



Licensing Sub Committee

Agenda

**Tuesday, 6 August 2024 at 2.30 p.m.
Council Chamber - Town Hall, Whitechapel**

Contact for further enquiries:

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

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



Public Information

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

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Scan this QR code to view the electronic agenda



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, 6 August 2024

2.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

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

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

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

2. RULES OF PROCEDURE (PAGES 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 19 - 26)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 18th June, 25th June, 9th July and 18th July 2024.

(To follow)

4. ITEMS FOR CONSIDERATION

- 4.1 Application for a Variation of a Premises Licence for (Perfetto Pizza), 391 Cambridge Heath Road, London, E2 9RA (Pages 27 - 114)**



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

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

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

Next Meeting of the Licensing Sub Committee

Thursday, 12 September 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Linda Walker, Interim Director of Legal and Monitoring Officer, Tel: 0207 364 4348

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub- Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 18 JUNE 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Peter Golds
Councillor Ana Miah
Councillor Suluk Ahmed

Apologies:

None

Others Present in Person:

Holly McColgan	Item 4.1
Jason Smith	Item 4.1
Sarah Clover	Item 4.3
Jack Henry	Item 4.3

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Corinne Holland	(Licensing Officer)
Kathy Driver	(Principal Licensing Officer)
Yale Sherlock	(Environmental Health Officer)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meetings held on 23rd April and 14th May were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for Unit 2a, Queens Yard, 43 White Post Lane, London, E9 5EN

At the request of the Chair, Ms Corinne Holland, Licensing Officer introduced the report which detailed the application by Hatton Garden Properties Ltd. for a new premises licence for The Yard Theatre, Unit 2a Queens Yard, 43 White Post Lane, London, E9 5EN (“the Premises”).

The Premises are already licensed and the application was made by the landlord of the Premises for a “shadow licence” which was identical in all respects to the existing licence.

The application attracted representations from three residents, all of which were based on the prevention of public nuisance.

At the request of the Chair, the Sub-Committee heard from Holly McColgan, Legal Representative on behalf of the applicant as to the rationale for the application, which was simply in order to protect their interests as the landlord. It was uncommon for such an application to come before a Sub-Committee and it was entirely normal for landlords to seek to protect their interests given the ways in which premises licences can end.

The Sub-Committee was told that the representations misunderstood the nature of the application. Nothing would change to the current operation, there were no responsible authority representations, and nothing in the representations made actually referred to issues caused by the operation of the Premises.

The Council’s licensing policy did not address shadow licences. However, the venue is a theatre and although the hours sought were outside of framework hours, the policy recognised that venues such as theatres tended not to give rise to problems and therefore took a more “low-key” approach.

During questions from members, it was accepted that more could have been done to engage with residents and explain the rationale behind the application. This was the first such application by the applicant and they intended to do this across their whole estate, and so they would learn from this experience for future applications. The Sub-Committee was also told that the tenant was an exemplary tenant and had just been granted a new thirty-year lease of the Premises, which indicated that the Premises would continue to operate without a problem.

The residents who had made representations had not attended. One person had nominated another person to speak for them. However, that nominee had failed to attend and purported to nominate a third party. The Sub-Committee

was given legal advice that it was not possible for a nominee to nominate somebody else to speak; any nomination had to have been made by the person making the representation. The Sub-Committee had read and noted the representations.

Decision

The Sub-Committee accepted that the representations were based on a fundamental misunderstanding of what was being sought. All three representations were identical, save for the third one which included an additional paragraph about noise nuisance from nearby building work at a different premises, which was not a relevant consideration for the Sub-Committee. It did state that noise could be heard from the venue although no more detail was given. All the representations seemed to think this would be a new venue operating in the area.

The Sub-Committee took account of the fact that only one licence would be in operation at any one time and that this was a shadow licence and not a new or different licence. The venue operated without causing any problems and, indeed, the Sub Committee was informed that the Premises did not currently operate to its permitted terminal hours. There was nothing to suggest to the Sub-Committee that granting the application would adversely impact upon the licensing objectives.

The application is therefore granted as sought

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a new premises licence for **Unit 2a, Queens Yard, 43 White Post Lane, London, E9 5EN** be **GRANTED**.

4.2 Application for a New Premise for We Are Bard Books 341-343 Roman Road London E3 5QR

This item was resolved prior to the meeting.

4.3 Application for a Variation of Premises Licence for (Studio Spaces Ltd / E1), 110 Pennington Street, London E1W 2BB

At the request of the Chair, Ms Corinne Holland, Licensing Officer introduced the report which detailed the application by Studio Spaces Ltd. to vary the premises licence for Studio Spaces/E1, 110 Pennington Street, London, E1W 2BB ("the Premises"). The application sought to vary the plans to reflect an updated layout and to extend the permitted hours for licensable activity on Mondays. The variation sought was to allow the sale of alcohol from midnight to 07:00 hours on Monday, late-night refreshment from midnight until 05:00 hours, and regulated entertainment from midnight until 06:00 hours. This

effectively extended the operating hours over the entire weekend period. An amendment to the opening times on Monday was also sought, from midnight until 07:00 hours.

The application received representations against it from the Licensing Authority and the Environmental Health service on the basis that the application was outside of policy and would adversely impact upon the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

At the request of the Chair, Ms. Clover addressed the Sub-Committee on behalf of the applicant. She told the Sub-Committee that the hours had been trialled through the existing non-standard timings on the Sunday preceding a bank holiday and by way of Temporary Event Notices (TENs). None of the TENs had been objected to by the responsible authorities. Acoustic reports had been given to the responsible authorities, who had not engaged in any way, and the police had been content for them to operate until this time. Ms. Clover asserted that the police had specifically suggested the proposed closing time as it would allow dispersing patrons to merge with people going to work around that time and that it would be less likely to cause problems than an earlier finishing time.

Ms. Clover stated that the application had been advertised twice due to an error. The DPS had a WhatsApp chat group on his phone with 138 residents. The blue notice had been posted on there and there had been no objections from residents.

Environmental Health's objection to the variation of the plan was unclear to Ms. Clover. Additional conditions had been proposed, which included notifying the police and Licensing in advance of events. Egress and dispersal were already well managed and the venue had comprehensive management plans and the venue was well served by public transport.

Ms. Clover noted that the venue was already an exception to our policy and therefore granting this application would not be going against the policy. Ms. Clover also suggested that that it was not possible for the responsible authorities to go outside of the licensing objectives within their remit. It was not for Ms. Driver to say what the police would want. Finally, Ms. Clover pointed to the lack of complaints from residents.

Ms. Driver addressed the Sub-Committee and confirmed that she had no objection to the varied plans. She accepted that notification of events to the authorities was useful but that there was no power to veto an event. Her concern was that this variation would allow the Premises to operate almost every hour over the weekend period. Whilst it was accepted that weekends would permit later operating hours, Sundays would generally not be as late.

She referred to the fact that there had been some complaints and there had been an incident at the venue in March, referred to in her representation, when CS gas was thrown in to the venue. It was accepted that additional measures had been implemented but her concerns surrounding anti-social

behaviour were not allayed; there would be impact before the terminal hour because not everyone would leave at closing time. That would lead to inevitable impact from patron noise, noise from taxis, and issues of a similar nature.

Mr. Sherlock addressed the Sub-Committee in respect of his representation. His concern was that it was a substantial extension upon framework hours and he was concerned at the potential impact of noise nuisance on a nearby residential development which had been granted planning permission. Once completed, those residential properties would be in close proximity to the venue and would be impacted by the Premises.

Mr Jonathan Melnick, The Legal Adviser addressed the Sub-Committee with respect to the agent of change principle in planning terms. He further advised that the prevention of public nuisance required the Sub-Committee to look at that likely impact now and not at some point in the future. Ms. Clover explained that her client had taken part in the planning application process, given that it was concerned as to the risk those developments posed to the Premises. Ms. Clover asserted that the grant of planning permission was not referred to in Mr. Sherlock's representation and that it was a breach of the s.182 Guidance and Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005 to refer to that for the first time at the hearing.

During questions from members, Ms. Driver confirmed that she had not received any contact from residents about the application and that the application process had been followed. Mr. Henry provided more detail about the WhatsApp group he had mentioned and he confirmed that the residents on that group had seen the full blue notice.

During concluding remarks, Ms. Clover commented that the venue would be operating flexibly and it was not intended to operate to 07:00 hours every Sunday to Monday. At bank holidays, noise levels tended to be lower and the Premises had demonstrated the ability to operate extended hours without impact. She again asserted that the venue was already an exception to policy and therefore we could not apply the policy exception now. Ultimately, the issue was the likely impact upon the licensing objectives and, in her submission, there was no basis on which to refuse the application.

Decision

This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Turning first to the issue of the plans, it was unclear why Mr. Sherlock maintained his objection to that variation. It was not referred to in his written representation, he maintained the objection when asked by the Legal Adviser at the start of the hearing, but then failed to address the point when he addressed the Sub-Committee. Given that this aspect of the variation is essentially administrative and there was nothing proposed in the varied plans that was likely to adversely impact upon the licensing objectives, the Sub-Committee can dispense with that aspect of the application swiftly and grant the variation with respect to the plans.

The extended hours, however, were far more of a concern to the Sub-Committee. Members disregarded the issue of future development. The Sub-Committee was focused on the likely impact of the grant of the variation on the area as it is, not as it might be at a later date. With respect to the Council's policy and framework hours, the Sub-Committee understood Ms. Clover's submission to be that if a venue is already an exception to policy, the policy cannot then be relied upon later. That was not a submission that the Sub-Committee could accept. The fact that a licence is granted outside of policy at that time cannot possibly be said to then mean that the policy can never be applied thereafter. An exception allowing a venue to operate, for example, to 01:00 hours on Monday is an entirely different proposition to allowing it to operate until 03:00 hours or 05:00 hours.

The Sub-Committee also understood Ms. Clover to assert that Ms. Driver could not comment on the crime and disorder licensing objective because that was within the purview of the police. That is not correct and misstates paragraph 9.12 of the statutory guidance. Any responsible authority (or other person) may make representations about any of the licensing objectives although they must of course be able to withstand scrutiny.

The Council's Policy, at paragraphs 16.6 and 16.7 make clear that *"the possibility of disturbance late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken."* Further, the Authority is obviously going to be concerned with the risk of alcohol-related disturbance late at night and in the early hours of the morning. Thus, *"applications to carry on licensable activities at any time outside the framework hours will be considered on their own merits with particular regard to the matters set out in the policy section below."* Those matters include (at paragraph 16.8, the location of the premises and character of the area, the hours sought, and the adequacy of proposals to address the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance, the past operation.

The Sub-Committee accepted that there were no representations from the police or from local residents. Equally, however, there were no representations in support of the Premises and the lack of representations from the police or residents could not be taken as indicating tacit consent. Ms. Driver's representation noted that the variation, if granted, would effectively allow the Premises to operate continuously throughout the weekend, from Friday to Monday, with only a one hour break between 07:00 hours and 08:00 hours each day. Members noted Ms. Clover's submission that the Premises would not necessarily operate to these hours every Sunday. However, that would be the permitted effect of granting the variation.

Sundays are restricted in the Council's Licensing Policy because it is the night before the start of the working week and it is important to allow some respite from the later hours to which most premises will operate on Fridays and Saturdays. People will generally expect venues to close earlier on Sundays and will not expect them to operate as an extension of Fridays and Saturdays. It is also important in this context to recognise that the Premises are

predominantly a club venue. Whilst the venue is put to other use, it is the nightclub use to which this variation relates.

The Sub-Committee also accepted Ms. Driver's submission that not all patrons will leave at closing time. There will no doubt be a dispersal of patrons throughout the small hours who, whichever direction they go in, will pass a number of residential properties. Particularly when dispersing on foot, having been in a club all night and having been drinking and in high spirits, they will be louder than they would otherwise. By the same token, ambient noise levels will also be lower, which will have the effect of any such noise seeming louder. Traffic noise from taxis will similarly be likely to have an impact on.

The Sub-Committee noted also Ms. Driver's point in her representation about drug dealers being attracted by such venues. Whilst it is accepted that the police have not made a representation, the Sub-Committee did accept Ms. Driver's submission that this would be a likely consequence of granting the variation.

Whilst the Sub-Committee accepted that the Premises has operated to late hours on Mondays at bank holiday weekends and under TENs, those are occasional. There will be more tolerance of noise at bank holidays because the Monday is not a working day. However, allowing the possibility of late operating hours every Sunday into Monday does, in the Sub-Committee's view, require closer consideration, particularly given the strong steer in our policy as to the hours that are appropriate for licensable activity. The Sub-Committee has paid particular regard to paragraphs 9.42 to 9.44 of the statutory guidance as well as paragraphs 10.13 and 10.14. The Sub-Committee was satisfied that granting the variation would inevitably undermine the licensing objectives, predominantly that of the prevention of public nuisance but also, to a lesser extent, the prevention of crime and disorder. The Sub-Committee considered other options, such as a reduction in hours or additional conditions. The Sub-Committee was not satisfied that additional conditions, such as a power of veto, would be appropriate or proportionate nor did it consider that some increase in the hours could be granted without there being some impact.

The Sub-Committee's decision is to refuse the variation insofar as it relates to the increased hours on Mondays.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a variation of the premises licence for **Studio Spaces/E1, 110 Pennington Street, London, E1W 2BB** be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no extensions for decision deadlines.

**6. TEMPORARY EVENT NOTICE FOR COLOUR FACTORY, UNIT 8A
QUEENS YARD 43 WHITE POST LANE LONDON E9 5EN**

This item was withdrawn by the Applicant.

The meeting ended at 4.10 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee: Licensing Sub-Committee	Date 06 August 2024	Classification Unclassified	Report No.	Agenda Item No.
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Report of: Tom Lewis Service Manager Regulated Services (Commercial) Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a variation of a premises licence for (Perfetto Pizza), 391 Cambridge Heath Road, London, E2 9RA Ward affected: Bethnal Green West
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1.0 Summary

Licence holder:	Qari Azimi
Name and Address of Premises:	Perfetto Pizza 391 Cambridge Heath Road London E2 9RA
Licence sought:	Licensing Act 2003 - variation <ul style="list-style-type: none">• Extend the times for late- night refreshments
Representations:	Licensing Authority / Environmental Protection

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		Corinne Holland 020 7364 3986

3.0 **Background**

- 3.1 This is an application for a variation of a premises licence for Perfetto Pizza, 391 Cambridge Heath Road, London, E2 9RA.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**. The licensable activities and timings are as follows:

The provision of late-night refreshments

- *Thursday – Sunday 23:00 hours – 01:00 hours*

The opening hours of the premises

- *Monday – Wednesday 11:00 hours – 23:00 hours*
- *Thursday – Sunday 11:00 hours – 01:00 hours*

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

“To extend the hours to 5.00am Monday – Sunday”

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

The provision of late-night refreshments

- *Monday – Sunday 23:00 hours – 05:00 hours*

The opening hours of the premises

- *Monday – Sunday 11:00 hours – 05:00 hours*

The hours under consideration have been reduced in agreement with the police to the following:

Monday – Sunday 23:00 – 03:00 hours
Between 01:00 hours – 03:00 hours delivery only

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 10**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Licensing Authority - (**Appendix 6**)
 - Environmental Protection - (**Appendix 7**)

- An email from the applicants agent to the Responsible Authorities is included in - **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
- London Fire Brigade
- Planning Department
- Health and Safety
- Environmental Protection
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

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

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

6.11 Essentially, the relevant parties oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objective(s), particularly the prevention of public nuisance and the prevention of crime and disorder.

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

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

7.0 **Conditions consistent with Operating Schedule**

7.1 No additional conditions.

8.0 Agreements made with Responsible Authorities

- Hours agreed with the police – **Appendix 9**

9.0 Licensing Officer Comments

9.1 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.

9.2 Guidance issued under section 182 of the Licensing Act 2003

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

on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)

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

- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 10.0 In **Appendices 10 - 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

11.0 Legal Comments

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

12.0 Finance Comments

12.1 There are no financial implications in this report.

13.0 Appendices

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 of LA
Appendix 7	Representation of EP
Appendix 8	Agents mediation
Appendix 9	Agreements made with the police
Appendix 10	Home Office concerning relevant, vexatious and frivolous representations
Appendix 11	Licensing Officer comments on noise while the premise is in use
Appendix 12	Licensing Officer comments on access/egress
Appendix 13	ASB on leaving
Appendix 14	CIZ
Appendix 15	Planning
Appendix 16	Licensing Policy relating to hours of trading

Appendix 1



**Lic No:
159807**


**Perfetto Pizza
Ground Floor
391 Cambridge Heath Road
London
E2 9RA**

Licensable Activities authorised by the licence

The provision of late-night refreshment

See the attached licence for the licence conditions

Signed by

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

Date: 25th July 2023

OFFICE USE	Receipt No: 052758	Paid £190:	Date: 19/5/2023
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Part A - Format of premises licence

Premises licence number

159807

Part 1 - Premises details

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

**Perfetto Pizza
Ground Floor
391 Cambridge Heath Road**

Post town

London

Post code

E2 9RA

Telephone number

Email

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Thursday to Sunday 23:00 hours to 01:00 hours

The opening hours of the premises

Monday- Wednesday from 11:00 hours to 23:00 hours
Thursday – Sunday from 11:00 hours to 01:00 hours

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

Not applicable

Part 2

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

Qari Azimi

[Redacted]

[Redacted]

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

N/A

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

N/A

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

N/A

Annex 2 - Conditions consistent with the operating Schedule

Annex 3 - Conditions attached after a hearing by the licensing authority (Hearing date 25th July 2023)

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons.
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

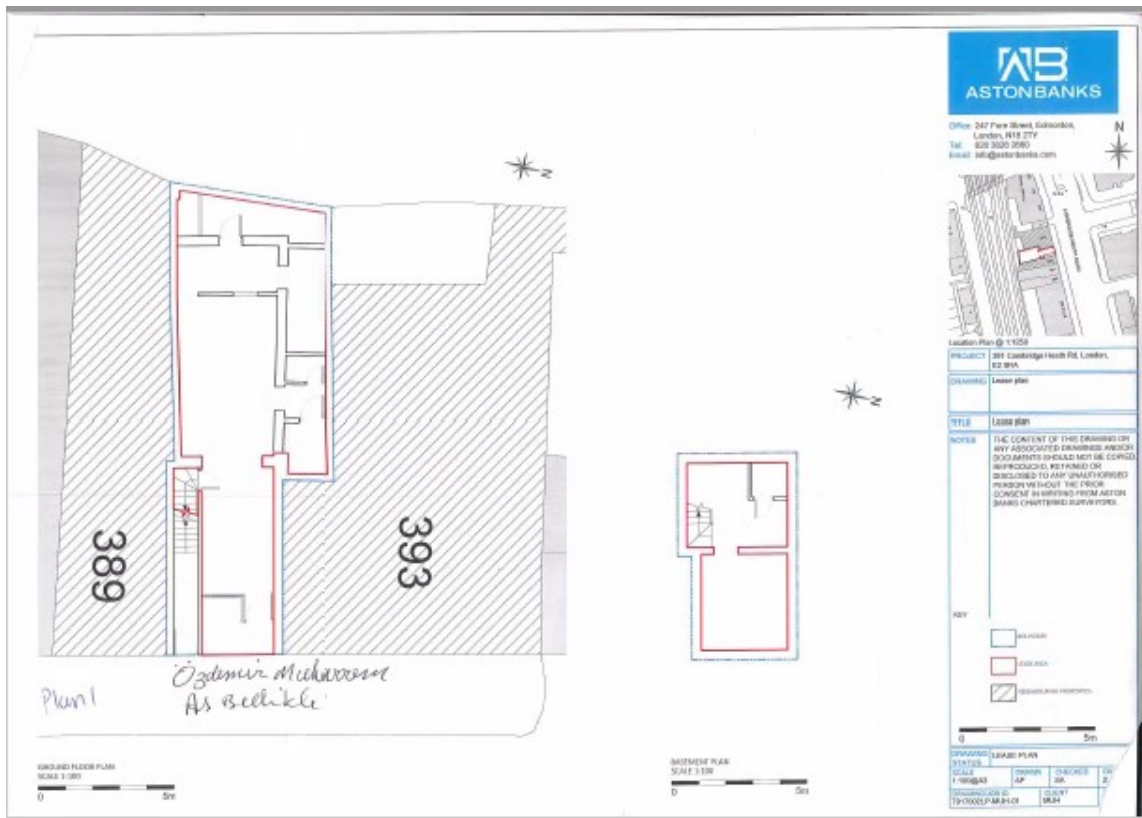
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
5. The premises will have a dispersal plan to ensure customers donot cause noise nuisance when queuing for food or leaving the premises.
 6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
 7. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
 8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
 10. No loitering of patrons outside the premises, no shouting or raised voices, nor loud music/radios, whilst premise is in operation.

Annex 4 - Plans

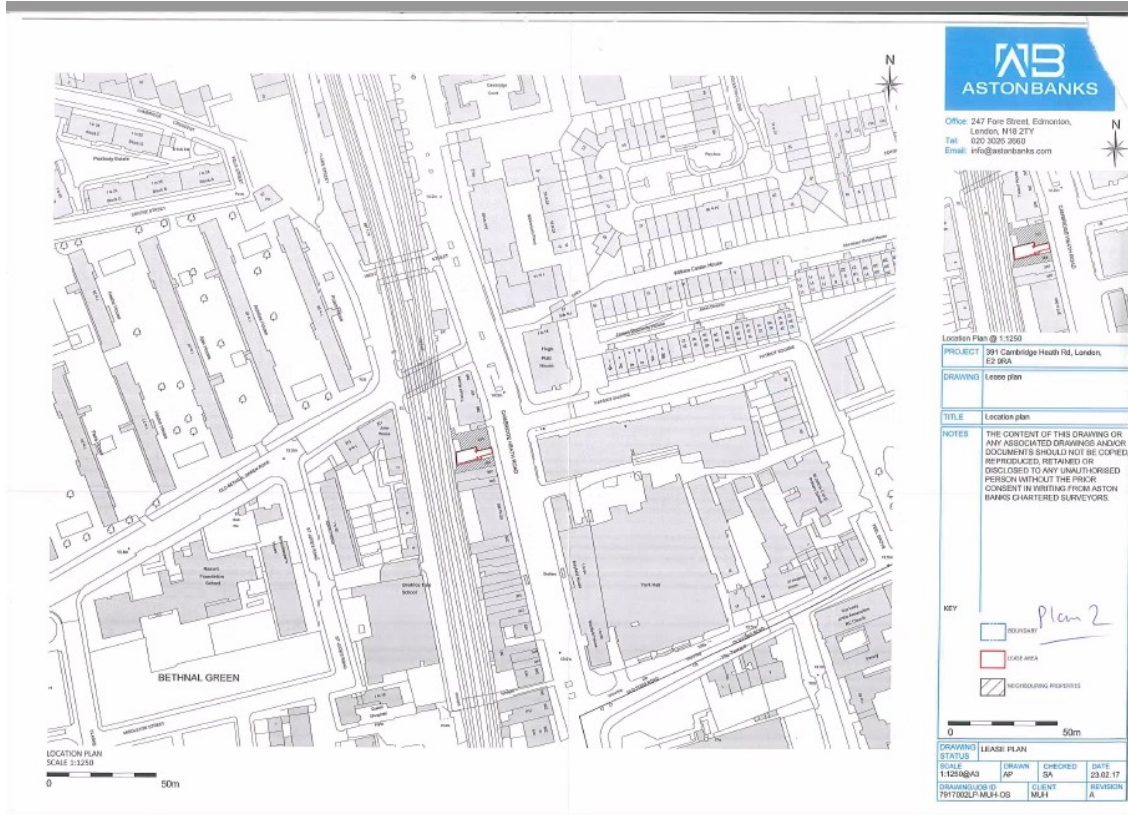
The plans are those submitted to the licensing authority on the following date:

19th May 2023 (*Lease Plan Dwg No 7917002LP-MUH-01 date 23/02/2017.*)

Plan 1



Plan 2 (Lease Plan Dwg No 7917002LP-MUH-0S date 23/02/2017)





Part B - Premises licence summary

Premises licence number

159807

Premises details

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

Perfetto Pizza
Ground
391 Cambridge Heath Road
London

Post town

London

Post code

E2 9RA


Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities	Thursday to Sunday 23:00 hours to 01:00 hours
The opening hours of the premises	Monday- Wednesday from 11:00 hours to 23:00 hours Thursday – Sunday from 11:00 hours to 01:00 hours
Name, (registered) address of holder of premises licence	
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Not applicable
Registered number of holder, for example company number, charity number (where applicable)	N/A
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	N/A
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 2



* required information

Section 1 of 18

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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="MR/R00410/ComConv/391Cambridge"/>	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

You must enter a valid e-mail address

* 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.

Continued from previous page...

Address

* Building number or name	<input type="text" value=""/>
* Street	<input type="text" value=""/>
District	<input type="text" value=""/>
* City or town	<input type="text" value=""/>
County or administrative area	<input type="text" value=""/>
* Postcode	<input type="text" value=""/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Mohammad"/>
* Family name	<input type="text" value="Reza"/>
* E-mail	<input type="text" value=""/>
Main telephone number	<input type="text" value=""/>
Other telephone number	<input type="text" value=""/>

Include country code.

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	<input type="text" value="111359995"/>
Business name	<input type="text" value="Reza Solicitors Ltd"/>
VAT number	<input type="text" value="-"/> <input type="text" value="none"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Director"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value=""/>
Street	<input type="text" value=""/>
District	<input type="text" value=""/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text" value=""/>
Postcode	<input type="text" value=""/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 18

APPLICATION DETAILS

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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	<input type="text" value="391"/>
Street	<input type="text" value="Cambridge Heath Road"/>
District	<input type="text" value=""/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text" value=""/>
Postcode	<input type="text" value="E2 9RA"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text" value=""/>
Non-domestic rateable value of premises (£)	<input type="text" value="14,250"/>

Section 3 of 18

VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

To further vary the hours granted to 5am Mon-Sun.

Total opening hours will be 11am-5am the following day

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

Where taking place in a building or other structure select 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.

Continued from previous page...

State any seasonal variations.

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

N/A

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

N/A

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

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.

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

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="05:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

N/A

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

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

N/A

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

N/A, applicant will continue to follow conditions set in license.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

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.

Continuing to comply with terms already agreed in existing license

b) The prevention of crime and disorder

Continuing to comply with terms already agreed in existing license

c) Public safety

Continuing to comply with terms already agreed in existing license

d) The prevention of public nuisance

Continuing to comply with terms already agreed in existing license

e) The protection of children from harm

Continuing to comply with terms already agreed in existing license

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I/WE UNDERSTAND THAT 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.

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	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

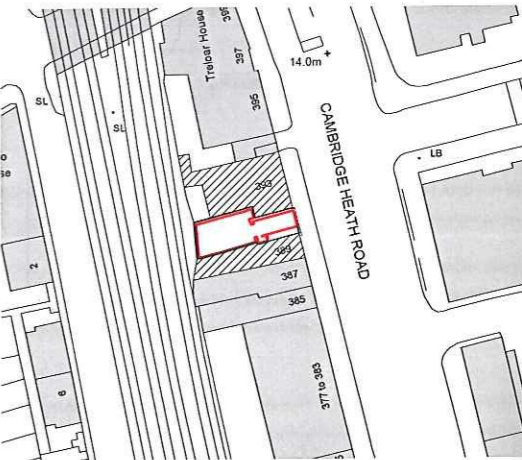
Once you're finished you need to do the following:

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/change-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, 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.

Office: [Redacted]
 Tel: [Redacted]
 Email: [Redacted]



Location Plan @ 1:1250

PROJECT 391 Cambridge Heath Rd, London, E2 9RA

DRAWING Lease plan

TITLE Lease plan

NOTES THE CONTENT OF THIS DRAWING OR ANY ASSOCIATED DRAWINGS AND/OR DOCUMENTS SHOULD NOT BE COPIED, REPRODUCED, RETAINED OR DISCLOSED TO ANY UNAUTHORISED PERSON WITHOUT THE PRIOR CONSENT IN WRITING FROM ASTON BANKS CHARTERED SURVEYORS.

KEY

	BOUNDARY
	LEASE AREA
	NEIGHBOURING PROPERTIES



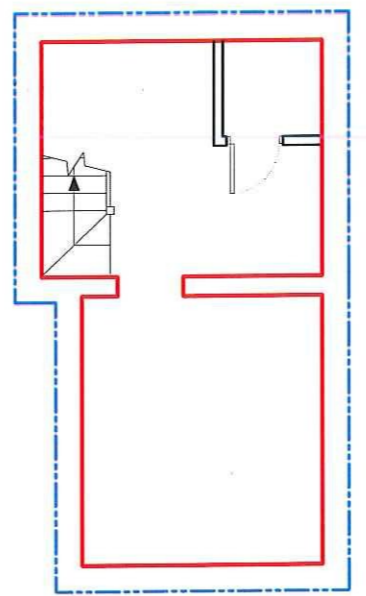
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SCALE	DRAWN	CHECKED	DATE
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DRAWING/JOB ID	CLIENT		
7917002LP-MUH-01	MUH		



Page 56

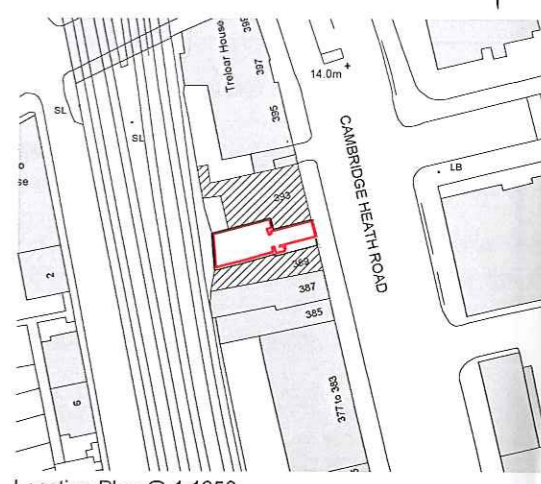
*Özdemir Muharrem
 As Bellikli*

GROUND FLOOR PLAN
 SCALE 1:100



BASEMENT PLAN
 SCALE 1:100

Office: 247 Fore Street, Edmonton,
London, N18 2TY
Tel: 020 3026 2660
Email: info@astonbanks.com



Location Plan @ 1:1250




PROJECT	391 Cambridge Heath Rd, London, E2 9RA
----------------	--

DRAWING	Lease plan
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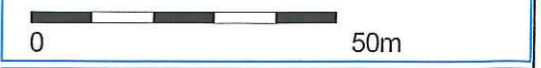
TITLE	Location plan
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NOTES
THE CONTENT OF THIS DRAWING OR ANY ASSOCIATED DRAWINGS AND/OR DOCUMENTS SHOULD NOT BE COPIED, REPRODUCED, RETAINED OR DISCLOSED TO ANY UNAUTHORISED PERSON WITHOUT THE PRIOR CONSENT IN WRITING FROM ASTON BANKS CHARTERED SURVEYORS.

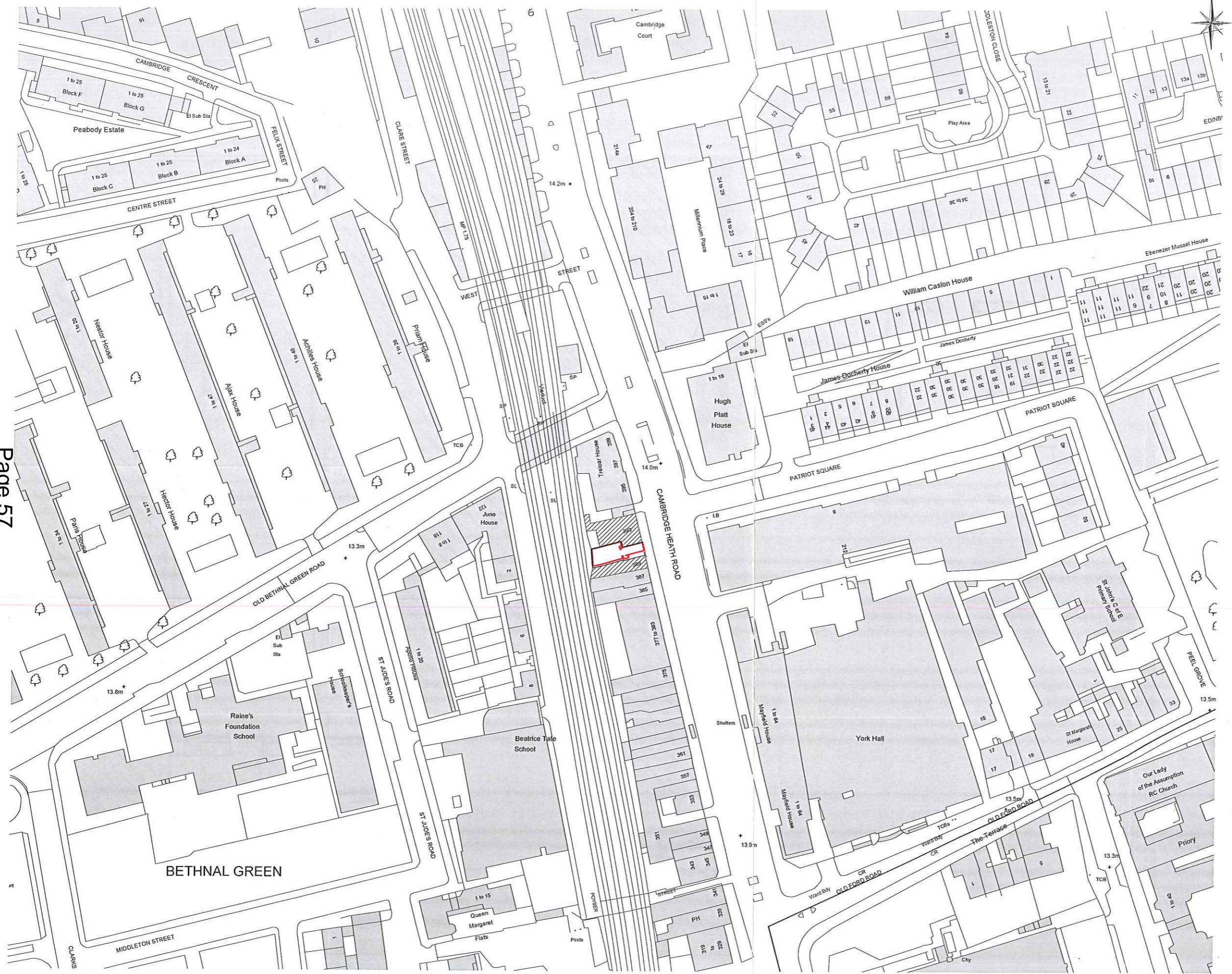
KEY

	BOUNDARY
	LEASE AREA
	NEIGHBOURING PROPERTIES

Plan 2



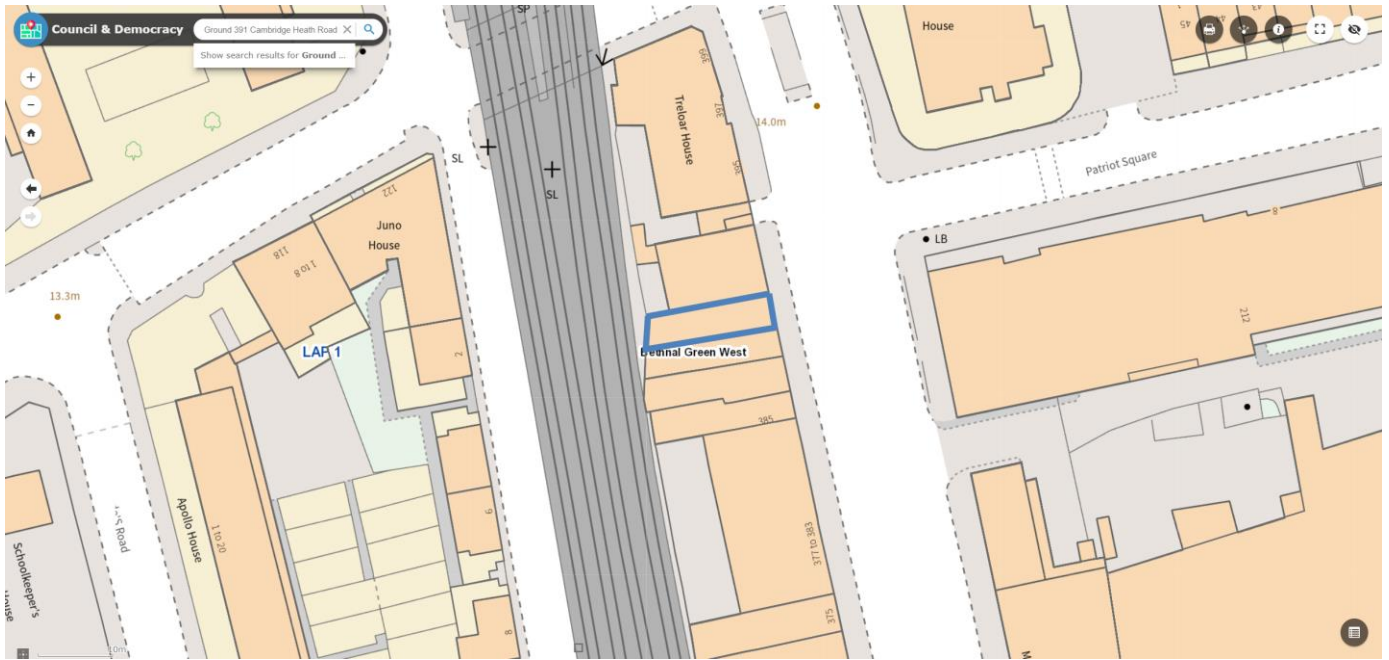
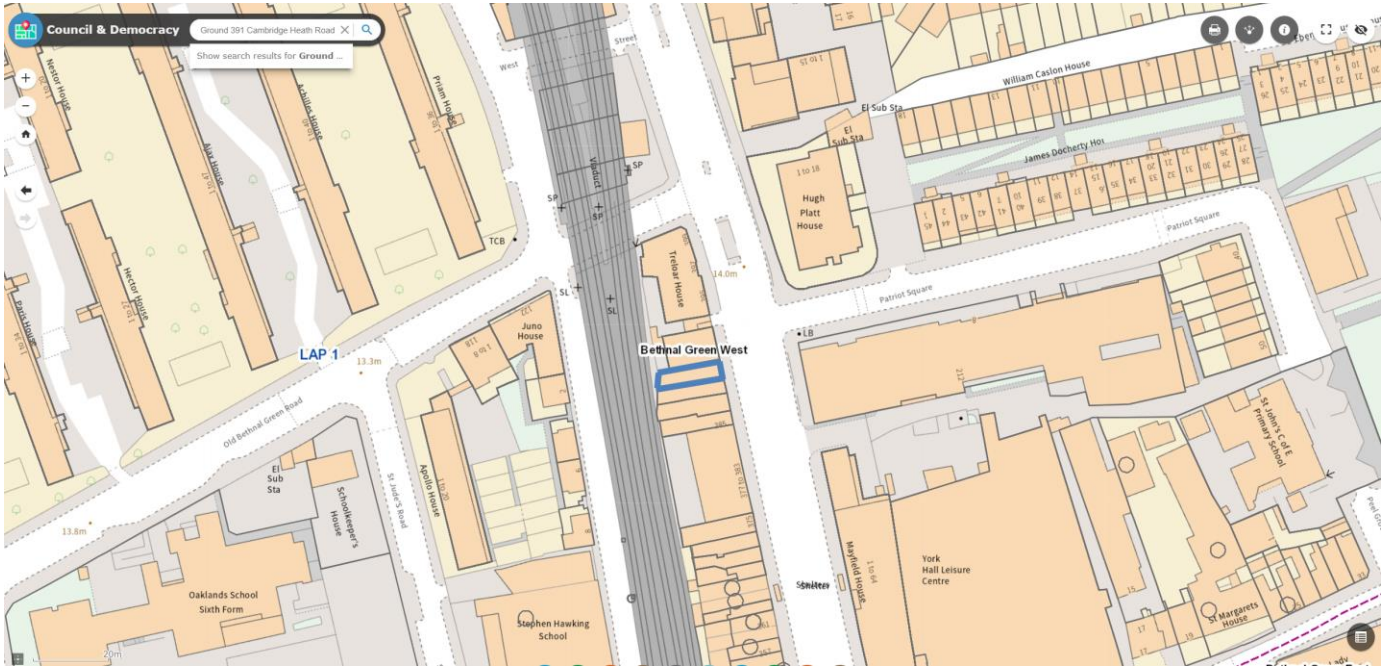
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SCALE	DRAWN	CHECKED	DATE
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DRAWING/JOB ID	CLIENT	REVISION	
7917002LP-MUH-OS	MUH	A	



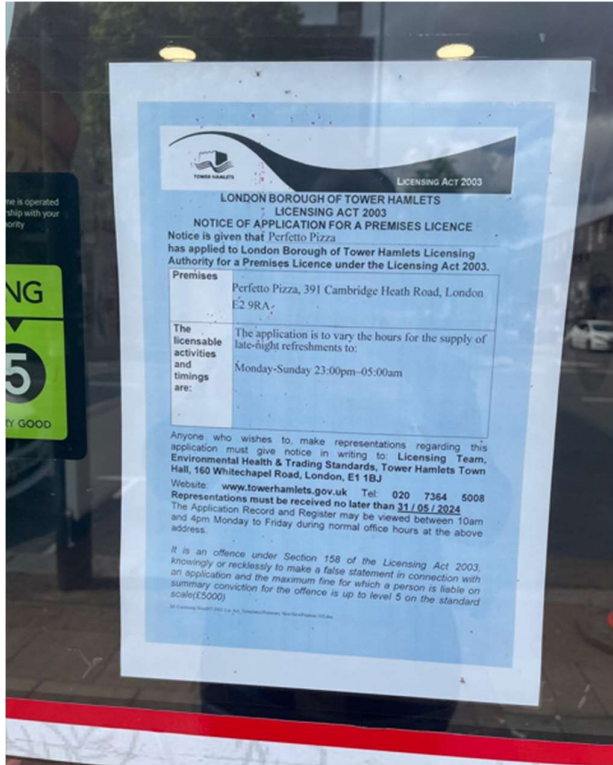
LOCATION PLAN
SCALE 1:1250

Appendix 3

Ground 391 Cambridge Heath Road London E2 9RA



Appendix 4







Appendix 5

Nearest licences – Ground 391 Cambridge Heath Road London E2 9RA

Name and address	The times the licence authorises the carrying out of licensable activities	The opening hours of the premises
(Young Vegans Pizza Shop) 393 Cambridge Heath Road London E2 9RA	Sale of Alcohol (On Premises only) Monday to Sunday, from 12:00 hours to 22:00 hours.	Monday to Sunday, from 12:00 hours to 22:00 hours.
(City Supermarket) 389 Cambridge Heath Road	<u>Sale of alcohol by retail.</u> Monday to Sunday 08:00 hours – 23:00 hours	Monday to Sunday 08:00 hours – 23:00 hours
(Italina Ltd) 385 Cambridge Heath Road	<u>The sale by retail of alcohol:</u> Monday to Sunday 11:30 hours to 23:45 hours <u>The provision of late night refreshment:</u> Monday to Sunday 23:00 hours to 23:45 hours	Monday to Sunday 10:00 hours to 24:00 hours
(Cambridge Heath News) 369 Cambridge Heath Road	The sale by retail of alcohol (off sales) Monday to Thursday 08:00 hours - 23:00 hours Friday & Saturday 08:00 hours - 00:00 hours (midnight) Sunday 08:00 hours – 22:30 hours	Monday to Thursday 08:00 hours - 23:00 hours Friday & Saturday 08:00 hours - 00:00 hours (midnight) Sunday 08:00 hours – 22:30 hours
Hulya's Cafe & Restaurant 357-359 Cambridge Heath Road	<u>Sale of Alcohol (on sales)</u> Monday to Sunday from 10:00 hours to 22:00 hours	Monday to Saturday from 06:00 hours to 22:30 hours Sunday from 07:00 hours to 22:30 hours
(Seed Organic) 363-365 Cambridge Heath Road	<u>The sale by retail of alcohol (off sales)</u> Daily 09:00 hours to 23:00 hours	Daily 09:00 hours to 23:00 hours
	Included as referred to by applicants agent	
(Istanbul Kebab)	<u>The Provision of Late Night Refreshments</u>	Sunday to Thursday from 11:30 hours to 02:00 hours (the following day)

Nearest licences – Ground 391 Cambridge Heath Road London E2 9RA

<p>240 Cambridge Heath Road London E2 9DA</p>	<p>Sunday to Thursday from 23:00 hours to 02:00 hours (the following day) Friday and Saturday from 23:00 hours to 05:00 hours (the following day)</p>	<p>Friday and Saturday from 11:30 hours to 05:00 hours (the following day)</p>
<p>(Best Kebab) 503 Cambridge Heath Road London E2 9BU</p>	<p>The provision of late night refreshment Sunday to Thursday from 23:00hrs to 03:00hrs (the following day) Friday to Saturday from 23:00hrs to 05:00hrs (the following day)</p>	<p>Sunday to Thursday from 11:00hrs to 03:00hrs (the following day) Friday to Saturday from 11:00hrs to 05:00hrs (the following day)</p>
<p>Museum Service Station – Wild Bean Cafe) 319 Cambridge Heath Road</p>	<p>Late Night Refreshment Monday to Sunday: 23:00 – 05:00 Supply of alcohol Monday to Sunday: 08:00 – 23:00</p>	<p>24 hours</p>

Appendix 6



TOWER HAMLETS

By Email:

Licensing Authority:

licensing@towerhamlets.gov.uk

CC:

Applicant - Qari Azimi: [REDACTED]

Agent - Mohammad Reza: [REDACTED]

Communities Directorate
Public Realm

Head of Regulatory Services
(Commercial): Tom Lewis

Enquiries to: Mohshin Ali

Tel: [REDACTED]

Email: [REDACTED]

www.towerhamlets.gov.uk

23rd April 2024

My reference: LIC/L1U:167999/MA

Dear Sir/Madam,

Licensing Act 2003

Variation: (Perfetto Pizza), Ground Floor, 391 Cambridge Heath road, London E2 9RA

Lic No: 159807

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

Special Cumulative Impact Policy for the Bethnal Green area

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

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

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

This Policy will be strictly applied and where relevant representations are received and it is



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

the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane CIA if they wish to rebut this presumption.

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

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

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

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

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

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

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

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

Licensable activities and times

The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases

where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for.

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

Each case will be considered on its merits.

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

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

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

The Home Office guidance

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

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

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

Variation application:

The licence application was considered by the Sub-Committee on **25th July 2023** and the following hours were granted following representation from the Licensing Authority.

The provision of late-night refreshment

- *Monday – Wednesday, until 23:00 hrs (no LNR)*
- *Thursday – Sunday from 23:00 hours to 01:00 hours the following day*

The previous issues associated with the premises were already dealt with that the last hearing. I have looked at the history of the premises and the following relevant Complaints (CMU) and visits are registered on the Council's system Civica Authority Protection (APP):

- **2/10/2023** – (CMU:116958), allegation from a member of public that the premises is opening past its licensed hours. A warning letter was sent to the licence holder on the 2nd October 2023 (see attached).
- **16/10/2023** (Monday at 01:02 hrs) – Premises was visited by officers and was found to be closed at 01:02 hrs so no further action was taken.

The applicant has applied for Monday to Sunday, until 05:00 hours. I understand applicant has now agreed reduced timings. There is no reference in the application to the premises being within the CIA and therefore no additional provisions, on how the applicant intends to uphold the licensing objectives, to demonstrate how the premises will not have a negative effect on the already saturated area.

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 the addition of another late-night refreshment premises it could potentially adding to the existing anti-social issues in the area, as customers who leave other late-night premises, often under the influence of alcohol attend the premises for food and 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. If the Committee decide to grant the application the Licensing Authority propose the hours should stay close to the framework hours.

Yours faithfully,



**Mohshin Ali - Senior Licensing Officer
Trading Standards & Licensing**

Mr Qari, Azimi
[REDACTED]

Public Realm
Environmental Health & Trading Standards

Date 2nd October 2023

Head Of Service David Tolley
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

My reference P/PR/EHTS/LIC/ CMU116958

Dear Mr Qari, Azimi

Tel [REDACTED]
Enquiries to Lavine Miller-Johnson
Email [REDACTED]

Licensing Act 2003, Sections 136

**Premises: (Perfetto Pizza) Ground Floor 391 Cambridge Heath Road
London E2 9RA**

This Licensing Authority have received a complaint that your premises are breaching the terms of your premises licence which was granted by the Licensing Subcommittee on **25th July 2023**.

Your premises licence was granted for Late Night Refreshment:

- **Thursday to Sunday from 23:00 hours -01:00 hours**

The complainant has stated that, your premises has been operating past the hours stipulated on the premises licence.

I would advise that you notify all members of staff to adhere to all the conditions stipulated on the premises licence.

It is an offence to carry on or attempt to carry on a licensable activity on or from any premises other than under and in accordance with an authorisation.

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

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to the attention of the premises holder and the Designated Premises Supervisor, and invite you to make any comments you consider appropriate.

Yours sincerely

[REDACTED]
Lavine Miller-Johnson
Licensing Officer

cc. [REDACTED]
Ground Floor 391 Cambridge Heath Road London E2 9RA

Appendix 7

Corinne Holland

From: Licensing
Sent: 10 April 2024 16:38
To: Corinne Holland
Subject: FW: 167999 Variation of premises licence for Perfetto Pizza Ground Floor 391 Cambridge Heath Road London E2 9RA
Attachments: 167999 Perfetto Pizza 391 Cambridge Heath Road - images.docx

From: Nicola Cadzow <[REDACTED]>
Sent: Wednesday, April 10, 2024 3:39 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: 'MARK.J.Perr [REDACTED]'
Subject: 167999 Variation of premises licence for Perfetto Pizza Ground Floor 391 Cambridge Heath Road London E2 9RA

Dear Licensing,

I have considered the premises variation of license application for Perfetto Pizza Ground Floor 391 Cambridge Heath Road London E2 9RA and the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance from noise generated from within the premises or outside to be causing disturbance to people in the vicinity. Also, the applicant has applied for hours above and beyond the councils framework hours, and the existing operating hours, given the fact that the premises is within Bethnal Green Cummulative Impact Zone.

It must be noted that the Premises existing operating hours are:

- **Monday to Wednesday 11:00 hours to 23:00 hours; and**
- **Thursday 11:00 hours to 01:00 hours**
- **Friday & Saturday 11:00 hours to 01:00 hours**
- **Sunday 11:00 hours to 01:00 hours.**

The applicant is proposing to extend licensable activity for late night refreshment seven days a week as follows:

- **Monday to Wednesday until 05:00 hours (extension of six hours on existing operating hours)**
- **Thursday until 05:00 hours (extension of four hours on existing operating hours)**
- **Friday & Saturday until 05:00 hours (extension of four hours on existing operating hours)**
- **Sunday until 05:00 hours (extension of four hours on existing operating hours).**

Noise Sensitive premises: residential premises in close proximity to 391 Cambridge Heath Road, London, E2 9RA (see image attached)

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & Egress to and from the premises, of patrons, especially due to patrons in high spirits; and

- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application Perfetto Pizza Ground Floor 391 Cambridge Heath Road London E2 9RA for the following reasons:

- (1) Great likelihood of disturbance to residential premises at the noise sensitive hours sought until 05:00 hours seven days a week.
- (2) The premises is in Bethnal Green Cumulative Impact Zone.

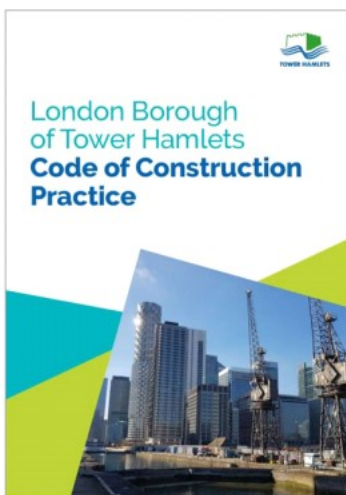
Kind regards

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


www.towerhamlets.gov.uk

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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 **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

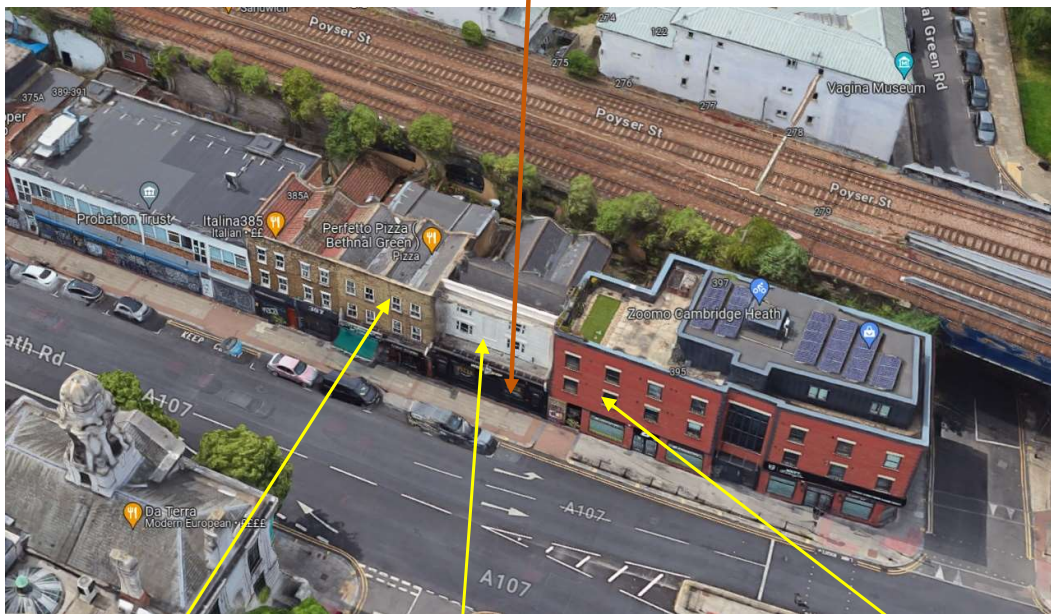
To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply [here](#).

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

Perfetto Pizza 391 Cambridge Heath Road E2 9RA & Residential premises in close proximity

Application reference 167999

Perfetto Pizza 391 Cambridge Heath Road – 391 Cambridge Heath Road



Residential adjacent to 389

Residential above venue at 391 Cambridge Heath Road

Residential adjacent to venue 393 Cambridge Heath Road

Appendix 8

Corinne Holland

From: Nabeel Hasan <[REDACTED]>
Sent: 16 April 2024 17:35
To: Licensing
Cc: Nicola Cadzow; MARK.J.Perr [REDACTED]
Subject: Re: Fwd: 167999 Variation of premises licence for Perfetto Pizza Ground Floor 391 Cambridge Heath Road London E2 9RA
Attachments: CambridgeHeath391.decisionletter.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

Thank you for your email highlighting your concerns. We would like to point out that there are a number of businesses within close proximity of the applicant that operate under extended hours. Namely; Wild Bean Cafe E2 LH (open 24H), Best Kebab E2 9BU (open until 2am Sun-Thurs, 5am Fri-Sat), Istanbul Kebab E2 9DA (open under the same hours as Best Kebab).

The businesses noted above are of substantially similar nature to the applicant while operating along the same road. Our client has been operating under their existing license without a singular issue to date and continues to cooperate with the Local Authority as appropriate.

We would also like to bring your attention to the attached decision letter which indicates correspondence with the Sub-Committee in which they concluded that the applicant would be able to operate within the CIZ without adding to the impact. In the time between this decision and now, we understand that there have been no complaints or incidents with the LA regarding the premises. We argue that our client has earned the right to extend their operating hours following this consistency while operating under their current terms.

The applicant is a small business, only being able to serve a few customers on site at a time and has a small likelihood of generating any more of a crowd than any of the other business operating along Cambridge Heath Road.

The applicant is more than reasonable and willing to negotiate reduced hours to the ones requested if the LA feels they would be mutually beneficial for all concerned.

We look forward to hearing.

Kind regards,

Nabeel Hasan

[REDACTED]

[REDACTED]

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Applicant: Qari Azimi

Email: [REDACTED]

29th September 2023

Reference: CLC/LIC/159807/LMI

Dear Sir/Madam,

PLACE Directorate

Public Realm

Environmental Health & Trading
Standards

Licensing & Safety Team

4th Floor Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BJ

Tel: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Licensing Act 2003

New premises licence: Perfetto Pizza Ground Floor & Basement, 391
Cambridge Heath Road London E2 9RA

I write to you following your application for a new premises licence to the above application and the subsequent Licensing Sub Committee Hearing on 25th July 2023. The licence was opposed and therefore the Licensing Authority has incorporated any changes of hours and conditions as per the Licensing Sub-Committees decision. The reasons for this decision are attached in

Appendix A.

Your rights of appeal are contained in **Appendix B**

Yours faithfully

[REDACTED]

Lavine Miller-Johnson

Licensing Officer

[REDACTED]

Appendix A

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

Consideration

The Sub-Committee considered an application by Qari Azimi for a new premises licence to be held in respect of Perfetto Pizza, 391 Cambridge Heath Road, London, E2 9RA ("the Premises"). The application originally sought authorisation for the provision of late night refreshment from 23:00 hours to 05:00 hours seven days per week. Following discussions with the Police and Environmental Health, however, the applicant reduced scope of the application so that authorisation was sought only for Thursday to Sunday and from 23:00 hours to 01:00 hours. Conditions had been agreed with those authorities.

The application attracted one representation opposing it. This was from the Licensing Authority and based on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance and the fact that the Premises were located in the Bethnal Green Cumulative Impact Zone (CIZ).

The Sub-Committee heard from Abdul Azimi on behalf of the applicant. His brother was the applicant but was presently out of the country. He spoke briefly to the application. In large part he referred to the financial difficulties faced by businesses in the area and the need for later hours to survive. There were often events such as boxing matches, which finished at around 23:00 hours, and without a licence they would not be able to serve those patrons.

It was not clear that Mr. Azimi fully understood the CIZ during questions although once explained to him he was able to set out some measures to be taken to ensure that they did not add to the impact. These included conditions such as CCTV. He also told the Sub-Committee that the Premises used its own delivery drivers because they could exercise more control over them, which they could not do with third-party drivers.

It was also unclear whether he understood the hours sought. When these were clarified by the Legal Adviser, however, it did seem clear that he understood them.

He was asked if he could explain why the Premises appeared to have been providing late night refreshment on 6th May 2023. He told the Sub-Committee that they did not know about the need for a licence and that this happened to be the King's Coronation weekend. As soon as they had been made aware of the need for a licence, they had ceased to trade without an authorisation. The Legal Adviser confirmed to the Sub-Committee that the extension to licensing hours for the Coronation weekend did not apply to the provision of late night refreshment.

The Sub-Committee heard from Corinne Holland on behalf of the Licensing Authority. She referred to the sale on 6th May 2023 and allegations of noise nuisance (from the same resident) on that evening and on 30th May, when the Premises had been operating under a Temporary Event Notice (TEN). It was alleged that there had been a large fight on 30th May around 01:30 hours. Warning letters were sent to the Premises on 30th May warning that online advertising showed several businesses operating for delivery from the Premises and that this may constitute an offence. A further warning was sent the following day advising of the failed test purchase on 6th May.

Ms. Holland submitted that the Premises did not fall within an exception to the CIZ. Food was not supplied for consumption on the Premises nor was the business delivery-only.

During questions, Ms. Holland confirmed that only the one resident had complained. She was asked by our Legal Adviser to clarify the allegation of the fight on 30th May, which had not appeared in her original representation, which had only referred to the Premises being noisy. She read the allegation out to the Sub-Committee. It did not make any specific reference to this being linked to the Premises although Ms. Holland suggested it was clearly implied.

Mr. Azimi knew nothing of the alleged altercation. He denied that there had been any fights at the Premises and also denied, as suggested in the complaint, that they had operated until 06:00 or 07:00 hours. When they had operated under TENs, they had closed around midnight or 00:30 and delivered until 02:00 hours.

The application engaged the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. There was little evidence of either. The Sub-Committee is aware that its function is not to determine guilt or innocence and that although the failed test purchase on 6th May 2023 might have amounted to an offence, it could not conclude that it was.

The Sub-Committee noted, however, that as soon as the issue was communicated to the Premises' management, they ceased operating, gave TENs, and applied for a premises licence. The Sub-Committee therefore considered that it could accept that this was a genuine error on the part of the applicant and that they would be capable of upholding the licensing objectives.

The Sub-Committee could not rely upon the allegation of a fight outside the Premises on 30th May 2023. The initial account given by Ms. Holland in her representation was different. Whilst the Sub-Committee accepted that this was simply a mistake, having heard the complaint read out it could not be considered reliable. There was no detail which linked it in any way to the Premises. It made no

specific mention of the Premises. It appeared to have not been reported to the Police. Such an incident may well have occurred; however, it could not be linked to the Premises.

The Sub-Committee noted further that neither the police nor Environmental Health had made a representation; they had been content with the agreed conditions and the reduction in hours. No residents had objected. The one resident who had complained to the Licensing Authority had clearly not done so. Whilst the Premises were in the CIZ and the onus was on the applicant to rebut the presumption in favour of a refusal, these were matters the Sub-Committee considered to be relevant. The applicant had agreed a number of conditions and a reduction in hours with the responsible authorities, which would mitigate any impact on the CIZ. Further, the fact that the Premises had operated under a small number of TENS without problem (save for the unsubstantiated allegation) indicated that the Premises could operate within the CIZ without adding to the impact.

The Sub-Committee noted Ms. Holland's point that the applicant had not brought themselves within one of the exceptions to the CIZ described in the Statement of Licensing Policy. However, the Policy indicates possible exceptions rather than providing an exhaustive list. The Sub-Committee was satisfied that the applicant had rebutted the presumption against granting the application.

The application is therefore granted:

Provision of late night refreshment (off the premises)

Thursday to Sunday 23:00 hours to 01:00 hours

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

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

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

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

5. The premises will have a dispersal plan to ensure customers donot cause noise nuisance when queuing for food or leaving the premises.

6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.

7. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.

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

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

10. No loitering of patrons outside the premises, no shouting or raised voices, nor loud music/radios, whilst premise is in operation.

Appendix B

Appeal Rights under Schedule 5 of Licensing Act 2003

The appeal must be made to the Magistrates Court which has jurisdiction in the area of the London Borough of Tower Hamlets.

A notice of appeal must be given to the justices' chief executive for the Magistrates Court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority.

Please note that the licensing authority will be a party to the appeal.

Appendix 9

Corinne Holland

From: MARK.J.Perry@[REDACTED]
Sent: 19 April 2024 13:21
To: nabeel@[REDACTED]
Cc: Licensing
Subject: RE: Variation of premises License Perfecto Pizza Cambridge Heath Road

Hi Nabeel,

Thanks for agreeing terms so quickly, and have a good weekend.

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

Kind Regards

Mark

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

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

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

From: Nabeel Hasan <[REDACTED]>
Sent: 19 April 2024 13:13
To: Perry Mark J - CE-CU [REDACTED]
Subject: Re: Variation of premises License Perfecto Pizza Cambridge Heath Road

Hi Mark,

Your offer is more than reasonable, my client is happy to agree to your initial proposal.

Thank you for your prompt cooperation and I hope you enjoy the weekend.

Kind regards,

Nabeel Hasan

Reza Solicitors Ltd, [REDACTED]

E1 2BT

Tel: [REDACTED]
[REDACTED]

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On 19/04/2024 13:11, MARK.J.Perry [REDACTED]

> Hi,
>
> Sadly I think until 4am is too much of a jump from their existing
> hours, and the risk of such extended hours resulting in nuisance and
> disorder is therefore too great.
>
> I believe if your client is able to demonstrate over a reasonable
> period of time they can operate until 3am without issue, then we would
> of course consider a fresh application to further extend the hours.

> Kind Regards

> Mark

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

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

> -----Original Message-----
> From: Nabeel Hasan <nabeel@[REDACTED]>
> Sent: 19 April 2024 12:29
> To: Perry Mark J - CE-CU <MARK.J.[REDACTED]>
> Subject: Re: Variation of premises License Perfecto Pizza Cambridge
> Heath Road

> Hi Mark,
>
> Thank you for your email and phone call earlier. Having spoken to my
> client, they have politely asked if you are willing to consider
> deliveries until 4am? They have again expressed that the business is
> struggling heavily without access to the customers later at night.
>
> They are more than happy to accept the rest of your proposal.
>
> I look forward to hearing.
>
> Kind regards,
>
> ---
> Nabeel Hasan
>
> Reza Solicitors Ltd, U [REDACTED]
> L [REDACTED]
> [REDACTED]
> Tel: [REDACTED]
> Email: info@rezasolicitors.com;
> http://www.r/
> ezasolicitors.com%2F&data=05%7C02%7Cmark.j.perry%40met.police.uk%7C766
> 53c2543a64b1d501e08dc606a0c83%7Cf3ee2a7e72354d28ab42617c4c17f0c1%7C0%7
> C0%7C638491255788603099%7CUnknown%7CTWFpbGZsb3d8eyJWljoic4wLjAwMDAiLC
> JQljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=dFrxy
> JcTvZ%2BRa74THgUpgsg1HJRtrX5XETi1hd2CwA%3D&reserved=0
>
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> Authority (SRA No. 645661)
>
> On 19/04/2024 11:55, MARK.J.Perry [REDACTED]
>> Hi Nabeel,
>>
>> Good to speak to you earlier. Following our conversation please see
>> below the proposed hours of Late Night Refreshment for the Premises:
>>
>> Monday to Sunday
>>
>> 23:00 - 01:00 for on premises sales.
>>
>> 01:00 - 03:00 for delivery only.
>>
>> All conditions to remain the same.

>>

>> Please let me know if this is acceptable to your client and I will

>> let Tower Hamlets Council know we have agreed terms.

>>

>> Kind Regards

>>

>> Mark

>>

>> PC Mark Perry

>>

>> Central East Licensing Unit

>>

>> Metropolitan Police Service (MPS)

>>

>> [REDACTED]

>>

>> Email [REDACTED]

>>

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

>>

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Appendix 10

**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 11

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 12

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 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 5.14 and 5.15 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 20 of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders

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

Appendix 14

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

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

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

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

Review of Cumulative Impact Assessment - Supporting Evidence

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

This evidence is published on our website:

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

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

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

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

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

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

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

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

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

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

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

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

- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

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

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

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

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

Figure One

Brick Lane area:

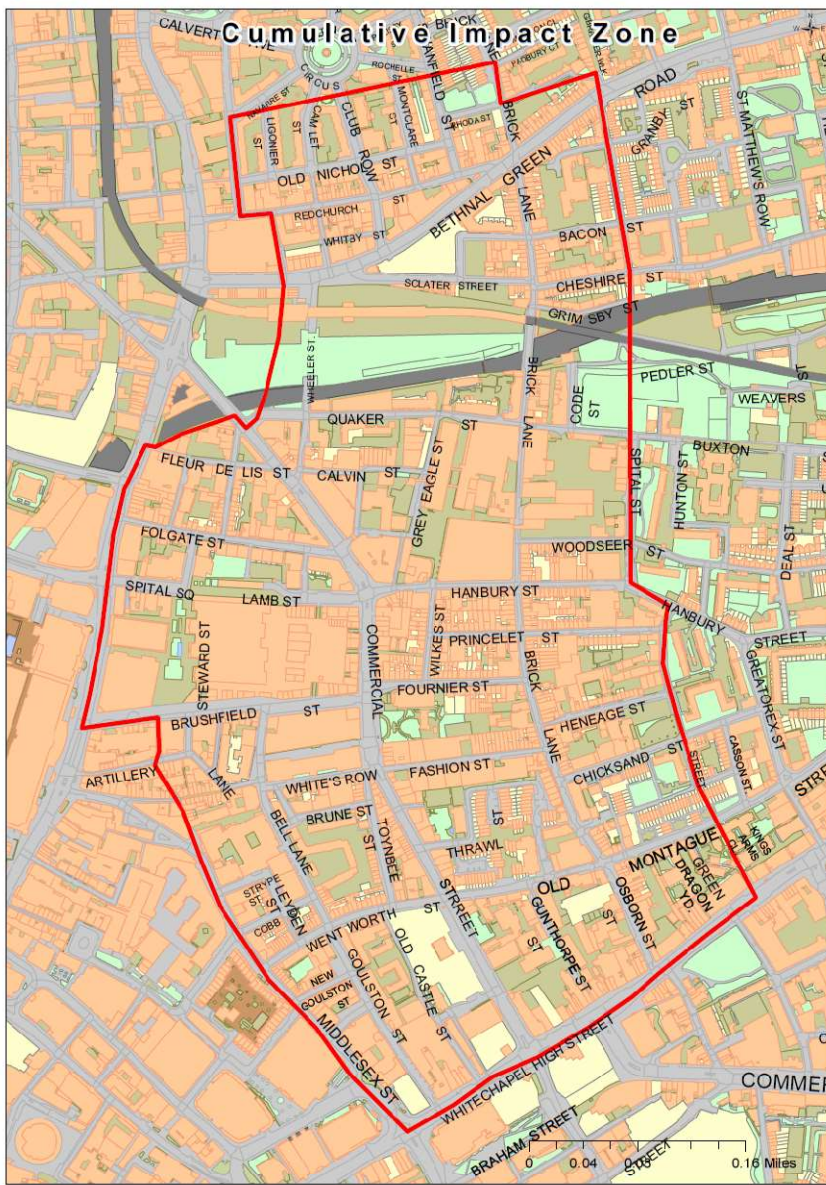
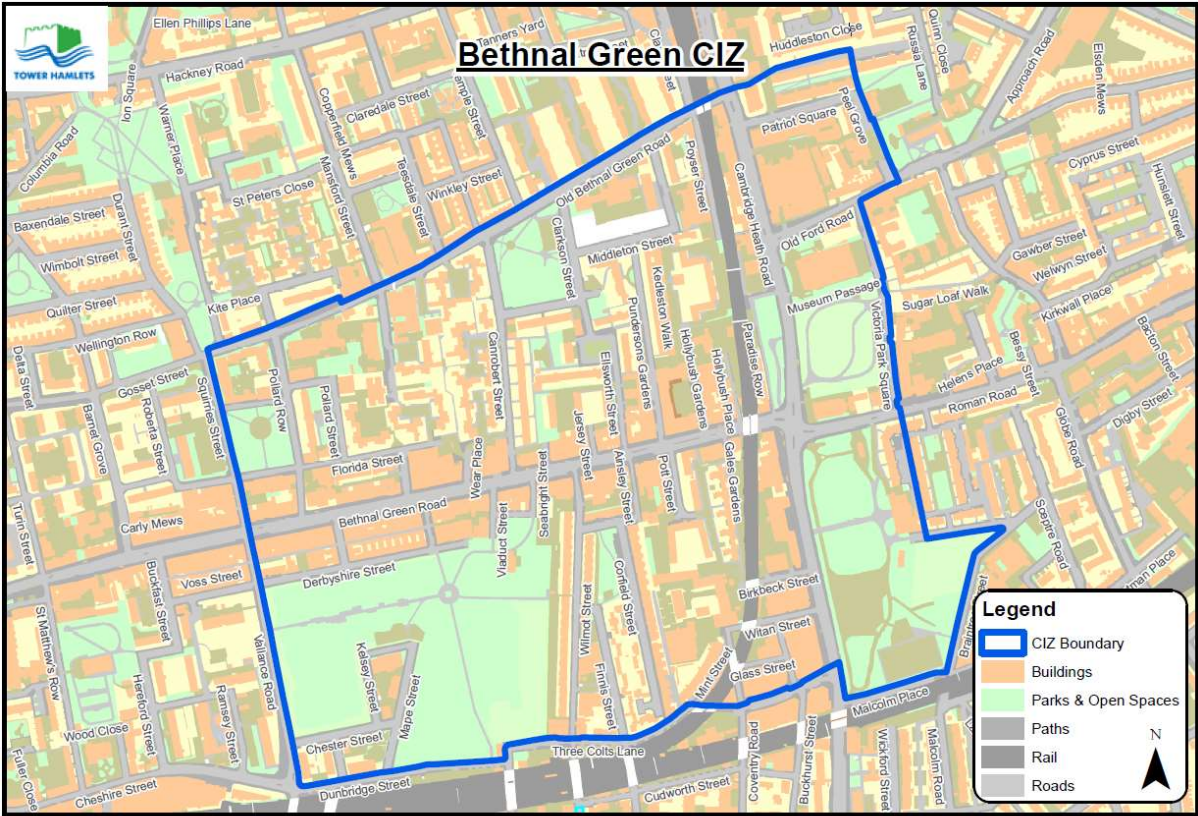


Figure Two:

Bethnal Green Area



Appendix 15

Planning

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

Appendix 16

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 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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