing the vicinity are included as **Appendix 3.**
- 4.2 Photographs of the premises are included in **Appendix 4.**
- 4.3 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 August 2023.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 9**
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.

A number of the representations were the same so I have included one copy to save duplication

| | |
|-----------------------|-------------------|
| • Mark Perry (Police) | Appendix 6 |
| • Nicola Cadzow (EHO) | Appendix 7 |
| • Fatos Braha | Appendix 8 |

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home office (Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections relate to:
- Public nuisance
 - Crime & Disorder
 - Public Safety
- 6.12 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

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

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

8. The premises must have a detailed documented security plan that must include but is not limited to an ejections policy, search policy and queue management policy, this document must be made available to police upon request.

9. The premises shall have a written egress policy, that includes but is not limited to, a premises wind down plan (music turned down and lights turned up prior to closing time), and customer dispersal plan. The policy is to be made available to Police upon request.

10. The premises must risk assess all events taking place at the studio, this will include but is not limited to:

- Contacting venues where artists / performers / promoters have performed to see if there have been any issues.
- Looking at social media sites of artists / performers / promoters etc to check that they are consistent with booking details
- Identifying risks such as potential drug use, underage attendees, violence and disorder.

Once potential risks have been identified then mitigation measures must be put in place and documented. The risk assessments must be written down, kept for 1 year and made available to Police upon request.

11. A comprehensive health and safety risk assessment will be in place.

12. A First Aid Kit will be available.

13. Loudspeakers shall not be located in the entrance lobby, or in the external area of the premise,

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

15. The external area shall not be used after 22:30 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time.

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

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

8.0 **Conditions Agreed/Requested by Responsible Authority**

N/A

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 9-16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

| | |
|--------------------|---|
| Appendix 1 | 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 | Police Representation |
| Appendix 7 | Environmental Health Representation |
| Appendix 8 | Resident Representation |
| 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 | Noise whilst the premise is in use |
| Appendix 13 | Licensing Officers comments on crime and disorder |
| Appendix 14 | S182 advice on crim and disorder |
| Appendix 15 | Licensing Policy relating to hours of trading |
| Appendix 16 | Planning |

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Appendix 1



* required information

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Applicant Business

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

Registration number

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

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

Legal status

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

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 Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* 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.

Vittoria Wharf Studio is a single room multi purpose studio and event space. The building is one of the few remaining original warehouse spaces in the Fish Island area of Hackney Wick, the Studio is located on the second floor level in the south east corner of the building.

The building is a three level concrete and brick warehouse with period windows, four on the east and three on the west

Continued from previous page...

facades of the second floor, and a tile roof. Vittoria Wharf Studio has been internally refurbished to a high standard for use as a studio & event space with a kitchenette area & w.c. facilities. The entrance to the studio is via a gate located on Stour Road leading to a ground floor walkway between the warehouse and the footbridge, on the east side of the building there is a metal stairway directly to the second floor from the end of the walkway. At the top of the stairs on the second floor level there is a small metal outdoor balcony area which is used as a smoking area and can comfortably hold 10 people.

To the south of the studio there is the new Stour Road footbridge providing pedestrian access to the Olympic park and on towards Stratford city & Stratford International transport hub, beyond the footbridge is Forman's fish smoking factory. To the east of the studio is the River Lee Navigation canal and the Olympic park. To the north is the creative warehouse units of 10 Stour Road followed by Two More Years cafe bar, lastly to the west are industrial units located between Stour Road and Beachy Road.

The premises is located 10mins walk from Hackney Wick overground station and 20mins walk from Stratford International station transport hub, with 24 hour buses daily and 24 hour tubes on Friday and Saturday nights.

Vittoria Wharf Studio has been operating as a private hire multi function space for over two years, serving a wide range of uses from yoga classes, photo shoots, sound recording & rehearsals to private and corporate event hire. The studio currently has a healthy booking schedule throughout the week and has successfully hosted many weekend private hire events with finishing times up until 2am in the past. This application for a premises licence is to support the growth of the business and make sure that we have the flexibility to grow without breaking the law.

There is currently remedial work being carried out on the access routes due for completion by April 12th, once completed a full review of capacity will be carried out and shared with the responsible authorities & L.F.B. for approval. We are expecting the capacity to be around 110 people, which should be the number considered for this application.

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

Continued from previous page...

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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...

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

Recorded music, live music and any other deregulated activity may take place between the hours of 10:00 and 23:00

State any seasonal variations for playing recorded music

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

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

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

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises
- Off the premises
- Both

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

State any seasonal variations

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

Continued from previous page...

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

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

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

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Continued from previous page...

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

none

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

I have always worked towards the best possible management of Vittoria Wharf Studios and from it's opening I have worked hard to deliver a multi function studio space that benefits the local community and is considerate to nearby businesses and residents.

Alongside the commercial aspect of the studio I have a vision to support the health of the community with a space that is available for local social events, a space where people can come together and feel that they belong. I'm committed to supporting activities where people can come together to celebrate their hobbies and passions, meet new people and enjoy themselves in a safe space. Examples of this are Mens day which is a monthly holistic fitness therapy session where men can come to express their feelings and share with other men. Chess club, another monthly club where people of all ages and backgrounds get together to play chess and other strategy games. Film Club where we show independent films, old movies and documentaries and have group discussion around themes. These activities are not for profit and alcohol free, aimed at enriching the community as a whole. As Hackney Wick continues to develop I hope to be able to grow these events and to provide for new ideas as they arrive, integrating the existing community with the new arrivals.

At present if any booking requests food I forward them on to the kitchens based on the ground floor in the same building, or to the offer made by numerous small local restaurant/cafe businesses. This has proved to be a very successful business model and I intend to maintain these synergistic relationships with the local business community, ultimately meaning I do not require a food prep area or late night refreshment.

I have made this application in order to ensure that I will not be breaking the law with any future bookings, I have asked the local Met Police team for help with this and I have engaged an experienced licensing advisor to assist me with the process.

Based on guidance from my advisor I have prepared Page 118 offered below, I am more than happy to discuss changes of wording and additional conditions with the Responsible Authorities as required. I'm also happy to arrange

Continued from previous page...

meetings with Responsible Authorities at the Studio if it helps.

b) The prevention of crime and disorder

Conditions offered based on previous consultations between my licensing advisor and the Met Police licensing team on other granted licences in Tower Hamlets:

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

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

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

8. The premises must have a detailed documented security policy that must include but is not limited to an ejections policy,

Continued from previous page...

search policy and queue management policy, this document must be made available to police upon request.

9. The premises shall have a written egress policy, that includes but is not limited to, a premises wind down plan (music turned down and lights turned up prior to closing time), and customer dispersal plan. The policy is to be made available to Police upon request.

10. The premises must risk assess all events taking place at the studio, this will include but is not limited to:

- Contacting venues where artists / performers / promoters have performed to see if there have been any issues.
- Looking at social media sites of artists / performers / promoters etc to check that they are consistent with booking details
- Identifying risks such as potential drug use, underage attendees, violence and disorder.

Once potential risks have been identified then mitigation measures must be put in place and documented. The risk assessments must be written down, kept for 1 year and made available to Police upon request.

c) Public safety

11. A comprehensive health and safety risk assessment will be in place.

12. A First Aid Kit will be available;

d) The prevention of public nuisance

13. Loudspeakers shall not be located in the entrance lobby, or in the external area of the premise,

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

15. The external area shall not be used after 22:30 hours, except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time.

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

e) The protection of children from harm

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

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

100.00

DECLARATION

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

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

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

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

* Full name

Thomas Fletcher

* Capacity

Director

* Date

26 / 03 / 2024
dd mm yyyy

Add another signatory

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

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

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

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

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

OFFICE USE ONLY

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

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

Lavine Miller-Johnson

Subject: FW: Precautionary Noise works.

From: Dylan at Vittoria Wharf <[REDACTED]>

Sent: Wednesday, May 15, 2024 4:31 PM

To: Licensing <Licensing@towerhamlets.gov.uk>; Nicola Cadzow <[REDACTED]>

Subject: Precautionary Noise works.

Dear Nicola,

Just thought I would check in with you after our meeting two weeks ago and working with an acoustician consultant. We have already done quite a lot of work and have more scheduled ahead of the hearing. We should have the noise results soon.

We have removed three single pain windows. two at either corner of the building so all flour corners are now equipped with triple glazed acoustic glass. Set inside vacuum sealed metal frames encased in hard sealed wood frames.

Secondly we have replaced one of the other windows with a ultra thick solid fire door equipped with a door closer and we will be covering the end of each of the balcony areas with sound proofing.

Thirdly we have bought a limiter for the in house PA system we rent to people for wedding birthdays ect and we will now insist that they use our speakers and limiter, which we would like to agree a level with ourselves and put in a DB level recorder inside and outside the space.

Fourthly we have bought some heavy double thickness sound curtains and put up hooks down both sides of the building to create a second barrier for the sound not to escape outwards along any wall or window.

Still to happen we are weighting for a quote to insulate the ceiling panels to stop any noise going upwards. Attached are some pictures of the works. Hope your well. Just wanted to drop you a line and let you know we are very much getting into the remedial works and not just gone quite.

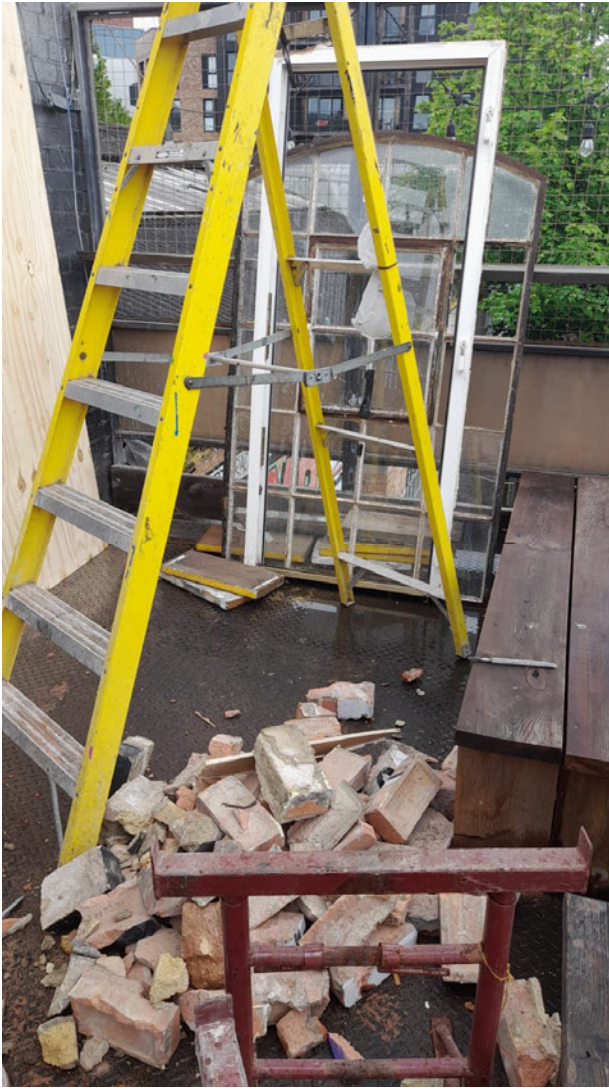
Thanks Tom and Vittoroa wharf studios.





















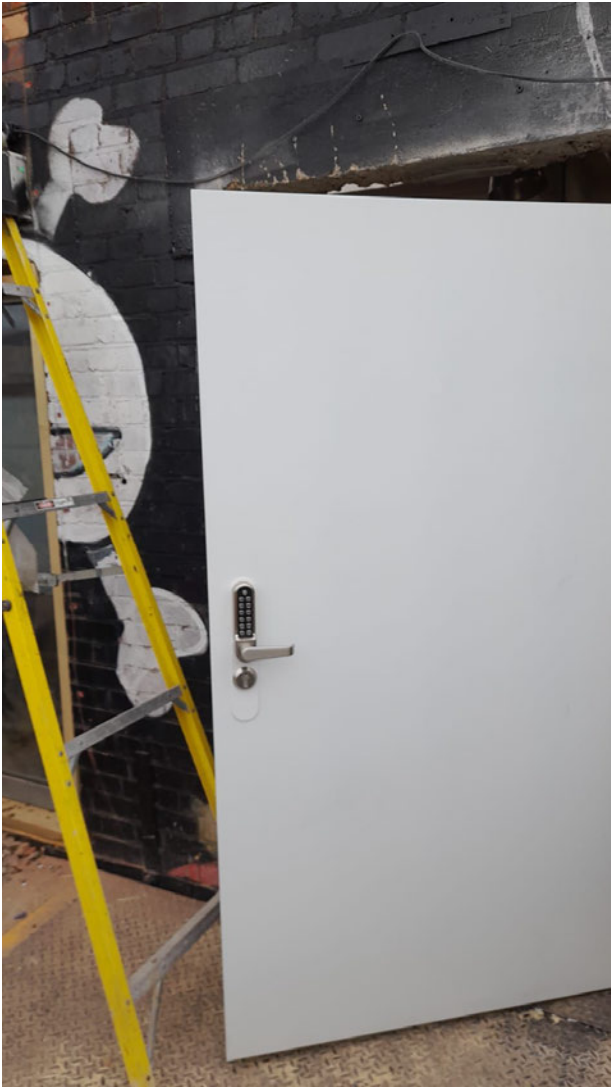


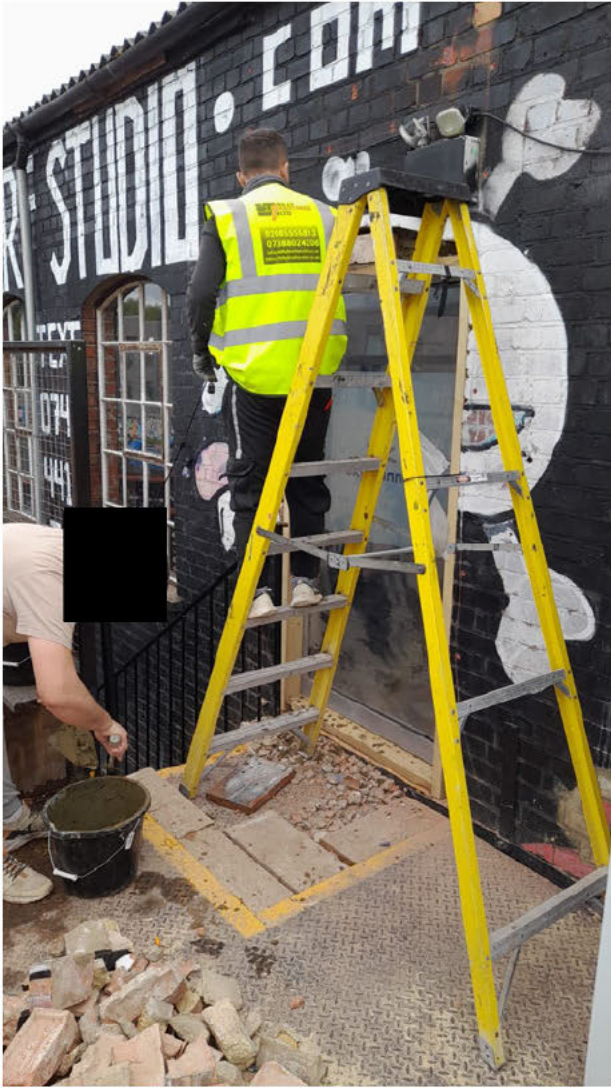


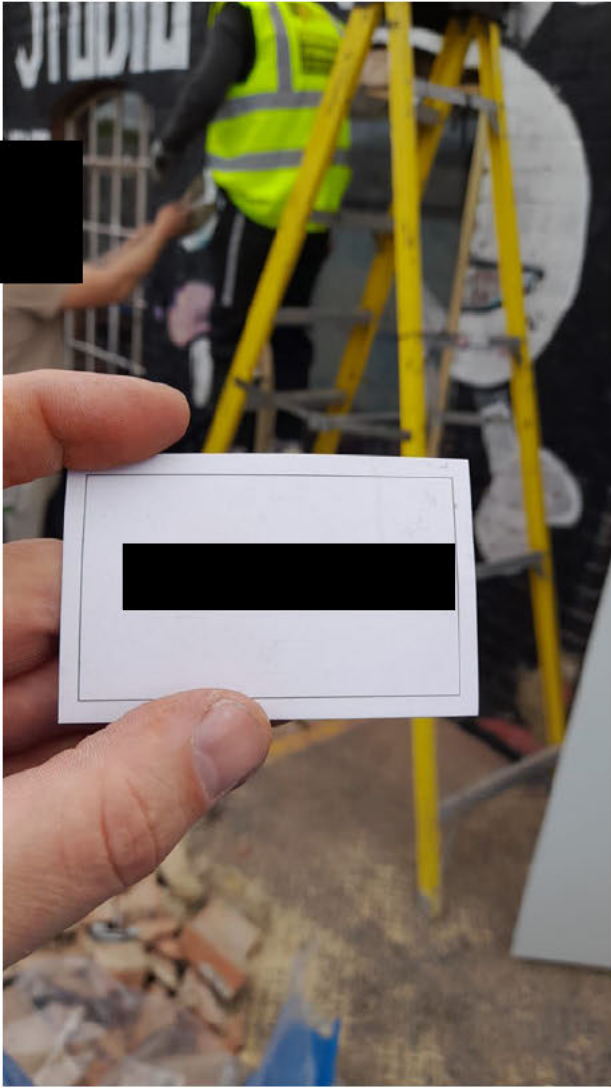






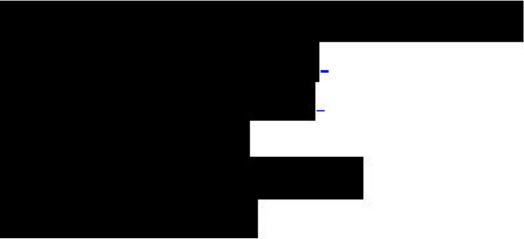








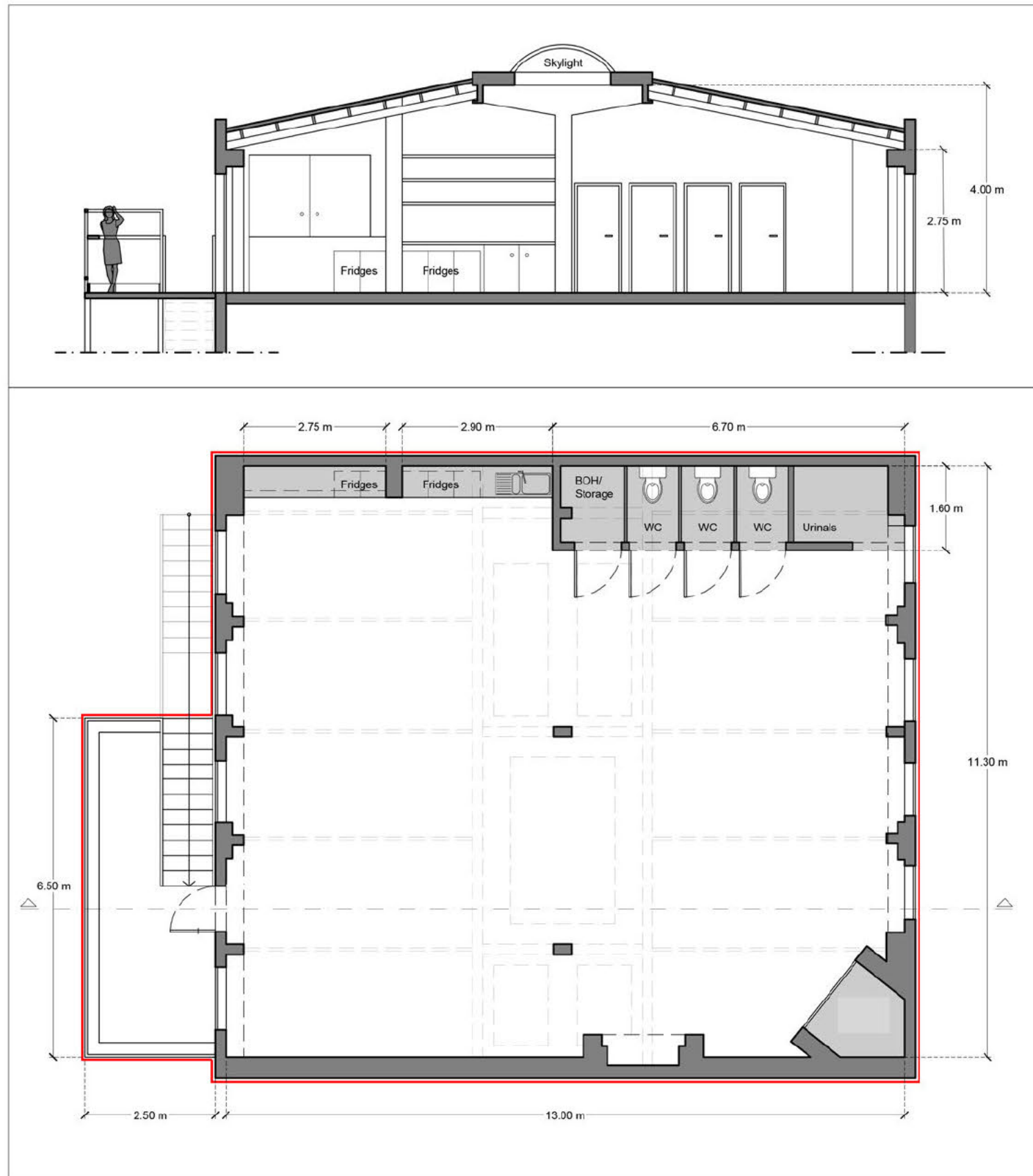
Vittoria Wharf Studio
10 Stour Rd.
Fish Island, London



Appendix 2

VITTORIA WHARF STUDIO PREMISES REDLINE PLAN

Vittoria Wharf Studio, 10 Stour Road, Hackney Wick, E3 2NT

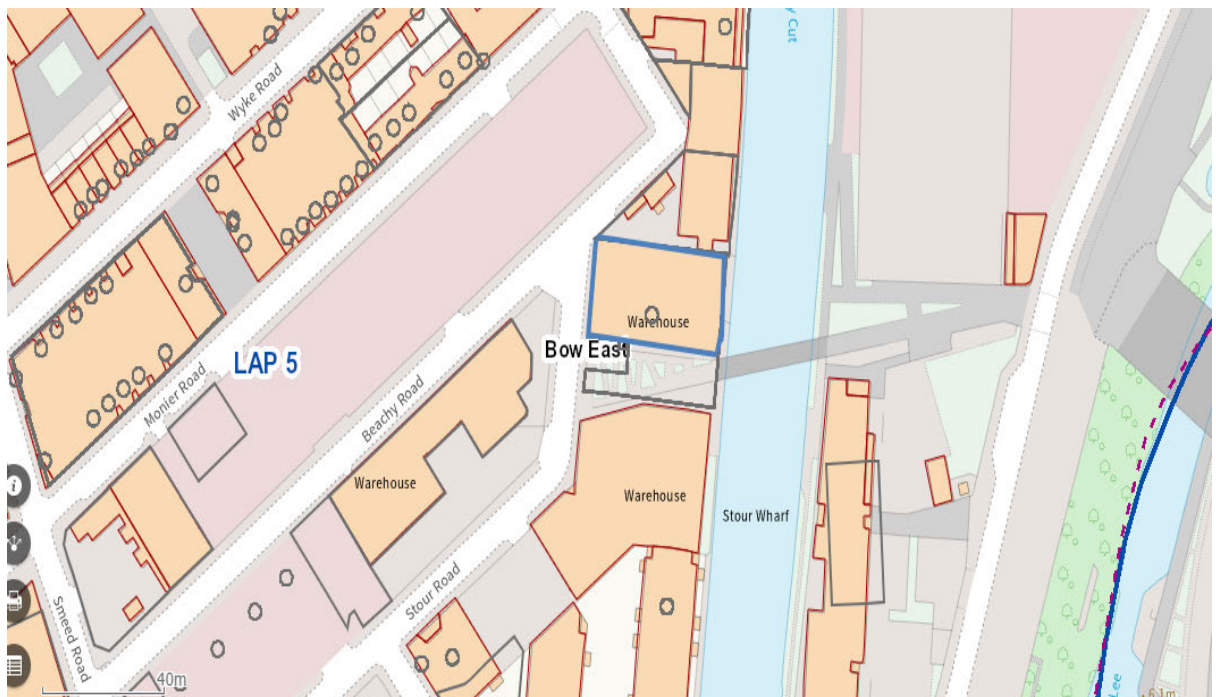
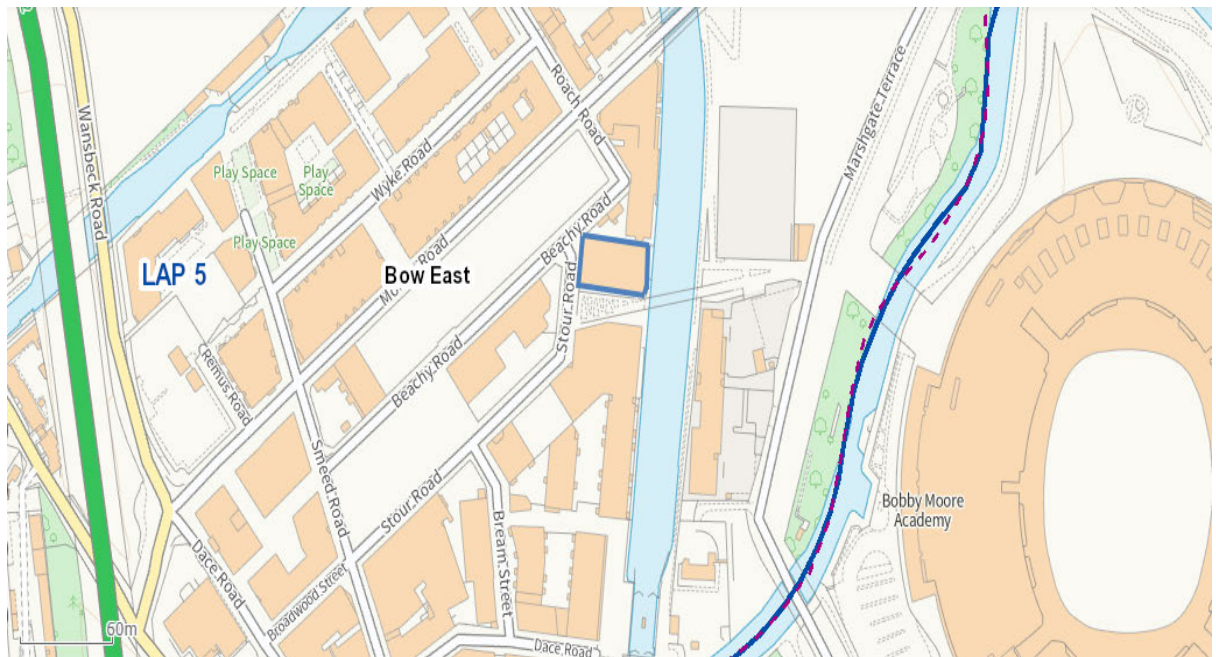


— Premises Redline

| | | |
|--|--------------|--------------------|
| Client: | | |
| Vittoria Wharf | | |
| Project: | | |
| EXISTING SPACE MEASUREMENTS | | |
| Sheet Title: | | |
| VITTORIA WHARF STUDIOS LAYOUT AND SECTION | | |
| Status: | Project No.: | |
| For Information | - | |
| Scale: | Size: | Date: |
| 1 : 100 | A3 | Nov 5, 2023 |
| Drawn: | | |
| IK | | |
| Sheet Number: | Rev.: | |
| - | - | |

Appendix 3

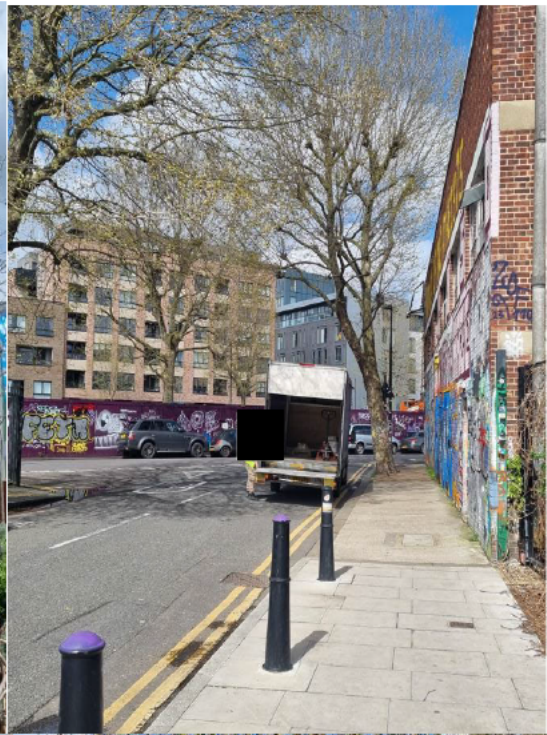
10 Stour Road – Map of surrounding area



Appendix 4

10 Stour Road- Photographs of the premise and surrounding area





Appendix 5

Nearby Licensed Premises

| <u>Premises address</u> | <u>Licensable Hours</u> | <u>Opening Times</u> |
|---|---|--|
| Forman & Field Stour Road London E3 2NT | <p><u>Sale by retail of alcohol (on sales)</u> Monday – Sunday 09:00 hours – 00:30 hours</p> <p><u>Sale by retail of alcohol (off sales)</u> Monday – Sunday 09:00 hours – 22:30 hours</p> <p><u>Late Night Refreshment (inside the premises)</u> Monday – Sunday 23:00 hours – 01:00 hours</p> | Monday – Sunday 09:00 hours – 01:00 hours |
| The Pirate Hub Unit 19 10 Stour Road London E3 2NT | <p><u>Sale of alcohol (on & off sales)</u> Monday – Thursday 07:00 hours – 21:00 hours Friday – Saturday 07:00 hours – 23:00 hours Sunday 07:00 hours – 18:00 hours</p> <p><u>Live Music (indoors)</u> Monday – Thursday 15:00 hours – 21:00 hours Friday – Saturday 15:00 hours – 23:00 hours Sunday 15:00 hours – 18:00 hours</p> <p><u>Recorded music (indoors)</u> Monday – Thursday 07:00 hours – 21:00 hours Friday – Saturday 07:00 hours – 23:00 hours Sunday 10:00 hours – 18:00 hours</p> | Monday – Thursday 07:00 hours – 21:00 hours Friday – Saturday 07:00 hours – 23:00 hours Sunday 07:00 hours – 18:00 hours |
| (Two More Years) 7 Roach Road | <p><u>Sale of alcohol by retail.</u> Sunday to Thursday 09:00 hours – 01:00 hours the following day. Friday and Saturday 09:00 hours – 02:00 hours the following day.</p> | Monday to Sunday 24 hours a day. |

| | | |
|---|---|---|
| | <p><u>Regulated Entertainment.</u> Plays, films and performance of dance. Monday to Sunday 24 hours per day.</p> <p>Indoor sporting Events, boxing or wrestling, live music, recorded music, provision of facilities for making music and provision of facilities for dancing. Sunday to Thursday 09:00 hours – 01:00 hours the following day. Friday and Saturday 09:00 hours – 02:00 hours the following day.</p> <p><u>Late night refreshment.</u> Monday to Sunday 23:00 hours – 05:00 hours the following day.</p> | |
| <p>(Your Local Food and Wine) Unit 137 Crown Wharf</p> | <p><u>Sale of alcohol(off sales)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday, 07.00am to 00.30am the following day. • Friday & Saturday, 07.00am to 01.30am the following day. <p><u>Late night refreshment</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 23:00 hours to Midnight | <ul style="list-style-type: none"> • Sunday to Thursday, 07.00am to 00.30am the following day. • Friday & Saturday, 07.00am to 01.30am the following day. |
| <p>(Lofthouse Square Ltd) Lanterna 6 Wyke Road</p> | <p>The sale by retail of alcohol – On and off sales</p> <ul style="list-style-type: none"> • Sunday to Thursday, from 10:00 hrs to 23:00 hrs • Friday and Saturday, from | <ul style="list-style-type: none"> • Sunday to Thursday 10:00 hrs to 23:30 hrs • Friday and Saturday 10:00 hrs to 00:00 hrs (midnight) <p><u>Non-standard timings</u></p> |

| | | |
|--|---|---|
| | <p>10:00 hrs to 23:30 hrs</p> <p>The provision of late night refreshments – Indoors and outdoors</p> <ul style="list-style-type: none"> • (Sunday to Thursday – no late night refreshment) • Friday and Saturday, from 23:00 hrs to 23:30 hrs <p>The provision of regulated entertainment – Indoors (Recorded Music only)</p> <ul style="list-style-type: none"> • Sunday to Thursday 10:00 hrs to 23:00 hrs • Friday and Saturday 10:00 hrs to 00:00 hrs (midnight) <p><u>Non-standard timings</u> New Year’s Eve, from 10:00 hrs to 02:00 hrs (the following day)</p> | <ul style="list-style-type: none"> • New Year’s Eve from 10:00 hrs to 02:30 hrs (the following day) |
| <p>Welcome Co-op Unit A2 68 Smeed Road</p> | <p><u>Sale of Alcohol</u> (off sales) Monday – Sunday 08:00 hours – 22:00 hours</p> | <p>Monday – Sunday 07:00 hours – 22:00 hours</p> |
| <p>Bakery 4 Limited Unit A. 1 76 Smeed Road</p> | <p><u>Sale of Alcohol</u> (on & off sales)</p> <p>Closed Monday Tuesday to Wednesday from 09:00 hours to 21:00 hours (20:30 hours for on sales) Thursday to Saturday from 09:00 hours to 23:00 hours (22:30 hours for on sales)</p> | <p>Closed Monday Tuesday to Wednesday from 09:00 hours to 21:00 hours Thursday to Saturday from 09:00 hours to 23:00 hours Sunday from 09:00 hours to 21:00 hours</p> |

| | | |
|--|--|-------------------------------------|
| | Sunday from 09:00 hours to 21:00 hours (20:30 hours for on sales) | |
| Barkney Wick) 75 Smeed Road | <u>Sale of Alcohol</u> (on & off sales): Monday-Sunday 10:00 – 22:30 hours | Monday – Sunday 07:00 – 23:00 hours |

Appendix 6



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Shoreditch Police Station

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

23rd April 2024

Dear Sir,

Central East Police Licensing formally object to the application for a premises Vittoria Wharf Studio, 10 Stour Road, E3 2NT. This objection is on the grounds of preventing Crime, Public Safety and Disorder and Public Nuisance.

This is an application is for a multi-use venue that will operate as a bar / club on Friday and Saturday nights. The venue is located in an area with limited public transport accessibility especially in the early hours of the morning. There are residential premises in close proximity,.

The main concerns with this application are that access and egress is vial a metal staircase outside the building. When people are leaving the premises after consuming alcohol, we know that their motor skills are impaired and their balance can be affected. Having to leave the premises down these metal steps increases the risk of people slipping and falling and suffering injury. The same is true in wet or windy weather.

We also have concerns about if there was disorder in the premises how would violent people be removed from the premises safely? It is hard enough to remove violent people from a venue, but how would this be done, when the only way to do so is down a high, outside metal staircase? The applicant has so far not provided an answer to this question.

We also have concerns about noise nuisance, the area is very quiet with large residential premises with little in the way of background noise to absorb the noise from the venue and its customers, especially as they leave. There have been a number of noise complaints from the venue previously and I have had to remove an illegal party from the venue which was sound I could hear the venue before I could see it.

We therefore say that the venue should not be able to have regulated entertainment past 23:00 on any night to prevent both noise nuisance to residents, and to prevent the venue becoming for or a club / bar where the risk of disorder is increased.

We object to this application and ask that the committee rejects it until the applicant can explain how they will manage the risk of people leaving the premises, especially those people who are being ejected or violent.

If the committee is minded to grant the application we would ask that regulated entertainment save the provision of plays, and films is limited to a 23:00.

Kind Regards

Mark

PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

[REDACTED]

[REDACTED]

Appendix 7

Lavine Miller-Johnson

Subject: FW: 167906 MAU REPRESENTATION New premises licence application for Victoria Wharf Studio 10 Stour Road

From: Nicola Cadzow <[REDACTED]>
<mailto:[REDACTED]>
Sent: Tuesday, April 23, 2024 2:06 PM
To: Licensing <Licensing@towerhamlets.gov.uk <mailto:Licensing@towerhamlets.gov.uk> >
Cc: 'MARK.J. [REDACTED]' <[REDACTED]>
<mailto:[REDACTED]>
Subject: 167906 MAU REPRESENTATION New premises licence application for Victoria Wharf Studio 10 Stour Road

Good afternoon Licensing,

Please take this as my holding objection to the new premises licence application for Victoria Wharf Studio 10 Stour Road, based on the licensing objective for the prevention of public nuisance

If following the meeting with the applicant (29.4.24) and reviewed a copy of their noise management plan, we are then satisfied that the prevention of public nuisance will be adhered to, I will withdraw my holding representation.

Kind regards

Nicola Cadzow
Environmental Health Officer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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<<https://twitter.com/towerhamletsnow>> | LinkedIn <<https://www.linkedin.com/company/london-borough-of-tower-hamlets>> | Instagram <<https://www.instagram.com/towerhamletsnow>>

<<https://talk.towerhamlets.gov.uk/code-of-construction-practice>>
To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here

Appendix 8

Lavine Miller-Johnson

From: FATOS BRAHA [REDACTED]
Sent: 24 April 2024 15:26
To: Licensing
Subject: Re: Representation for new premises in vittoria wharf E3 2NT

Dear Lavine,

Thank you for getting back to me so quick on the matter.

- *the prevention of public nuisance - due to the late hours that they are open the people who are standing on the streets or leaving the establishment are making noise and disrupting the local residents. I have also seen litter and smashed glass around the area from the people who are attending this venue. Noise or litter is not acceptable and it is ruining what used to be a peaceful community that respected each other - i suspect the customers are not people from this area.*
- *public safety - due to the people who are now roaming the streets, they are often shouting and can be intimidating, it questions the safety of passers by, including myself who has been called at by drunks coming out of here at night, it makes me uneasy to be out in the area when it is dark, although the darkness does not stop their behaviours.*
- *the protection of children from harm - i fear for children, as i said about broken glass in the area this can be also dangerous to local dogs or cats who roam the streets. I wouldn't like my children to be out in this area now due to this venue, as i would fear they may also be verbally attacked or shouted at like i was.*

Full Name: Fatos Braha

Address: [REDACTED]

Best wishes,

Fatos

On Tuesday 23 April 2024 at 17:45:02 BST, Licensing <licensing@towerhamlets.gov.uk> wrote:

Dear Sir/Madam

Please be advised that under the Licensing Act 2003, the criteria for your representation to be valid is that you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

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

Also in order for your representation to be valid you are required to provide your full name and address. These will be forwarded to the applicant at the end of the consultation period where they can contact you to mediate with you to address your concerns.

Please can you provide details including the above and your full name and address in order for me to include your representations. I will need these prior to the last day for the consultation period which is the 24th April 2024.

If I can be of any further help, do not hesitate to contact me.

Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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



From: FATOS BRAHA [Redacted]
Sent: Tuesday, April 23, 2024 3:31 PM

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

Subject: Representation for new premises in vittoria wharf E3 2NT

Hi,

To whomever it may concern, I am writing with a complaint of a local business that is situated near where I live at [REDACTED]

As someone who has lived here for a while I have always appreciated that the area is lively but respectful - which is exactly what this new place isn't, they have been nothing but disrespectful since they took over the premises, and this includes their leaseholder.

Without asking the permission of the local community they are trying to open a club which is open until 1am, with dodgy characters stumbling out of the establishment making noise and ruining the streets.

They are turning the area and the streets into a free for all, where I now feel unsafe walking the streets due to the people it is attracting. I would also be worried for the children who live in the area.

I urge you to look into this immediately and make sure this does not ruin the local area which has been preserved to be an enjoyable experience for all who live here.

Best wishes,

Fatos Braha

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

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 13

Licensing Policy Section 9

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Conditions in Appendix 3.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged, will insert a conditions from our model conditions in appendix 3, to prohibit 'touting':-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers, and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.
- 7.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

Appendix 14

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

Updated December 2022

Crime and disorder

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

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

Appendix 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 frame work hours to any particular application regard should be had to the following

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

(See 16.9 of the Licensing Policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 16

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 3.3

| | | | | |
|--|----------------------|---------------------------------------|------------|-----------------|
| Committee: Licensing Sub-Committee | Date 25 June 2024 | Classification Unclassified | Report No. | Agenda Item No. |
|--|----------------------|---------------------------------------|------------|-----------------|

| | |
|---|---|
| Report of: Tom Lewis Service Manager of Regulatory Services (Commercial) Originating Officer: Lavine Miller-Johnson Licensing Officer | Title: Licensing Act 2003 Application for a variation of a premises licence for Slurp Noodles Spitalfields Ground Floor and Basement 60-62 Commercial Street London E1 6LT Ward affected: Spitalfields and Banglatown |
|---|---|

1.0 Summary

Licence holder: **Slurp Noodles Spitalfields Ltd)**

Name and Address of Premises: **Slurp Ground and Basement Floor 60-62 Commercial Street London E1 6LT**

Licence sought: **Licensing Act 2003 - variation**

- **Change Layout**
- **Extend hours for licensable activities**
- **Amend conditions**

Representations: **Responsible Authorities**

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 | | Lavine Miller-Johnson 020 7364 2665 |

3.0 Background

- 3.1 This is an application for a variation of a premises licence for (Slurp Noodles Spitalfields) Ground Floor and Basement 60-62 Commercial Street London E1 6LT
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**. The licensable activities and timings are as follows:

Ground Floor and Basement Floor

The sale by retail of alcohol

- Monday to Thursday, from 10:00 hours to 23:30 hours
- Friday and Saturday, from 10:00 hours to midnight
- Sunday, from 12:00 hours to 23:30 hours

The provision of late night refreshment (Indoors)

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to midnight

Non-standard timings

- Bank Holidays until midnight

Extension of hours for Basement only

The sale by retail of alcohol

- Monday to Wednesday from 10:00 hours to 23:30 hours
- Thursday to Saturday: 10:00 hours to 01:00 hours
- Sunday: from 12:00 hours to 23:30 hours

The provision of late night refreshment

- Sunday to Wednesday from 23:00 hours to 23:30 hours
- Thursday to Saturday from 23:00 hours to 01:00 hours

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

To convert the premises from a ground floor bar with a basement function room to a ground floor restaurant with a late-night basement cocktail bar for its third site in London. The service of alcohol will be waiter/waitress only throughout the premises with no vertical drinking permitted.

- 3.4 The applicant is also applying to remove the following condition:

*To remove from the Premises Licence from **annex 2 Condition 4** which reads:*

The extended licence is to be exercised in respect of pre-booked parties for the basement floor only. Such parties to be recorded in a book which shall be made available for inspection by any responsible authority.

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

The Provisions of late night refreshments
(for the basement only indoors and outdoors)

- Sunday to Wednesday from 23:00 hours to 23:30 hours
- Thursday to Saturday from 23:00 hours to 02:30 hours

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

- Monday to Wednesday from 10:00 hours to 23:30 hours
- Thursday to Saturday from 10:00 hours to 02:00 hours
- Sunday, from 12:00 hours to 23:30 hours

Nonstandard timings

Bank Holidays until midnight

The opening hours of the premises (for the basement only)

- Monday to Wednesday from 08:00 hours to 00:00 hours
- Thursday to Saturday from 08:00 hours to 02:30 hours
- Sunday from 12:00 hours to 00:00 hours

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 8**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Mohshin Ali (Licensing) - **(Appendix 6)**
 - Nicola Cadzow (EHO) - **(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
 - 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 See current premises licence for conditions.

8.0 **Conditions proposed by the applicant**

In addition to the ones already on the premises licence save for the one to be removed.

1. 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.
2. The capacity of the basement (excluding staff) is 50 persons.
3. The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
4. The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
5. No vertical drinking.

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 8 - 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.

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 | Representation from Licensing Officer |
| Appendix 7 | Representation from Environmental Protection Officer |
| Appendix 8 | Home Office concerning relevant, vexatious and frivolous representations |
| Appendix 9 | Licensing Officer comments on noise while the premise is in use |
| Appendix 10 | Licensing Officer comments on access/egress Problems |
| Appendix 11 | Licensing Officer comments on public nuisance |
| Appendix 12 | S182 advice on public nuisance |
| Appendix 13 | Planning |
| Appendix 14 | Licensing Policy relating to hours of trading |

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Appendix 1

Slurp

Ground Floor and Basement
60 - 62 Commercial Street
London
E1 6LT

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

Tom Lew
Service Head – Regulatory Services (Commercial)

Date: 17th April 2020

| | | | |
|------------|-------------|-------|-------|
| OFFICE USE | Receipt No: | Paid: | Date: |
|------------|-------------|-------|-------|



Part A - Format of premises licence

Premises licence number

168020

Part 1 - Premises details

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

Slurp

Ground Floor and Basement
60 - 62 Commercial Street

Post town

London

Post code

E1 6LT

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Ground Floor and Basement Floor

The sale by retail of alcohol

- Monday to Thursday, from 10:00 hours to 23:30 hours
- Friday and Saturday, from 10:00 hours to midnight
- Sunday, from 12:00 hours to 23:30 hours

The provision of late night refreshment (Indoors)

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to midnight

Non-standard timings

- Bank Holidays until midnight

Extension of hours for Basement only

The sale by retail of alcohol

- Monday to Wednesday from 10:00 hours to 23:30 hours
- Thursday to Saturday: 10:00 hours to 01:00 hours
- Sunday: from 12:00 hours to 23:30 hours

The provision of late night refreshment

- Sunday to Wednesday from 23:00 hours to 23:30 hours
- Thursday to Saturday from 23:00 hours to 01:00 hours

The opening hours of the premises

Ground Floor

- Monday to Thursday, from 08:00 hours to midnight
- Friday and Saturday, from 08:00 hours to 00:30 hours
- Sunday, from 12:00 hours to midnight.

Non-standard timings

- Bank Holidays until midnight

Extension of hours for Basement only

- Monday to Wednesday from 08:00 hours to 00:00 hours
- Thursday to Saturday from 08:00 hours to 01:00 hours
- Sunday from 12:00 hours to 00:00 hours

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

On and off sales

Annex 1 - Mandatory conditions

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

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

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

1.

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

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

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price

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

Annex 2 - Conditions consistent with the operating Schedule

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. No nudity or semi nudity permitted
4. The extended licence is to be exercised in respect of pre-booked parties for the basement floor only. Such parties to be recorded in a book which shall be made available for inspection by any responsible authority. These extra timings are for the basement as follows:

The sale by retail of alcohol

- Monday to Wednesday from 10:00 hours to 23:30 hours
- Thursday to Saturday: 10:00 hours to 01:00 hours
- Sunday: from 12:00 hours to 23:30 hours

The provision of late night refreshment

- Sunday to Wednesday from 23:00 hours to 23:30 hours
- Thursday to Saturday from 23:00 hours to 01:00 hours

Hours open to the public

- Monday to Wednesday from 08:00 hours to 00:00 hours
- Thursday to Saturday from 08:00 hours to 01:00 hours
- Sunday from 12:00 hours to 00:00 hours

5. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
6. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately

ensure that:

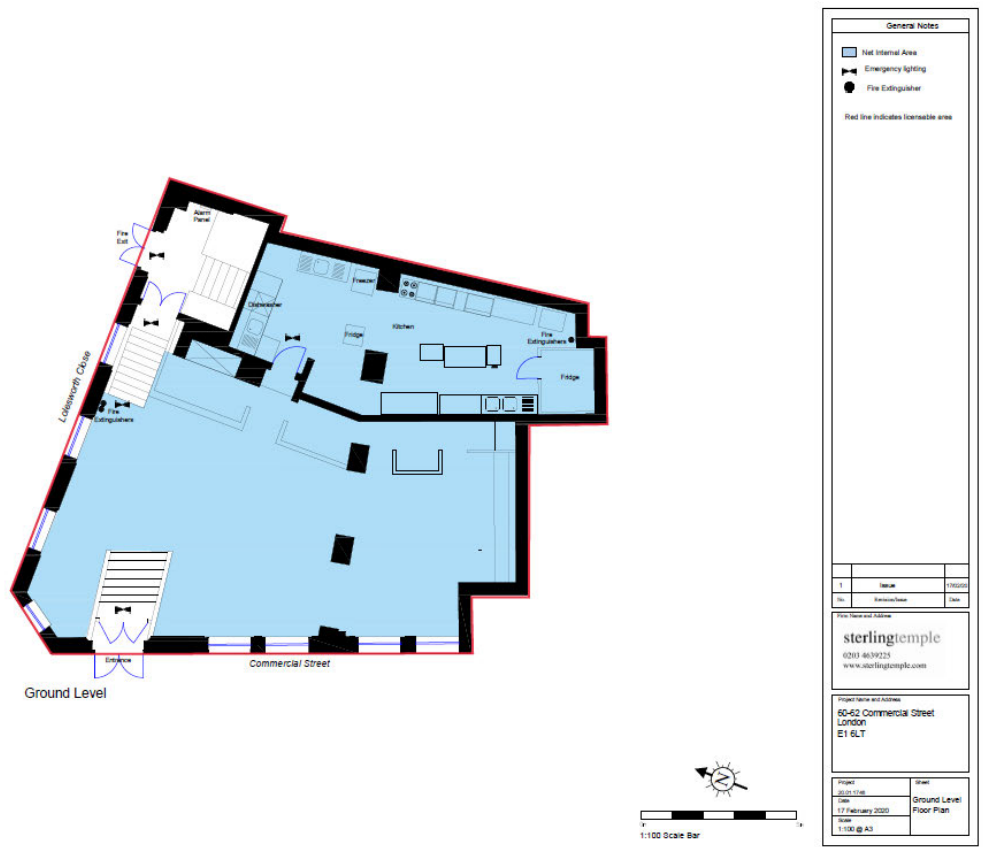
- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premise is open.
8. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
9. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
12. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. 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.

Annex 3 - Conditions attached after a hearing by the licensing authority
Not applicable

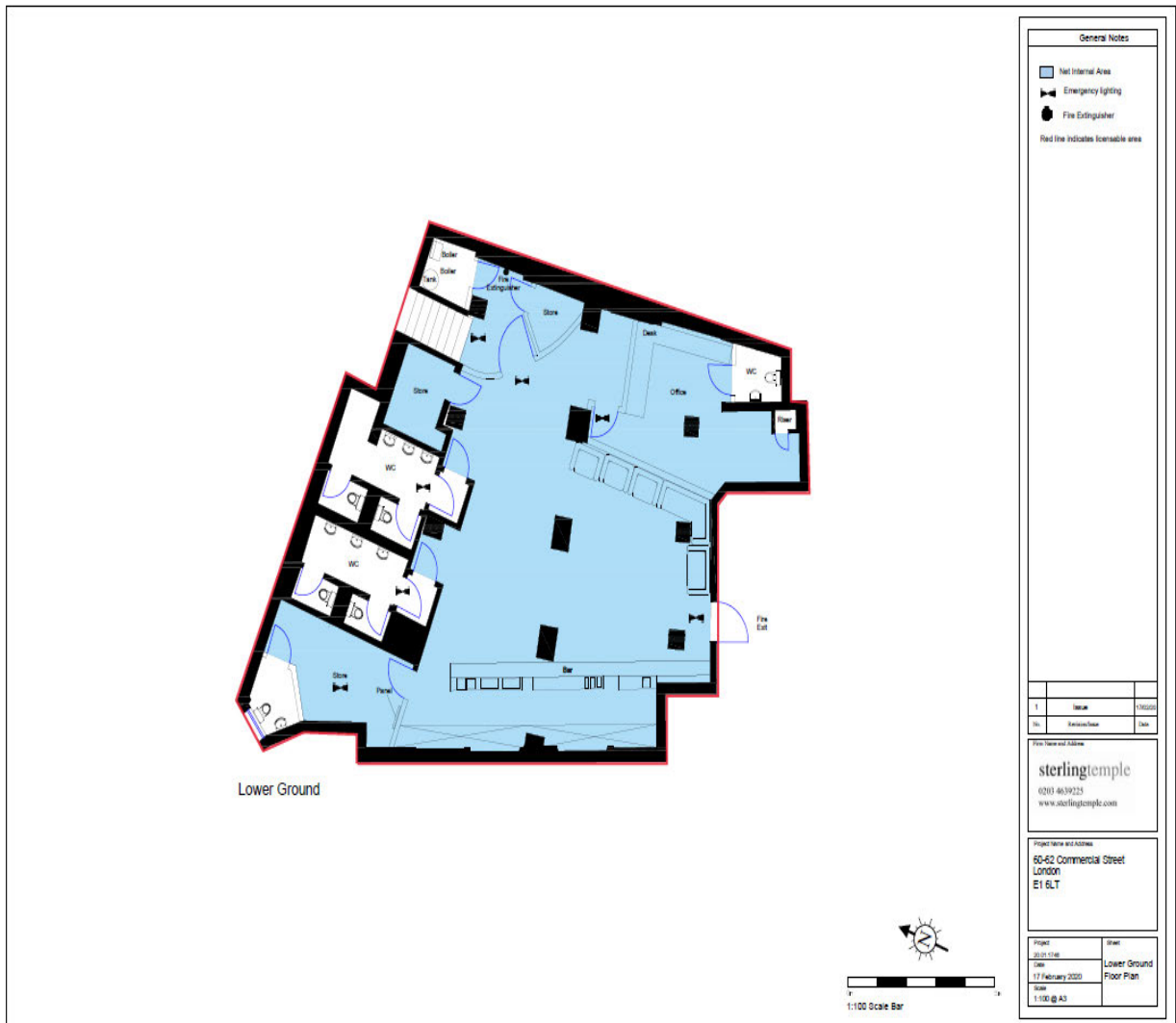
Annex 4 - Plans

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

20th March 2020 - Ground floor level plan (17th February 2020)



Floor plan of lower ground level – 17th February 2020



Part B - Premises licence summary

Premises licence number

168020

Premises details

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

Ground Floor and Basement
60 - 62 Commercial Street

Post town

London

Post code

E1 6LT

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Ground Floor and Basement Floor

The sale by retail of alcohol

- Monday to Thursday, from 10:00 hours to 23:30 hours
- Friday and Saturday, from 10:00 hours to midnight
- Sunday, from 12:00 hours to 23:30 hours

The provision of late night refreshment

- Sunday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to midnight

Non-standard timings

- Bank Holidays until midnight

Extension of hours for Basement only

The sale by retail of alcohol

- Monday to Wednesday from 10:00 hours to 23:30 hours
- Thursday to Saturday: 10:00 hours to 01:00 hours
- Sunday: from 12:00 hours to 23:30 hours

The provision of late night refreshment

- Sunday to Wednesday from 23:00 hours to 23:30 hours
- Thursday to Saturday from 23:00 hours to 01:00 hours

The opening hours of the premises

Ground Floor

- Monday to Thursday, from 08:00 hours to midnight
- Friday and Saturday, from 08:00 hours to 00:30 hours
- Sunday, from 12:00 hours to midnight.

Non-standard timings

- Bank Holidays until midnight

Extension of hours for Basement only

- Monday to Wednesday from 08:00 hours to 00:00 hours

- Thursday to Saturday from 08:00 hours to 01:00 hours
- Sunday from 12:00 hours to 00:00 hours

Name, (registered) address of holder of premises licence

Slurp Noodles Spitalfields Ltd
Flat 17 Gun Wharf
124 Wapping High Street
London
E1W 2NJ

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)

15580675

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

Neil Wager

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Slurp Noodles Spitalfields Ltd

(Insert name(s) of applicant)

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

| |
|--|
| Premises licence number 164287 |
|--|

Part 1 – Premises Details

| | | | |
|---|--------|----------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description Slurp (Formerly Andina) Ground Floor and Basement 60-62 Commercial Street | | | |
| Post town | London | Postcode | E1 6LT |

| | |
|---|----------------------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | REMOVED FROM RATINGS |

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)

This is an application on behalf of Slurp Noodles (<https://slurpnoodles.co.uk/>) to convert the premises from a ground floor bar with a basement function room to a ground floor restaurant with a late-night basement cocktail bar for its third site in London. The service of alcohol will be waiter/waitress only throughout the premises with no vertical drinking permitted.

Whilst the premises are in the Brick Lane Cumulative Impact Zone, the applicant believes that this application is an exception to policy as, even though the application seeks to slightly extend the hours in the basement, having the basement as a small sophisticated bar and the ground floor as a restaurant, is likely to have less cumulative impact than a vertical drinking bar on the ground floor and a party venue in the basement, albeit with a slightly earlier terminal hour.

The Applicant would be happy to discuss further conditions with any of the statutory authorities or interested parties.

This variation application is:

- (1) To vary the layout of the Basement only to allow for a general refurbishment to include the additional of a circular bar and the removal of the long linear bar.
- (2) To remove from the Premises Licence from annex 2 Condition 4 which reads:

The extended licence is to be exercised in respect of pre-booked parties for the basement floor only. Such parties to be recorded in a book which shall be made available for inspection by any responsible authority. These extra timings are for the basement as follows:

The sale by retail of alcohol

- Monday to Wednesday from 10:00 hours to 23:30 hours
- Thursday to Saturday: 10:00 hours to 01:00 hours
- Sunday: from 12:00 hours to 23:30 hours

The provision of late night refreshment

- Sunday to Wednesday from 23:00 hours to 23:30 hours
- Thursday to Saturday from 23:00 hours to 01:00 hours

Hours open to the public

- Monday to Wednesday from 08:00 hours to 00:00 hours
- Thursday to Saturday from 08:00 hours to 01:00 hours Sunday from 12:00 hours to 00:00 hours

- (3) To add the following conditions to the Premises Licence:
- 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.
 - The capacity of the basement (excluding staff) is 50 persons.
 - The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
 - The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
 - No vertical drinking.
- (4) To vary the hours for opening in the Basement on Thursday to Saturday from 08:00 to 02:30
- (5) To vary the hours for the sale by retail of alcohol in the Basement on Thursday to Saturday from 10:00 to 02:00
- (6) To vary the hours for the provision of late night refreshment in the basement on Thursday to Saturday from 23:00 to 02:30
- (7) To add non-standard timing for both the sale by retail of alcohol and provision of late night refreshment in the Basement to “Bank Holidays until midnight”

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 | | | | | |
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B

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|--|-------|--------|---|----------|--------------------------|
| 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 | | | |
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D

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

E

| Live music Standard days and timings (please read guidance note 8) | | | Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the performance of live music (please read guidance note 6) | | |
| Wed | | | | | |
| Thur | | | 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 (please read guidance note 7) | | |
| 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 | | | | | | |
| | | | <u>Please give further details here</u> (please read guidance note 5) | | | |
| Tue | | | | | | |
| | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | | |
| Wed | | | | | | |
| | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | | |
| 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 | | | | | | |
| | | | <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) | | | |
| Sat | | | | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | | |
| 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 checked="" type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) These changes are for the <u>Basement only</u> . No changes are being made to the Ground Floor. Only the hours Thursday to Saturday are being extended. | | | |
| Mon | 23:00 | 23:30 | | | | |
| | | | | | | |
| Tue | 23:00 | 23:30 | | | | |
| | | | | | | |
| Wed | 23:00 | 23:30 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) | | | |
| | | | | | | |
| Thur | 23:00 | 02:30 | | | | |
| | | | | | | |
| Fri | 23:00 | 02:30 | <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 | 23:00 | 02:30 | Bank Holidays until midnight | | | |
| | | | | | | |
| Sun | 23:00 | 23:30 | | | | |
| | | | | | | |

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 | <p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)</p> <p>These changes are for the <u>Basement only</u>. No changes are being made to the Ground Floor.</p> <p>Only the hours Thursday to Saturday are being extended.</p> <p><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>Bank Holidays until midnight</p> | | |
| Mon | 10:00 | 23:30 | | | |
| | | | | | |
| Tue | 10:00 | 23:30 | | | |
| | | | | | |
| Wed | 10:00 | 23:30 | | | |
| | | | | | |
| Thur | 10:00 | 02:00 | | | |
| | | | | | |
| Fri | 10:00 | 02:00 | | | |
| | | | | | |
| Sat | 10:00 | 02:00 | | | |
| | | | | | |
| Sun | 12:00 | 23:30 | | | |
| | | | | | |

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> |
|---|

L

| | | | |
|---|-------|--------|---|
| <p>Hours premises are open to the public Standard days and timings (please read guidance note 8)</p> | | | <p><u>State any seasonal variations</u> (please read guidance note 6)</p> <p>These changes are for the <u>Basement only</u>. No changes are being made to the Ground Floor.</p> <p>Only the hours Thursday to Saturday are being extended.</p> |
| Day | Start | Finish | <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> |
| Mon | 08:00 | 00:00 | |
| Tue | 08:00 | 00:00 | |
| Wed | 08:00 | 00:00 | |
| Thur | 08:00 | 02:30 | |
| Fri | 08:00 | 02:30 | |
| Sat | 08:00 | 02:30 | |
| Sun | 12:00 | 00:00 | |
| | | | |
| | | | |

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

Please tick as appropriate

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

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

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

The Premises Licence was submitted with an application to Transfer the Premises Licence on 27 March 2024.

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)

All existing conditions (save for the one we are seeking to remove) and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

We are also adding the following five conditions to the application, if granted:

- 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.
- The capacity of the basement (excluding staff) is 50 persons.
- The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
- The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
- No vertical drinking.

b) The prevention of crime and disorder

All existing conditions (save for the one we are seeking to remove) and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

We are also adding the following five conditions to the application, if granted:

- 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.
- The capacity of the basement (excluding staff) is 50 persons.
- The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
- The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
- No vertical drinking.

c) Public safety

All existing conditions (save for the one we are seeking to remove) and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

We are also adding the following five conditions to the application, if granted:

- 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.
- The capacity of the basement (excluding staff) is 50 persons.
- The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
- The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
- No vertical drinking.

d) The prevention of public nuisance

All existing conditions (save for the one we are seeking to remove) and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

We are also adding the following five conditions to the application, if granted:

- 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.
- The capacity of the basement (excluding staff) is 50 persons.
- The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
- The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
- No vertical drinking.

e) The protection of children from harm

All existing conditions (save for the one we are seeking to remove) and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

We are also adding the following five conditions to the application, if granted:

- 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.
- The capacity of the basement (excluding staff) is 50 persons.
- The sale of alcohol for consumption on the ground floor of the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.
- The sale of alcohol shall be to persons seated at the premises, i.e. table service only.
- No vertical drinking.

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 | 27 March 2024 |
| Capacity | Keystone Law, Solicitors for and on behalf of the applicant |

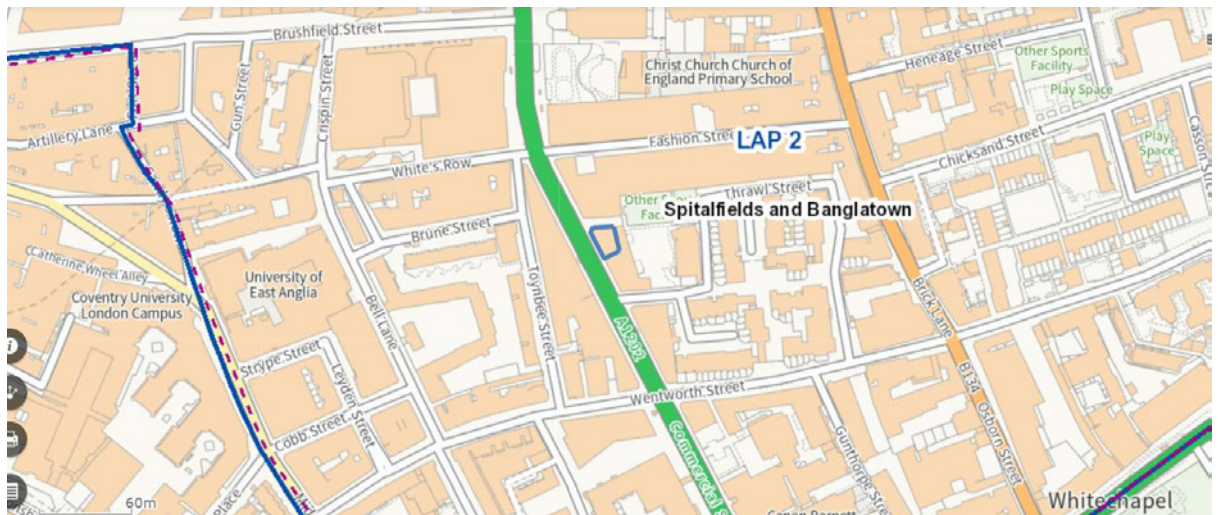
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| 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) | [REDACTED] | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED] | | | |

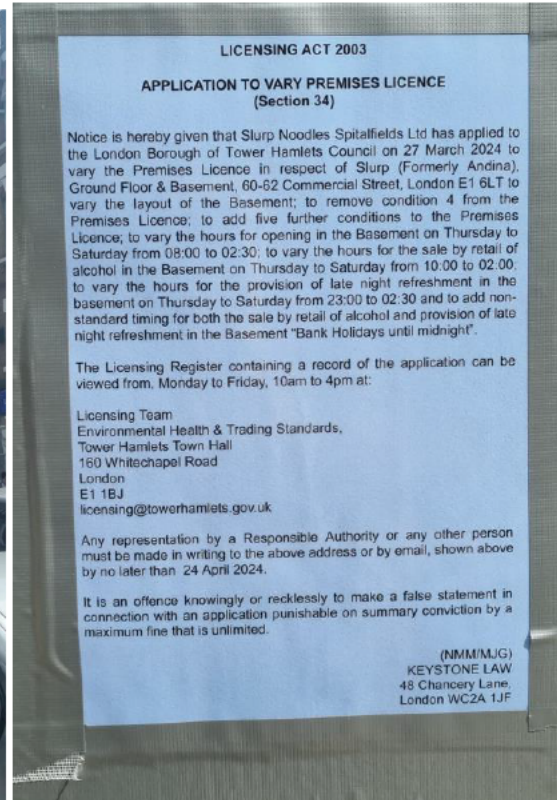
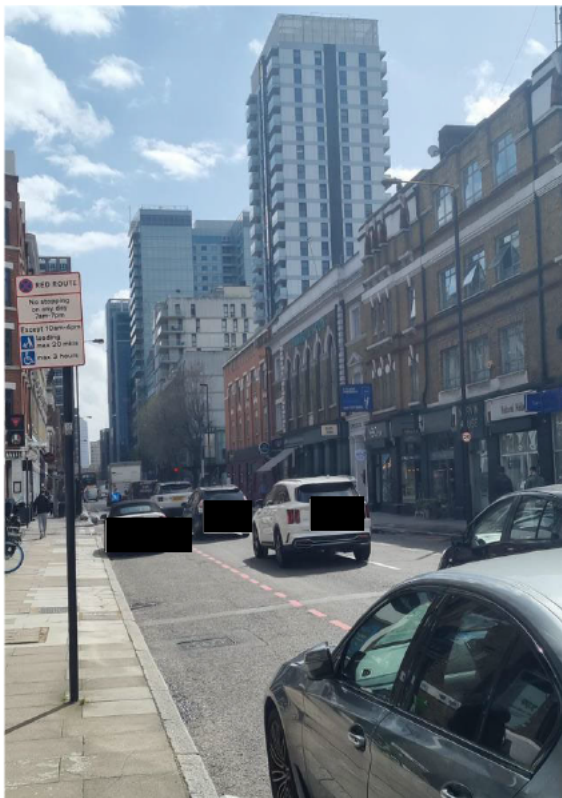
Appendix 3

60-62 Commercial Street – Maps of the area



Appendix 4

60- 62 Commercial Street – Photographs of the vicinity



Appendix 5

60-62 Commercial Street - Nearest licences

| Name and address | Licensable activities and hours | Opening hours |
|--|--|--|
| <p>(Crisis) 64 Commercial Street London E1 6LT</p> | <p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 16:00hrs to 23:00hrs • Friday from 16:00hrs to 23:30hrs • Saturday from 10:00hrs to 23:30hrs • Sunday from 10:00hrs to 22:00hrs <p><u>The Provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> • Friday and Saturday from 23:00hrs to 23:30hrs <p>On sales only</p> | <ul style="list-style-type: none"> • Monday to Thursday from 08:00hrs to 23:30hrs • Friday from 08:00hrs to 00:00hrs (midnight) • Saturday from 10:00hrs to 00:00hrs (midnight) • Sunday from 10:00hrs to 22:30hrs |
| <p>(Som Saa) 43a Commercial Street London E1 6BD</p> | <p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 10:00 hours to 23:30 hours • Friday and Saturday, from 10:00 hours to midnight • Sunday, from 12:00 hours to 22:30 hours <p>The provision of late night refreshment (Indoors only)</p> <ul style="list-style-type: none"> • Monday to Thursday until 23:30 hours <p>Friday and Saturday until midnight</p> <p>On and off sales</p> | <ul style="list-style-type: none"> • Monday to Thursday, from 10:00 hours to 23:30 hours • Friday and Saturday, from 10:00 hours to midnight • Sunday, from 12:00 hours to 22:30 hours |
| <p>The Space Spitalfields) 44 Commercial Street London E1 6LT</p> | <p>Sale of alcohol</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:30 hours <p>Provision of late night refreshment – Indoor and outdoor</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 23:00 hours to 23:30 hours <p>Provision of regulated Entertainment - Indoor</p> <p><u>Live music, recorded music, performance of dance and anything of a similar description.</u></p> <p><u>Provision of facilities for making music,</u></p> | <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year’s Eve, from 11:00 hours to 02:00 hours the following day |

60-62 Commercial Street - Nearest licences

| | | |
|---|---|--|
| | <p><u>Provision of facilities for dancing and anything of a similar description</u></p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:30 hours <p><u>Licensable activities non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year's Eve, from 11:00 hours to 01:30 hours the following day <p>On sales only</p> | |
| <p>(Club Mexicana Vegan Restaurant) 46 - 48 Commercial Street London E1 6LT</p> | <p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> • Monday to Thursday, from 10:00 hrs to 23:30 hrs • Friday and Saturday, from 10:00 hrs to 00:00 hrs (midnight) • Sunday, from 10:00 hrs to 22:30 hrs <p>The provision of late night refreshment - Indoors</p> <ul style="list-style-type: none"> • Monday to Thursday, from 23:00 hrs to 23:30 hrs • Friday and Saturday, from 23:00 hrs to 00:00 hrs (midnight) <p><u>Non standard timings</u></p> <ul style="list-style-type: none"> • From the end of permitted hours on new years' eve to the start of permitted hours on new years' day <p>Until 00:00 (midnight) hrs on Sundays immediately before Bank Holiday Mondays</p> <p>On and off sales</p> | <ul style="list-style-type: none"> • Monday to Thursday, from 10:00 hrs to 00:00 hrs (midnight) • Friday and Saturday, from 10:00 hrs to 00:30 hrs the following day • Sunday, from 10:00 hrs to 23:00 hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • From the end of permitted hours on new years' eve to the start of permitted hours on new years' day • Until 00:30 hrs on Sundays immediately before Bank Holiday Mondays |
| <p>Trade Commercial Street 47 Commercial Street London E1 6BD</p> | <p><u>Sale of Alcohol (on sales only)</u></p> <p>Monday to Saturday from 09:00 hours to 23:30 hours Sunday from 09:00 hours to 21:00 hours</p> <p>On sales only</p> | <p>Monday to Saturday from 07:00 hours to 23:30 hours</p> <p>Sunday from 09:00 hours to 21:00 hours</p> |
| <p>(Vish Convenience Store) 59 Commercial Street London E1 6BD</p> | <p>Sale by retail of alcohol – (off sales only)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 09:00 hrs to 22:30 hrs • Sunday, from 10:00 hrs to 22:30 hrs <p>Off sales only</p> | <ul style="list-style-type: none"> • Monday to Saturday, from 09:00 hrs to 22:30 hrs • Sunday, from 10:00 hrs to 22:30 hrs |

60-62 Commercial Street - Nearest licences

| | | |
|--|---|---|
| | | <ul style="list-style-type: none"> • |
| (Gul & Sepoy Ltd) 65 Commercial Street London E1 6BD | <p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 11:00 hours to 23:00 hours • Sunday, from 11:00 to 22:30 hours <p>On sales only</p> | <ul style="list-style-type: none"> • Monday to Saturday, from 08:00 hours to 23:30 hours • Sunday, from 08:00 to 23:00 hours • |
| (Spitalfields Works Ltd) 69 Commercial Street London E1 6BD | <p>The sale by retail of alcohol - On and off sales</p> <ul style="list-style-type: none"> • Monday to Thursday, from 08:00 hrs to 23:30 hrs • Friday and Saturday, from 08:00 hrs to 00:00 hrs • Sunday, from 08:00 hrs to 22:30 hrs <p>The provision of late night refreshment - Indoor</p> <ul style="list-style-type: none"> • Monday to Thursday, from 23:00 hrs to 23:30 hrs • Friday and Saturday, from 23:00 hrs to 00:00 hrs • (Sunday, no late night refreshment) | <ul style="list-style-type: none"> • Monday to Thursday, from 08:00 hrs to 00:00 hrs • Friday and Saturday, from 08:00 hrs to 00:30 hrs the following day • Sunday, from 08:00 hrs to 23:00 hrs • |
| (Mambow Ltd) 75 Commercial Street London E1 6BD | <p>The sale by retail of alcohol (On Sale Only)</p> <p>Monday to Sunday 12:00 – 22:30</p> | Monday to Sunday 11:30 to 23:00 |
| Milroys 76 Commercial Street London E1 6LY | <p><u>Regulated entertainment.</u> (Live music and recorded music only). Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p> <p><u>Sale of alcohol by retail.</u> Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p> | <p>Sunday to Thursday 11:00 hours - midnight Friday & Saturday 11:00 hours – 01:00 hours</p> |

Appendix 6



TOWER HAMLETS

By Email:
Licensing Authority:
licensing@towerhamlets.gov.uk

CC:
Agent - Marilyn Gayle: [REDACTED]

Communities Directorate
Public Realm

Head of Regulatory Services
(Commercial): Tom Lewis

Enquiries to: Mohshin Ali
Tel: [REDACTED]

www.towerhamlets.gov.uk

24th April 2024

My reference: LIC/L1U:168002/MA

Dear Licensing Authority,

Licensing Act 2003

Variation: Slurp (Andina), Ground Floor and Basement, 60 - 62 Commercial Street, London E1 6LT
Lic No: 164287

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

Special Cumulative Impact Policy for the Brick Lane

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

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

The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Bethnal Green area 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.



Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

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

The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

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

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

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

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

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

Licensing Authority will not consider the following as possible exceptions:

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

Licensable activities and times

end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for.

Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made.

Each case will be considered on its merits.

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

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

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

The Home Office guidance

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

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

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

The variation seeks to extend the licensable activities in the basement only.

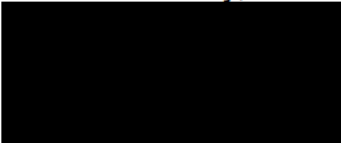
The onus is on the applicant to show there are exceptional circumstances as to why their application should be granted and that it will not have a negative cumulative effect on the area. It is their responsibility to rebut the presumption otherwise the licence should be refused.

On a balance of probability, this Authority is concerned by extending the times for licensable activities could potentially add to the existing anti-social issues in the area, as customers will leave the premises later, including other late-night premises, often under the influence of alcohol congregate inside and outside the premises causing a disturbance /anti-social behaviour.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Committee decide to grant the application the Licensing Authority propose the hours should stay close to the framework hours and the following condition also imposed:

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

Yours faithfully,



Mohshin Ali - Senior Licensing Officer
Trading Standards & Licensing

Appendix 7

Lavine Miller-Johnson

From: Nicola Cadzow
Sent: 18 April 2024 09:31
To: Licensing
Cc: 'MARK.J [REDACTED]'
Subject: 168002 Variation of premises licence application for Slurp Noodles 60-62 Commercial Street E1 6LT

Dear Licensing,

I have considered the variation of premises license application Slurp Noodles 60-62 Commercial Street E1 6LT and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity. The applicant is proposing licensable hours well beyond the Council's framework hours and consideration has to be given to the fact that the premises is in Brick Lane Cumulative Impact Zone (CIZ).

The applicant is proposing to extend Licensable Activities in the basement area of the premises:

Late Night Refreshment:

Thursday Friday and Saturday from 01:00 hours until 02:30 hours (an extension of one and a half on existing license hours)

Sale of Alcohol:

Thursday Friday and Saturday from 01:00 hours until 02:30 hours (an extension of one and a half on existing license hours)

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

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

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

CONCLUSION

Environmental Protection **does not** support the variation application for Slurp Noodles 60-62 Commercial Street, London, E1 6LT particularly when considering the licensing objective for the prevention of public nuisance with the late hours sought for Thursday, Friday and Saturdays and the fact that the premises is in Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow
Environmental Health Officer

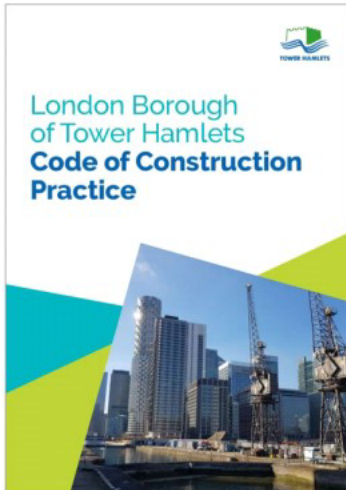
[REDACTED]

020 7364 6394

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Construction Code of Practice 2023

- Development with Planning Permission granted and subject to Planning Conditions is adoption of the new Code will continue to operate under the conditions for working hours of **Code of Construction Practice 2006**.
Permitted to work Saturdays without s61 Agreement (8am to 1pm only)
- Development granted Planning Approval **after** the **26th April 2023** and subject to Plan required to adhere to working hours as set out above and in the **Code of Construction Practice 2023**.
s61 Agreement required for works on Saturdays, Sundays, Bank Holidays, or Public Holidays
- Developments seeking amendments to Planning Approvals issued prior to 26th April 2023 Working Hours imposed if relevant to the details being amended.
- For more information, please click on the cover page of the Code of Construction Practice 2023

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

To check the application status email environmental.protection@towerhamlets.gov.uk and use the FS reference number generated by your application.

Appendix 8

**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 9

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 10

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 11

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 12

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

Updated December 2022

Public nuisance

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

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

Appendix 13

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 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 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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