

Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 11 April 2006 at 10.30 a.m.

A G E N D A

VENUE

Room C1, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14
2BG

Members:	Ward Represented
Chair: Councillor Brian Son	Blackwall & Cubitt Town
Vice-Chair:	
Councillor Helal Abbas	
Councillor Motin Uz-Zaman	Mile End East

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 11 April 2006

10.30 a.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

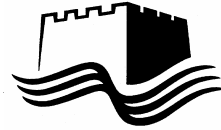
- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	1 - 12	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	13 - 16	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 29 March 2006.		
5. ITEMS FOR CONSIDERATION		
5 .1 Application for New Premises Licence: City Spice, 138 Brick Lane, London E1 6RU	17 - 48	Spitalfields & Banglatown
5 .2 Application for New Premises Licence: Rise & Shine, 59-61 Vyner Street, London E2 9DQ	49 - 86	Spitalfields & Banglatown
6. EXCLUSION OF PRESS AND PUBLIC		
That, under Section 100 (a) of the Local Government Act 1972 as amended, the press and public be excluded from the meeting for the consideration of the Section 2 business on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A of the Local Government Act 1972, as detailed.		
7. EXEMPT MINUTES		
To confirm as a correct record of the proceedings the Section 2 minutes of the meeting held on 29 March 2006.		

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TOWER HAMLETS



LICENSING COMMITTEE

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

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 Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 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.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three 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. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority

- transfer of a premises licence
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

Note: Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

4. Procedure at the Hearing

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-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.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the 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. 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.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-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.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority 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.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-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.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-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 the authority may specify.

4.5 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. 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.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises license)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

grant of personal licence).				
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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LONDON BOROUGH OF TOWER HAMLETS

At a meeting of the LICENSING SUB COMMITTEE
held on WEDNESDAY 29 MARCH 2006 at 10.40 AM
in THE COUNCIL CHAMBER, THE TOWN HALL,
MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG

PRESENT

Members of the Sub Committee:

Councillor B. Son (Chair)
Councillor A. Amos
Councillor M. Williams

Applicants

Mr R. Edney	Solicitor, White Hart PH
Mr N. Helly	DPS, White Hart PH
Mr R. Landaz	Applicant

Objectors

PC K. Eglinton	Metropolitan Police, Licensing Section
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Officers

Jackie Randall-Peltier	Trading Standards, Licensing
Zak Hussein	Legal Advisor
Margaret Sampson	Clerk to the Committee

Members of the Public in Attendance

There were no members of the public present

1. APOLOGIES FOR ABSENCE

None were received.

2. DECLARATIONS OF INTEREST

None were received.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. MINUTES

The minutes of the meeting held on 27 February 2006 were AGREED as an accurate record of the proceedings.

The Chair recollected the meeting in question and drew attention to the comments of the Mayor of London regarding his and the GLA's view that they would look to oppose applications proposing striptease particularly in areas where large areas of the community find the provision of such facilities offensive.

Councillor Amos commented that such matters were for individual Licensing Authorities to consider on a case by case basis. Ms Randall-Peltier advised that consideration of applications had to be based on one or more of the four licensing objectives and Members could only consider the evidence that was presented to them.

Before continuing to consider the business as detailed, the Chair asked those present to introduce themselves.

5. ITEMS FOR CONSIDERATION

5.1 Variation of Premises Licence: The White Hart, 1-3 Mile End Road, E1 4TP (LSC110/506)

Mr Hussain reported that he understood that conditions may have been agreed with Environmental Health, if it was possible for the applicant to confirm this and clarify the hours of operation, it may be that matters could be resolved.

Mr Edney, on behalf of the applicant, confirmed that the applicant was happy to comply with all the matters raised by Environmental Health and clarified that all doors and windows would be kept except those required for access and egress purposes. The hours stated on page 51 of the report related to the opening hours of the premises and all regulated activities would cease 30 minutes before closure.

Councillor Williams sought clarification on the use and ownership of the tables and chairs outside the front of the premises, particularly as this was a main thoroughfare and the area may be used by anyone passing, thereby causing nuisance.

It was confirmed that the furniture was a permanent fixture but it was not clear whether the area in use constituted part of the premises or was part of the public highway. The applicant was therefore advised that he should contact the Highways department to clarify this and seek any required permission for use of the area in question.

There being no further questions and accepting that the Environmental Health representations had been resolved, the Sub Committee **AGREED** the variation to the Premises Licence as per the recommendations detailed in the report as follows:

All doors and windows to be kept closed at all times.

All new plant approved and noise levels set so as not to cause nuisance to the nearest affected façade whether commercial or residential.

No drinking or congregating in the outside area after 11pm on any night.

A noise limiter to be installed to control noise levels on both the ground and first floor and levels to be set in co-operation with Environmental Health.

All speakers, woofers etc. that are situated on the floor must be placed on anti-vibration mats.

All wall mounted speakers should be hung off the walls.

Opening hours of the premises to be:

11:00 – 01:30 hours, Monday to Wednesday

11:00 – 03:00 hours, Thursday

11:00 – 03:30 hours, Friday and Saturday

11:00 – 12:30 hours, Sundays

All regulated activities including the sale of alcohol to end 30 minutes before the premises close.

6. EXCLUSION OF PRESS AND PUBLIC

In light of the remaining business on the agenda the Sub Committee **RESOLVED**

That, under Section 100 (a) of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded from the meeting for the consideration of the Section 2 business on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A of the Local Government Act 1972, as detailed.

6.1 Application for Personal Licence: Mr R. Landaz (LSC111/506)

The application was **REFUSED**.

There being no further business, the meeting closed at 11.35am.

CHAIR _____

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Agenda Item 5a

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 th APRIL 2006	Unclassified	LSC112/ 506	5.1

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a New Premises Licence for City Spice, 138 Brick Lane, London E1 6RU
Originating Officer: Kathy Butler Consumer Services Officer	Ward affected Spitalfields & Banglatown

1.0 Summary

Applicant: **Shiraj Haque**
 Name and Address of Premises: **City Spice**
138 Brick Lane, London E1 6RU

Licence sought: **New Premises License - Licensing Act 2003**

Provision of alcohol
Provision of Regulated Entertainment
Provision of Late Night Refreshment

Objectors: **London Fire & Emergency Planning Authority**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Kathy Butler 020 7364 5171

3.0 Background

- 3.1 This is an application for a new premises licence for City Spice, 138 Brick Lane, London, E1 6RU.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the variation as follows:

Provision of alcohol
Provision of Regulated Entertainment
Provision of Late Night Refreshment

The hours that have been applied for are as follows:-

Alcohol: -

Sunday to Thursday from 10:00 hours to 01:00 hours
Friday to Saturday from 10:00 hours to 02:00 hours

Regulated Entertainment (Recorded Music): -

Sunday to Thursday from 10:00 hours to 01:00 hours
Friday to Saturday from 10:00 hours to 02:00 hours

Late Night Refreshment: -

Sunday to Thursday from 23:00 hours to 01:00 hours
Friday to Saturday from 23:00 hours to 02:00 hours

Hours Premises is Open to the Public: -

Sunday to Thursday from 10:00 hours to 01:00 hours
Friday to Saturday from 10:00 hours to 02:00 hours

There are also various non-standard times. See **Appendix 5** ACPO comments on irregular times.

- 3.3 Maps showing the relevant premises is included as **Appendix 2**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It will also be available at the hearing.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Objections

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authority:
London Fire & Emergency Planning Authority (**See Appendix 3**)
- 5.2 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
- 5.3 Essentially, the regulatory Authority oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
public safety
- 5.4 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.
- ## 6.0 Licensing Officer Comments
- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore 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.

6.2 Guidance issued under section 182 of the licensing Act 2003

- As stated in the guidance it is “provided for licensing authorities carrying out this their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.4).
- Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (2.3).
- Also Members should note “A Licensing Authority may depart from it’s own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.”
- Conditions may not be imposed for the purpose other than the licensing objectives. “For example, conditions relating to night café and take away outlets operating from 11pm must relate to the night time operation of the premises.”(S7.1)
- Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (S.7.4).
- The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- In Letter to the Chief Executive from the DCMS 30 Sept 2005. There is no presumption in the Act for longer hours over objections from local people and organisations. When there are objections and the licensing committee believes that changing the hours would undermine the statutory licensing objectives, they can reject the application or grant it with appropriate conditions and/or different hours from those requested.

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

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

6.5 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.

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

7.0 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 4 Licensing Officer comments on safety problems

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1 Copy of application for new Premises Licence

Appendix 2 Maps of the Area

Appendix 3 Representations of London Fire & Emergency Planning Authority

Appendix 4 Licensing Officer comments on safety problems

Appendix 5 APCO comments on irregular times

Appendix 1

[insert name and address of relevant licensing authority and its reference number (optional)]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description	
CITY SPICE 138 BACK LANE	
Post town	Post code
LONDON	E1 6RU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£19000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

If you are applying as a person described in (a) or (b) please confirm:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

e-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick
✓ yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS.

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year

As soon as possible

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

Day	Month	Year

N/A

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

N/A

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

This is a well established Indian Restaurant in the town, Brick Lane which has traded for many years but without a liquor licence. The purpose of the application is only to trade alcohol as excelling to meals taken out of the restaurant or cater at the premises

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 3)		
			State any seasonal variations for performing plays (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 3)		
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y](please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		Please give further details here (please read guidance note 3)
Tue					
Wed					State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Thur					
Fri					Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat					
Sun					

Live music			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Standard days and timings (please read guidance note 6)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

Recorded music			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Standard days and timings (please read guidance note 6)				Outdoors	
Day	Start	Finish		Both	
Mon	1000	0100	Please give further details here (please read guidance note 3) Background to the weekend		
Tue	1000	0100			
Wed	1000	0100	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thu	1000	0100			
Fri	1000	0200	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) To 0200 on Sunday prior to Bank Holiday and to 0300 on New Years Eve		
Sat	1000	0200			
Sun	1000	0100			

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Fri					
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat					
Sun					

sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
sun			

Provision of facilities for making music standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing																															
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr><td>Mon</td><td></td><td></td></tr> <tr><td>Tue</td><td></td><td></td></tr> <tr><td>Wed</td><td></td><td></td></tr> <tr><td>Thur</td><td></td><td></td></tr> <tr><td>Fri</td><td></td><td></td></tr> <tr><td>Sat</td><td></td><td></td></tr> <tr><td>Sun</td><td></td><td></td></tr> </tbody> </table>			Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2) <table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>		Indoors		Outdoors		Both	
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Sun																																		
Indoors																																		
Outdoors																																		
Both																																		
			Please give further details here (please read guidance note 3)																															
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)																															
			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)																															

Provision of facilities for dancing standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2) <table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>		Indoors		Outdoors		Both																						
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Day	Start	Finish																													

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thu			
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

Provision of facilities for entertainment of a similar description to that falling within I or J standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	2300	0100	Please give further details here (please read guidance note 3) Refreshment Van		
Tue	2300	0100			
Wed	2300	0100	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0100			
Fri	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) To 0200 on Sunday prior to bank holiday To 0300 on New Year Eve		
Sat	2300	0200			
Sun	2300	0100			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
				Both	
Mon	1000	0100	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	1000	0100			
Wed	1000	0100			
Thur	1000	0100	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) To 0200 on Sunday prior to bank holiday To 0300 on New Year Eve		
Fri	1000	0200			
Sat	1000	0200			

UI:	1000 0100	
-----	-----------	--

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

Name..... ALFU MIAH

Address.....

Postcode.....

Personal Licence number(if known)

Issuing licensing authority (if known).....

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	1000	0100	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>To 0200 on Sunday prior to Bank Holiday</p> <p>To 0300 on Sun. Tron Eve</p>
Tue	1000	0100	
Wed	1000	0100	
Thur	1000	0100	
Fri	1000	0200	
Sat	1000	0200	
Sun	1000	0100	

Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

No bouling for trade in Back Lane

b) The prevention of crime and disorder

Tags will be ordered for patrons on request

c) Public safety

No alcohol on pavement

d) The prevention of public nuisance

Notice requiring patrons to keep regard to
interest of local residents when leaving!

e) The protection of children from harm

Children will always be accompanied in the
restaurant

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature [Handwritten Signature] TV EDWARDS

Date 06 02 01

Capacity Solicitor to the applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
<u>TV EDWARDS (BY AG)</u> <u>29 MILE END ROAD</u>	
Post town	Post code
<u>LONDON</u>	<u>E1 4TP</u>
Telephone number (if any)	
<u>0207 790 7000</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
<u>ate @ tv-edwards.com</u>	

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2

Map



Scale 1:2500

Map of:

Notes:

138 Brick Lane

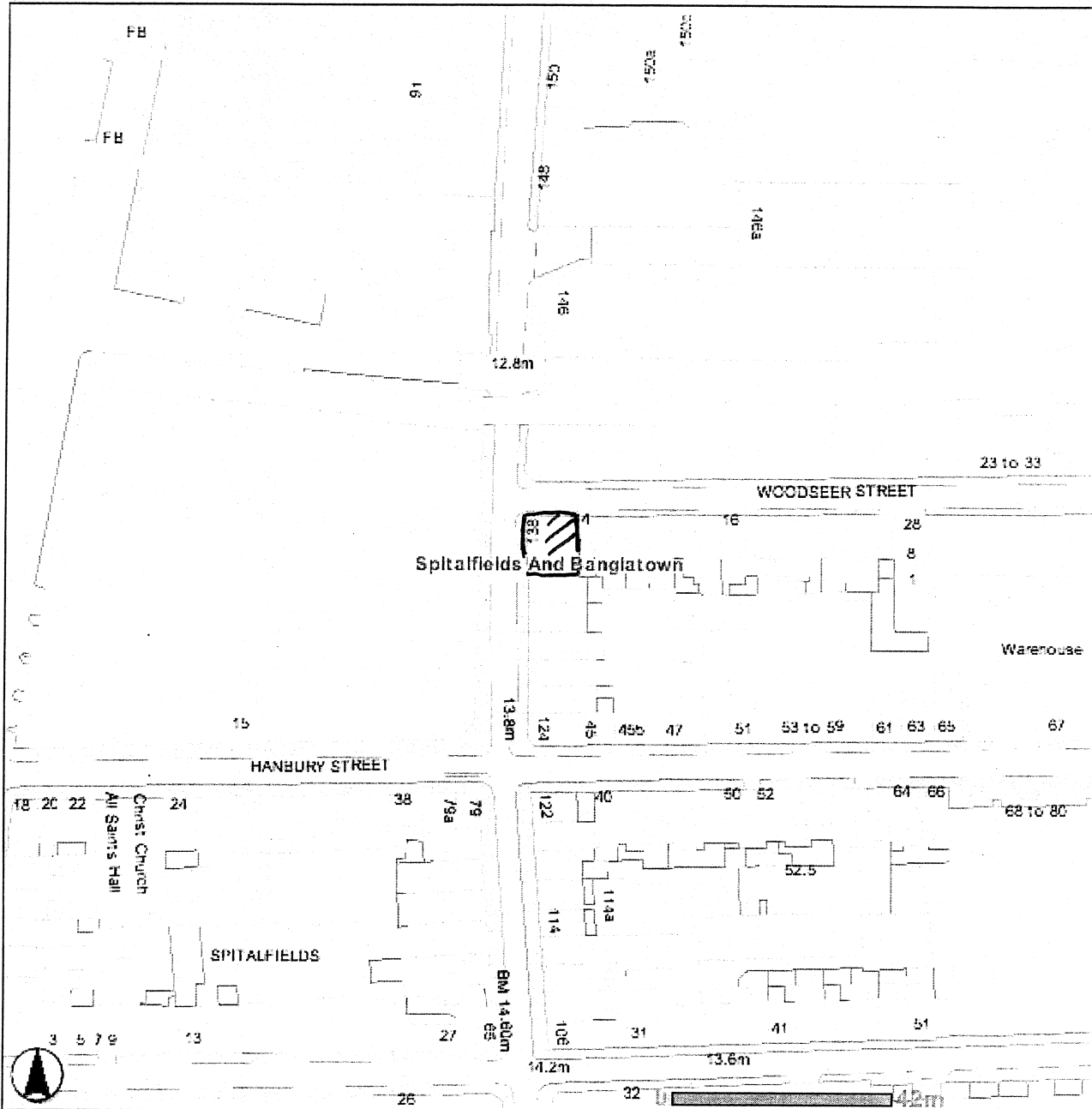
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1250

Map of:

138 Brick Lane

Notes:

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Licence Number: LA100019288

Appendix 3

FIRE AND COMMUNITY SAFETY DIRECTORATE
Roy Bishop Deputy Commissioner

Date
07 March 2006

Our Ref.
05/012700/BA

Your Ref.
AE/CC/HAQUECS

Addressee
T V Edwards Solicitors
Park House
29 Mile End Road
London
E1 4TP

Please reply to
Colin Dewis
Inspection Officer

Direct Telephone
020 7587 2950

Direct Fax
020 7587 2959

Direct E-mail
towerhamletsgroup@london-fire.gov.uk

Dear Sir or Madam,

LICENSING ACT 2003

Premises: CITY SPICE, 138 BRICK LANE, LONDON E1 6RU

With reference to the application dated 6TH February 2006, in respect of the above mentioned premises, I have received insufficient information on which to determine the adequacy or otherwise of the fire safety arrangements in the premises.

Please submit to this office, within the next 5 working days the following additional information:

- 1) Confirmation that the current safe capacity for the premises should be 50 persons. This number takes into consideration that there is only one door for members of the public and this door is inward opening. If these measures are improved then the safe capacity may be increased.
- 2) Certificates for both the Fire Alarm and Emergency Lighting System should be forwarded to this office.
- 3) Confirmation that the alternate means of escape from the kitchen will be available at all times the premises is occupied and provided with a Fire Exit sign.
- 4) Confirmation that the door separating the kitchen from the restaurant will be effectively self closing.

I enclose a copy of our guidance note for applicants for premises licences to assist you.

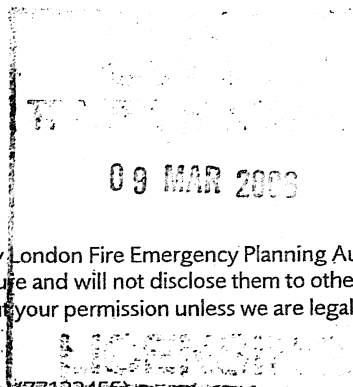
If the information requested is not supplied within the specified time, the Fire Authority will make a representation to the licensing committee that the Public Safety objective of the Licensing Act may not have been properly addressed.

Any queries regarding this letter should be addressed to the person named at the top of the letter. If you are dissatisfied in any way with the response given, please speak to the Team Leader quoting our reference.

Yours faithfully,



for Assistant Commissioner
C.C.: Licensing Authority
Encl: FS_GN_71



Data Protection Act 1998: The information you have given on this form will be processed by London Fire Emergency Planning Authority for the purpose of **fire and emergency planning and control**. We will keep your details secure and will not disclose them to other organisations or third parties (except contractors or suppliers working on our behalf) without your permission unless we are legally required to do so.

For more information about how we use your personal information, see our notification entry (Z7122455) www.informationcommissioner.gov.uk or visit: www.london-fire.gov.uk

Appendix 4

Safety problems

General Advice

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

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

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Poll of Conditions relating to public safety. (See Appendix 2 Annex E, F and I of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The guidance commends the Model Pool of Conditions adopted by our licensing policy in relation to public safety (7.31).

The public safety objective is the physical safety of the people using the relevant premises," not public health (7.32).

It is permissible to require certificates or checks provided this does not duplicate other legislation. Responsible authorities should make their expectations clear to applicant's (7.33).

"Safe capacities " should only be imposed where necessary for the promotion of public safety or the prevention of disorder." (7.34). So conditions of a fire certificate should not be reproduced. Setting a capacity is necessary for any "exemptions" claimed by an applicant, who will need to consult the fire authority."

Other Legislation

The Health and Safety at Work Act 1974, and various regs. Inc. the Management of Health and Safety at Work Regulations 1999.

Fire Precautions (Workplace) Regulations

Other Guidance

Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance

The Event Safety Guide

Managing Crowds Safely

5 Steps to Risk Assessment

Safer Clubbing

Safety Guidance for Street Art etc.

Various BS and ISO standards

Appendix 5

ACPO comments on irregular times

Association of Chief Police Officers

The Association of Chief Police Officers (ACPO) has issued standard advice on unusual opening hours. As well as limiting the number they are anxious that the Police are given reasonable notice and an absolute veto on any event. Their policy is as stated below.

ACPO suggest that the following approach be applied to applications that include unspecified hours.

- *No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.*
- *An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed.*
- *A minimum of 7 days notice to police and the licensing authority.*
- *An absolute veto for police in respect of any of these occasions.*

Agenda Item 5b

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 th APRIL 2006	Unclassified	LSC 113/ 506	5.2

Report of Colin Perrins Head of Trading Standards and Commercial Originating Officer: Kathy Butler Consumer Services Officer	Title Licensing Act 2003 Application for a New Premises Licence for Rise and Shine, 59-61 Vyner Street, London E2 9DQ Ward affected Spitalfields & Banglatown
--	---

1.0 Summary

Applicant: Andrew Okoro
Name and Address of Premises: Rise and Shine
 59-61 Vyner Street, London E2 9DQ

Licence sought: New Premises License - Licensing Act 2003

Provision of alcohol
Provision of Regulated Entertainment
Provision of Entertainment Facilities
Provision of Late Night Refreshment

Objectors: Environmental Health

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Kathy Butler 020 7364 5171

3.0 Background

- 3.1 This is an application for a new premises licence for Rise and Shine, 59-61 Vyner Street, London, E2 9DQ.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the variation as follows:

Provision of alcohol
Provision of Regulated Entertainment
Provision of Entertainment Facilities
Provision of Late Night Refreshment

The hours that have been applied for are as follows:-

Alcohol: -

Monday to Friday from 19:00 hours to 05:00 hours
Saturday from 10:00 hours to 05:00 hours
Sunday from 14.00 hours to 05.00 hours

Regulated Entertainment and Entertainment Facilities (Live Music, Recorded Music, Performance of Dance, Facilities for Dancing and Anything of a Similar Description): -

Monday to Friday from 19:00 hours to 05:00 hours
Saturday from 10:00 hours to 05:00 hours
Sunday from 14.00 hours to 05.00 hours

Late Night Refreshment: -

Monday to Sunday from 23:00 hours to 05:00 hours

Hours Premises is Open to the Public: -

Monday to Friday from 19:00 hours to 05:30 hours
Saturday from 10:00 hours to 05:30 hours
Sunday from 14.00 hours to 05.30 hours

- 3.3 Maps showing the relevant premises is included as **Appendix 2**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing

Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It will also be available at the hearing.
- 4.4 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.

5.0 Objections

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authority:
Environmental Health (**See Appendix 3**)
- 5.2 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
- 5.3 Essentially, the regulatory Authority oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
The prevention of public nuisance
- 5.4 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.

6.0 Licensing Officer Comments

- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore 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.

6.2 Guidance issued under section 182 of the licensing Act 2003

- As stated in the guidance it is “provided for licensing authorities carrying out this their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.4).
- Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (2.3).
- Also Members should note “A Licensing Authority may depart from it’s own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.”
- Conditions may not be imposed for the purpose other than the licensing objectives. “For example, conditions relating to night café and take away outlets operating from 11pm must relate to the night time operation of the premises.”(S7.1)
- Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (S.7.4).
- The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- In Letter to the Chief Executive from the DCMS 30 Sept 2005. There is no presumption in the Act for longer hours over objections from local people and organisations. When there are objections and the licensing committee believes that changing the hours would undermine the statutory licensing objectives, they can reject the application or grant it with appropriate conditions and/or different hours from those requested.

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

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

6.5 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.

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

7.0 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 4 Licensing Officer comments on noise while the premise is in use

Appendix 5 Licensing Officer comments on egress problems

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1 Copy of application for new Premises Licence

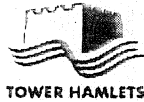
Appendix 2 Maps of the Area

Appendix 3 Representations of Environmental Health

Appendix 4 Licensing Officer comments on noise while the premise is in use

Appendix 5 Licensing Officer comments on egress problems

Appendix 1



FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

This form should be completed and forwarded to: Licensing Section, 41-47 Bow Road, London E3 2BS with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) ANDREW OKORO

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

Part 1 – Premises details

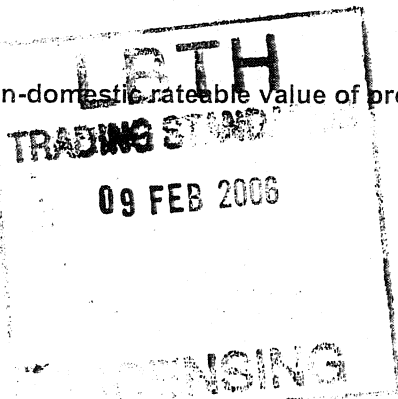
Postal address of premises or, if none, ordnance survey map reference or description	
GROUND FLOOR 59-61 VYNER STREET LONDON	
Post town	Post code
	E2 9BQ

Telephone number at premises (if any)

020 8980 6807

Non-domestic rateable value of premises

£ 22,500-00



Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

OKORO

First names

ANDREW

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

8 DOEBURY WALK

Post Town

PLUMSTEAD

Postcode

SE18 2BT

Daytime contact telephone number

020 7249 6869

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	03	2006

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

Day	Month	Year

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

--

Please give a general description of the premises (please read guidance note1)

GROUND FLOOR BANQUETTING ~~HALL~~ AND DANCE HALL

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for exhibition of films (please read guidance note 4)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<p>Please give further details here (please read guidance note 3)</p> <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			<p>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)</p>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	19.00	05.00			
Tue	19.00	05.00			
Wed	19.00	05.00			
Thur	19.00	05.00			
Fri	19.00	05.00			
Sat	19.00	05.00			
Sun	14.00	05.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	19.00	05.00			
Tue	19.00	05.00			
Wed	19.00	05.00			
Thur	19.00	05.00			
Fri	19.00	05.00			
Sat	10.00	05.00			
Sun	14.00	05.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon	19.00	05.00				
Tue	19.00	05.00				
Wed	19.00	05.00				
Thur	19.00	05.00				
Fri	19.00	05.00				
Sat	10.00	05.00				
Sun	14.00	05.00				
			State any seasonal variations for the performance of dance (please read guidance note 4)			
			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	19.00	05.00				
Tue	19.00	05.00				
Wed	19.00	05.00				
Thur	19.00	05.00				
Fri	19.00	05.00				
Sat	10.00	05.00				
Sun	14.00	05.00				
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4) State any seasonal variations for the facilities for making music (please read guidance note 4) Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing							
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	<table border="1"> <tr> <td>Indoor</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoor</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoor	<input checked="" type="checkbox"/>									
Outdoor	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance note 4) State any seasonal variations for the facilities for dancing (please read guidance note 4) Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)							
Mon	19.00	05.00								
Tue	19.00	05.00								
Wed	19.00	05.00								
Thur	19.00	05.00								
Fri	19.00	05.00								
Sat	10.00	05.00								
Sun	14.00	05.00								

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing							
			Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	<table border="1"> <tr> <td>Indoor</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoor</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoor	<input checked="" type="checkbox"/>									
Outdoor	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4) Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)							
Mon	19.00	05.00								
Tue	19.00	05.00								
Wed	19.00	05.00								
Thur	19.00	05.00								
Fri	19.00	05.00								
Sat	10.00	05.00								
Sun	14.00	05.00								

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	19.00	05.00	Please give further details here (please read guidance		
Tue	19.00	05.00			
Wed	19.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	19.00	05.00			
Fri	19.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	05.00			
Sun	14.00	05.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	19.00	05.00	Please give further details here (please read guidance		
Tue	19.00	05.00			
Wed	19.00	05.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	19.00	05.00			
Fri	19.00	05.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	05.00			
Sun	14.00	05.00			

Box M continues on the next page...

Box M continued

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

Name

ANDREW OKORO

Address

8 DOEBURY WALK
PLUMSTEAD
LONDON
Postcode SE18 2BT

Personal Licence number(if known)

Issuing licensing authority (if known)

B11AB

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

0

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	19.00	05.30	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	19.00	05.30	
Wed	19.00	05.30	
Thur	19.00	05.30	
Fri	19.00	05.30	
Sat	10.00	05.30	
Sun	14.00	05.30	

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We aim to promote the licensing objectives by ensuring that training is obtained by staff in health & safety. Existing & new safety regulations, implemented & observed. Will have registered door supervisors, security personnel during large functions, no under aged entrants, no drugs or weapons on premises, deter excessive alcohol consumption. ~~& calm excessive behaviour~~ Safe & quiet exit from premises.

b) The prevention of crime and disorder

CCTV, registered door supervisors (SIA)

c) Public safety

Fire & safety precautions taken, the fire officers have already visited and their advice will be implemented. Ensure regulation is kept up to date.

d) The prevention of public nuisance

Sound proofing - premises is NOT in residential area
will ensure patrons exit in a quite ~~fast~~ fashion.

e) The protection of children from harm

no unsupervised children during /junctions, on non /junction
days - no under aged children allowed.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

- Please tick yes
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature



Date

5/01/006

Capacity

APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town

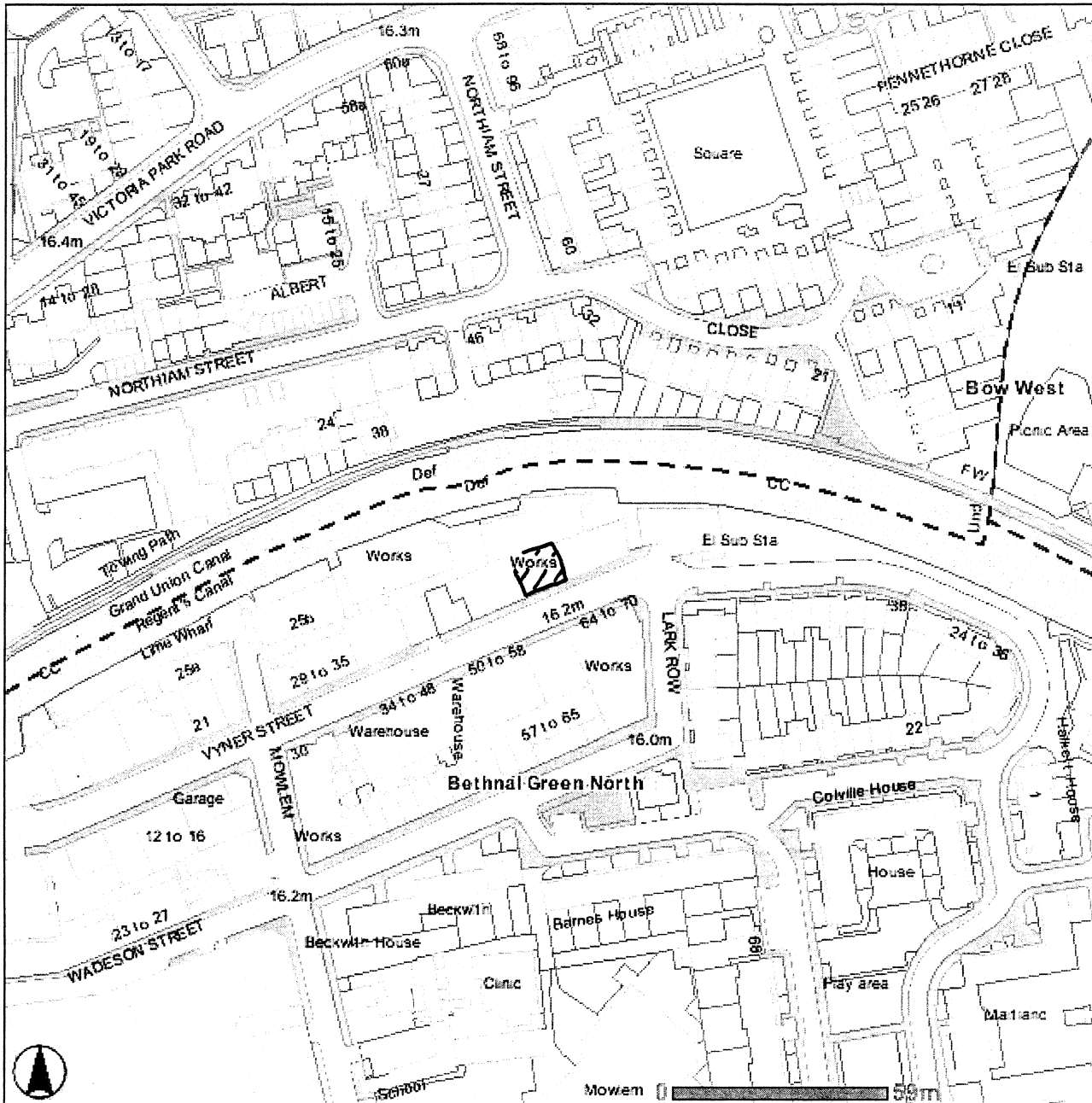
Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Appendix 2

Map



Scale 1:1750

Map of:

Notes:

Rise and Shine

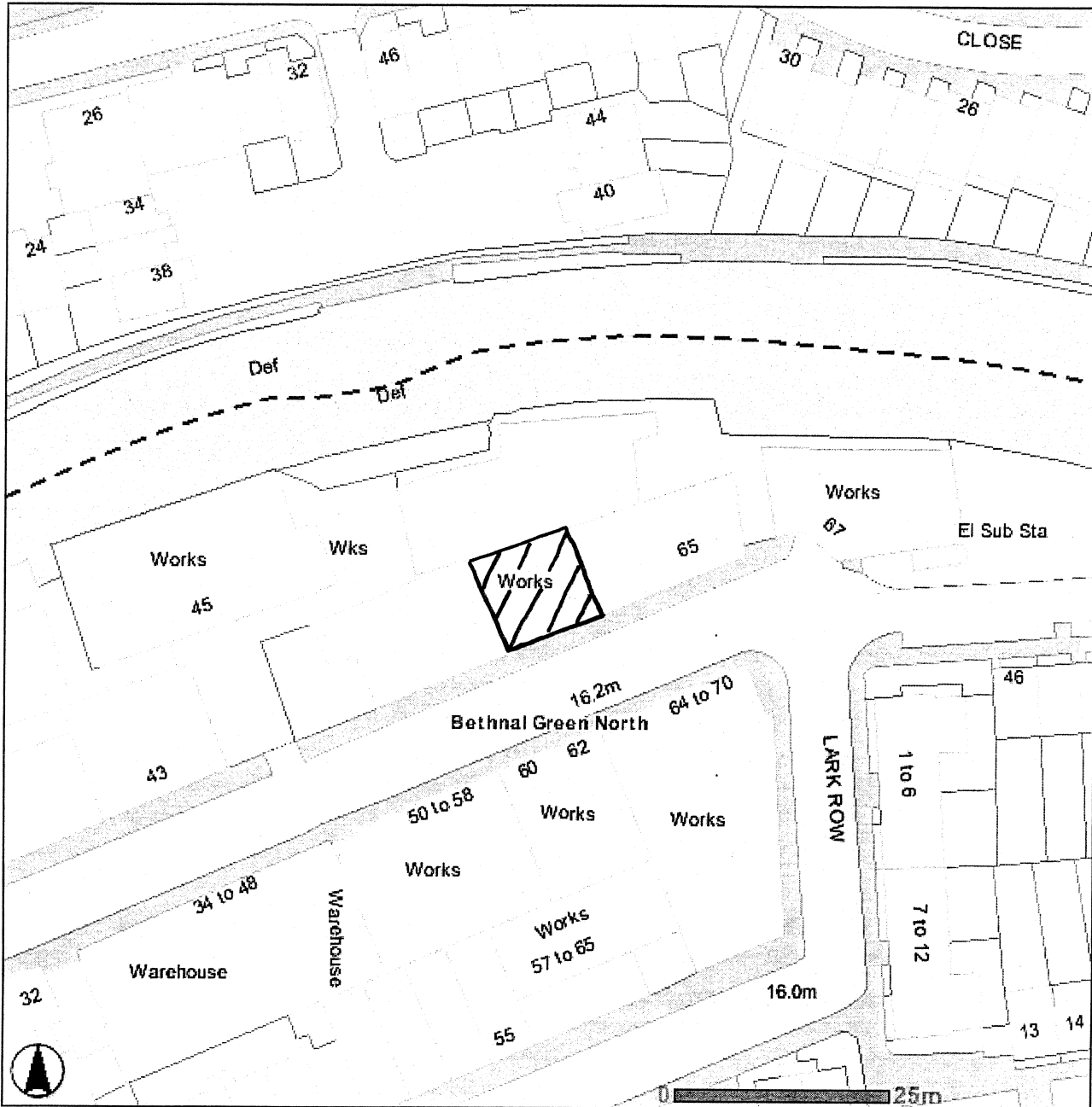
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Licence Number: LA100019288

Map



Scale 1:750

Map of:

Notes:

Rise and Shine

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Appendix 3

Directorate of Environment & Culture

To MOHSHIN ALI

From ALKESH SOLANKI

Reference 014285

Extension 6518

Date 7th March 2006

Regarding PREMISIES LICEENSE

Environmental Health, Environmental Protection

Council Offices
Southern Grove
London E3 4PN

Tel: 020 7364 5008

Fax: 020 7364 6831

E-mail :

envhealth.envprotection@towerhamlets.gov.uk

Re: Application for a Premises Licence with 59-61 Vyner Street, London, E2 9DQ.

A. Contextual Information

The premises is situated within a mixed residential /commercial area.

Description of location The premises are in a quiet location at the front and a quiet location at the rear particularly at night.

Proximity of noise sensitive premises Residential properties are opposite premises on Wadson Street which approximately 30 metres away, behind the premises on Northiam Street which is approximately 30 metres away and on Lark Row which is approximately 40 metres away to the front of the premises. Immediately adjacent to the premises are industrial units and warehouses.

Description of background noise Minimal noise at the immediate vicinity at night (after 7pm). Day time noise from industrial units from 8 am. Background noise is mostly generated from road traffic.

Existing noise sources in use at the premises None

B. Complaint History, Investigation and Enforcement

Not applicable as premises is not being used.



C. **Assessment**

The structure of the premises is currently wholly inadequate to prevent noise breakout that will be potentially created by the execution of the proposed licensable activities. The applicant, Mr A Okoro, also confirmed to me during my inspection on the 7th March 2006 that he intendeds to apply for planning permission to create a nightclub at 59-61 Vyner Street as currently the usage is B1.

Therefore, there is a great likelihood of disturbance to the neighbouring residential premises at the noise sensitive hours sought emanating from noise breakout from the premises and egress in such a quiet mixed residential/industrial area at night compounded by the fact that the premises has unsatisfactory noise insulation.

Our department objects to the licence application sought as the Public Nuisance objective of the Licensing Act will not be met.

THIS REPORT HAS BEEN COPIED TO THE APPLICANT.

Alkesh Solanki
Environmental Health Officer, Area Team North

Alkesh Solanki

07/03/2006 15:32

To: Mohshin Aii/ENVC/LBTH@LBTH

cc:

bcc:

Subject: 59-61 Vyner Street

Please see attached.....



VynerStreet59-61.001.doc

Mr A Solanki, BSc (Hons) MCIEH

Environmental Health Officer

Environmental Health

Environmental Protection

Area Team North

London Borough of Tower Hamlets

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*"Somewhere, something incredible is waiting
to be known" C.S.*

Appendix 4

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 8.1 of the Licensing Policy).**

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.1).**

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 12.4).**

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 Sections 8.2 of the Licensing Policy).**

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D 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
- Conditions controlling the use of explosives, pyrotechnics and fireworks

- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (7.58).

The Pool of Conditions, adopted by the council is recommended (7.58).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally (7.40).

Licence conditions should not duplicate other legislation (7.41).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (7.43) but it is essential that conditions are focused on measures within the direct control of the licence holder" (7.45).

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

Appendix 5

Egress Problems

Such as:

Disturbance from patrons leaving the premises on foot

Disturbance from patrons 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.

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 Sections 8.1 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 Sections 8.2 of the Licensing Policy, and also Section 12.5).**

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.1).**

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 12.4)**

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. **(See Appendix 2 Annex G of the Licensing Policy).** In particular

Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (7.58).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally (7.40).

Licence conditions should not duplicate other legislation (7.41).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (7.43) but it is essential that conditions are focused on measures within the direct control of the licence holder” (7.45).

Otherwise there has to be a causal connection (7.45).

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