



Meeting of the

# LICENSING SUB COMMITTEE

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Thursday, 24 July 2008 at 6.30 p.m.

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## A G E N D A

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### VENUE

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

<b>Members:</b>	<b>Ward Represented</b>
<b>Chair: Councillor Carli Harper-Penman</b>	Bethnal Green South
<b>Councillor Alex Heslop</b>	Bow East
<b>Councillor Azizur Rahman Khan</b>	Bethnal Green North

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: Margaret Sampson, Democratic Services, Tel: 020 7364 4850, E-mail: [margart.sampson@towerhamlets.gov.uk](mailto:margart.sampson@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Thursday, 24 July 2008

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. UNRESTRICTED MINUTES</b>	<b>15 - 26</b>	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 8 <sup>th</sup> and 21 <sup>st</sup> May 2008.		
<b>5. ITEMS FOR CONSIDERATION</b>		
<b>5 .1 Application for New Premises Licence: Masala Restaurant, 88 Brick Lane, London E1 6RL (LSC006/809)</b>	<b>27 - 80</b>	<b>Spitalfields &amp; Banglatown</b>
<b>5 .2 Application to Vary the Premises Licence: Rootmaster Ltd., Ely's Yard, Old Truman Brewery, London E1 6QR (LSC007/809)</b>	<b>81 - 130</b>	<b>Spitalfields &amp; Banglatown</b>
<b>5 .3 Application for New Premises Licence: Jamboree, Gallery West, 566 Cable Street, London E1W 3HB (LSC008/809)</b>	<b>131 - 188</b>	<b>Shadwell</b>

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

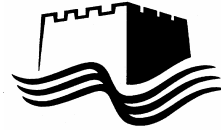
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**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 licence)	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).	20 working days	10 working days	Applicant; People who have made representations	5 working days
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

<b>Action Following receipt of notice of hearing</b>	
<b>1.</b>	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.
<b>2.</b>	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.
<b>3.</b>	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.
<b>4.</b>	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.
<b>5.</b>	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**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.35 P.M. ON THURSDAY, 8 MAY 2008**

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Alexander Heslop  
Councillor M. Mamun Rashid

**Other Councillors Present:**

None

**Officers Present:**

Zakir Hussain – Legal Officer  
Jackie Randall – Principal Environmental Health Officer

Alan Ingram – (Democratic Services)  
Paul Ward – (Democratic Services)

**Applicants In Attendance:**

Mick Drameh - Secrets Management  
Gina Gallagher - Secrets Management  
Mr Hephher - Secrets Solicitor  
James Hines – Secrets Barrister

**Objectors In Attendance:**

Ben Cockfield

**Members of the Public In Attendance:**

Simon Hickson  
Moline Wong

The Chair welcomed every one to the meeting and asked those present to introduce themselves. She stated that this was a Licensing Sub-Committee hearing under the new Licensing Act 2003. She then drew attention to the Rules and Procedures that governed the procedure for hearing licensing applications, pointing out that a summary of the procedure could be found as item 3 on the agenda.

**1. APOLOGIES FOR ABSENCE**

None.

**2. DECLARATIONS OF INTEREST**

Councillor Alexander Heslop declared a personal interest in that he had received a telephone call the previous evening from Councillor Rajib Ahmed in connection with agenda item 5.1 – “Application to vary the Premises Licence: Secrets (St Katherines) Ltd, 43-45 East Smithfield, London, E1W 9AP”. However, he had declined to discuss the matter. Mr Zakir Hussain, Legal Officer, confirmed that Councillor Heslop continued to be eligible to hear the application.

**3. RULES OF PROCEDURE**

The Rules of Procedure were noted.

**4. UNRESTRICTED MINUTES**

The unrestricted minutes of the meeting of the Licensing Sub-Committee held on 10<sup>th</sup> April 2008 were agreed and approved as a correct record.

**5. ITEMS FOR CONSIDERATION****5.1 Application to Vary the Premises Licence: Secrets (St Katherines) Ltd, 43-45 East Smithfield, London E1W 9AP LSC055/708)**

At the request of the Chair, Ms Jacqueline Randall introduced the report which sought a variation of the premises licence for Secrets (St Katherines) Ltd., 43-45 East Smithfield, London, E1W 9AP. The days and hours sought for the sale of alcohol were those of Monday to Saturday from 10.00 hours until 03.30 hours the next day. The days and hours sought for the provision of regulated entertainment were Monday to Saturday from 10.00 hours until 04.00 hours the next day. The days and hours for the provision of late night refreshment were Monday to Saturday from 10.00 hours until 04.00 hours the next day.

Appropriate consultation had been carried out with objections received from local residents. The objections were on the grounds that granting the application would result in anti-social behaviour from patrons leaving the premises; disturbance from patrons leaving the premises on foot and disturbance from patrons leaving the premises by car.

As there were no questions for Officers, the Chair asked the applicants to present their case.

Mr James Hines, Barrister for Secrets, referred to the location of the premises as indicated on maps circulated with the agenda and pointed out that East

Smithfield was a busy road, with 14 residential flats in the K Building above the Secrets club.

Secrets (St Katherines) Ltd was the longest operating premises in the Secrets chain, having been open for more than 10 years, with no problems. Due to the location of the premises, its clientele was settled and had a particular style. The club had previously been operating until 3.00 a.m. and the proposal was to extend the sale of alcohol to 3.30 a.m., with other licensable activities until 4.00 a.m. Built into the time was provision for a wining-down period so that clients would exit the premises calmly. The age requirement for admission was 18 years upwards, but patrons were typically more mature as facilities were relatively expensive and the fact that draught beer was not provided tended to deter younger people.

The average weekly number of patrons was 200, which was quite low, with only 12 or so on Mondays, rising to just over 70 on Thursdays, however, the premises could still operate profitably on that basis. Opening times had been until 3.00 a.m. from 2004 and an extension had been sought in 2006. This had been withdrawn as it had been hoped to build up trust with local residents but this had been unsuccessful. The premises had not received a single complaint about early hours operations from residents of the building or the public. There had been no need for Police involvement and no contact had been made by LBTH noise enforcement staff.

There had been 15 extensions for Temporary Events Notices for the sale of alcohol until 4.30 a.m. and entertainments until 4.40 a.m., all of which had been conducted without incident and this was considered to have proved a successful trial for extended hours.

Mr Hines proceeded to address the complaints that had been received, in particular to the letter received from Mr Ben Cockfield. Two break-ins to the K Building had been reported but these did not relate to Secrets' operations and there was nothing to link them with Secrets' customers, especially as one had been reported on Sunday, 20<sup>th</sup> January 2008, when the premises were closed.

Two car related thefts had also been reported in 2007 but there was nothing to attribute these to Secrets patrons. Secrets CCTV records had been examined to try and assist investigations into a break-in of a local resident's car in 2005 but again, there was nothing to associate this with the premises.

With regard to traffic problems, parking by patrons or staff was positively discouraged outside the premises although parking was allowed on the other side of East Smithfield after 7.00 p.m. Arrangements had been made with a local mini-cab firm for collection of patrons leaving Secrets. There was no demand from Secrets patrons for touting mini-cabs and this was not considered an issue.

The lighting of the premises had been reviewed recently by Council Officers and no problems identified, similarly CCTV provision had been approved.

The Police had suggested additional conditions regarding CCTV, with which Secrets was already complying.

Mr Hines concluded by expressing the view that provision of an extra half hour for the supply of alcohol and an extra hour for the supply of food would not be detrimental to the licensing policies. He added that an analysis of customers going in and out of the premises showed that the most leaving at any one time tended not to exceed three in number.

The Chair then asked the objectors to present their case.

Mr Ben Cockfield, speaking for the objectors, stated that East Smithfield was a busy road, with a single-lane red route on each side. However, there was a difference between road noise, which was effectively white noise, and noise made by patrons who had left Secrets after having consumed alcohol. This branch of Secrets may have been considered the least problematic but its location needed to be considered in the context of noise.

He did not agree with the details of clients, particularly at peak periods, and people leaving were much more vocal than those arriving. He had witnessed the numbers of patrons coming and going, and did not agree that a maximum of three exited at any one time. Residents of the K Building did not know how to communicate with Secrets and there had been a severe breakdown of trust.

Under prevention of public nuisance, people left the premises and caused noise throughout the night, unlike a pub where there was a particular closing time. There could easily be ten people at the roadside smoking, talking and being jovial in the early hours. Mr Cockfield witnessed cabs stopping to pick up clients and had also witnessed six or so cabs parked on the pavement outside the premises. In addition, he was positive that patrons parked near the building along the street.

The matter of two break-ins to residential flats was the biggest concern by far. The break-in reported on Sunday, 20<sup>th</sup> January 2008 had probably occurred earlier on the Saturday night. Secrets' CCTV did not cover all entrances and had not recorded where the break-in had taken place. There was clearly a communications issue and trust with the local people had long been eroded. Mr Cockfield refuted the information given about noise and the numbers of people exiting the premises. He made the point that the area was otherwise very residential and quiet, being only seven metres from a Heritage area.

The Chair invited questions from Members to the applicants, who gave the following responses to queries:-

- Residents were written to in March 2005, when they were given phone numbers for Secrets manager, head of security and two other senior staff. The premises frontage had a canopy bearing the phone number in two places. Secrets would be happy to write further to residents addressing concerns.

- Door staff were on duty from 8.00 p.m. and finished at such time as the manager left. Usually three were present, and always at least one on reception.
- The capacity of the club was about 175 with the busiest night being Thursday with some 72 clients and a maximum of 210 for the whole week.
- A customer dispersal policy was already in place and any problems with customers outside were not known about when the application had been made. Trained door staff and management checked the premises frontage and at least one on the senior management team visited the premises each night. CCTV had been recently upgraded and could be checked from one office. A registered mini-cab firm was employed to ensure clients had a legal ride home and these parked away from the club premises. The cab supervisor stayed in the premises from 10 p.m. to 3.30 a.m. and clients awaiting cabs stayed inside the club lobby.
- There were notices in the clubs asking patrons to leave quietly and the DJ also asked them to respect local residents.

The Chair asked if any nights were particularly troublesome to residents and Mr Cockfield indicated that problems were sporadic. When the club was operating quietly there was little noise and no problem with music. It arose in the main from people entering and leaving the building.

The meeting adjourned at 7.17 p.m. and reconvened at 7.25 p.m.

The Chair commented that the Sub-Committee felt that there was a need for Secrets management to renew dialogue with residents on the basis of a 'good neighbour' and hopefully to resolve their concerns about groups of clients smoking and talking outside, the potential for unlicensed cabs touting, etc.

The Chair reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a Variation of the Premises Licence for Secrets (St Katherines) Ltd., 43-45 East Smithfield, London, E1W 9AP be **REFUSED** as the Sub-Committee had serious concerns that there were not sufficient managerial measures in place to address the prevention of public nuisance Licensing Objective of the 2003 Licensing Act.

## **6. EXCLUSION OF THE PRESS AND PUBLIC**

In the light of the remaining business on the agenda, it was **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."

## **7. EXEMPT MINUTES**

The exempt minutes of the meetings of the Licensing Sub-Committee held on 13<sup>th</sup> December 2007, 8<sup>th</sup> January 2008, 5<sup>th</sup> March 2008, 17<sup>th</sup> March 2008 and 31<sup>st</sup> March 2008 were agreed and approved as a correct record.

The meeting ended at 7.30 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 4.50 P.M. ON WEDNESDAY, 21 MAY 2008**

**ROOM C1, FIRST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Fozol Miah (Chair)

Councillor Rajib Ahmed  
Councillor Marc Francis

**Other Councillors Present:**

Nil

**Officers Present:**

Zakir Hussain – Legal Officer  
Colin Perrins – (Head, Trading Standards and Environmental  
Health Commercial, Environment and Culture)

Alan Ingram – (Democratic Services)

**Applicants In Attendance:**

Louise Allen - Metropolitan Police Licensing Officer  
Alan Cruickshank - Metropolitan Police Licensing Officer  
Gurpreet Rai - Metropolitan Police Internal Lawyer  
Robert Revill – Acting Superintendent, Metropolitan Police

**Objectors In Attendance:**

Nick Anin – Events and Operations Supervisor  
Kuwayne Cain - Premises Consultant  
Manjit Singh Gill - Director, Compatriot Holdings Ltd  
Bimal Gomes - Designated Premises Supervisor  
Stanislav Kosut - Company Secretary  
Richard Tanner – Club Management

**Members of the Public In Attendance:**

Nil

At 4.35 p.m. Zakir Hussain, Legal Officer, explained that the meeting could not begin until a third Sub-Committee Member could be found to substitute for a Member who had been unable to attend due to family illness and the start time

would be extended for 15 minutes. At 4.45 p.m. he extended the start time for up to a further 15 minutes, in his capacity as Legal Officer for the meeting. A third Member attended the meeting at 4.50 p.m., when proceedings commenced.

#### 1. APOLOGIES FOR ABSENCE

None.

#### 2. DECLARATIONS OF INTEREST

Councillor Fozol Miah declared a personal interest in that the premises which were the subject of agenda item 5.1 – City Hotel, The Lane Bar and Restaurant, 12-20 Osborn Street, London, E1 6TE - were located in the Ward for which he was an Elected Member. Mr Zakir Hussain, Legal Officer, confirmed that Councillor Miah continued to be eligible to hear the application.

#### 3. RULES OF PROCEDURE

The Rules of Procedure were noted.

#### 4. EXCLUSION OF THE PRESS AND PUBLIC

In the light of the remaining business on the agenda, it was **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.

#### 5. EXEMPT ITEM FOR CONSIDERATION

##### 5.1 **Application for a Review under Section 53A of the Licensing Act 2003: City Hotel, The Lane Bar & Restaurant, 12-20 Osborn Street, London, E1 6TE (LSC057/708)**

The Chair indicated that only the comments of the Metropolitan Police would be heard in connection with the review.

At the request of the Chair, Mr Colin Perrins introduced the report, which sought a review under Section 53A of the premises licence for City Hotel/Basement, 12-20 Osborn Street, London, E1 6TE. This review had been requested by the Metropolitan Police, who were the only statutory authority who could request such a review, due to breaches of the crime and disorder licensing objective. The options open to Members were to modify conditions of the premises licence and/or exclude the sale of alcohol by retail or other licensable activities and/or remove the Designated Premises Supervisor (DPS) and/or suspend the licence. He added that there were



currently two premises licences applicable to the City Hotel but only the licence covering the basement area was the subject of the review.

Mr Zakir Hussain requested clarification of the signature on the certificate submitted by the Metropolitan Police and Ms Louise Allen replied that the name related to Acting Chief Superintendent Steve Bending.

Following a Member's query, Mr Collins outlined the terms of the premises license relating to the provision of music.

There being no further questions for Officers, the Chair asked the Metropolitan Police to present their case.

Mr Gurpreet Rai confirmed that the application for the review related specifically to the basement premises of the City Hotel. He commented further on the reasons for the introduction of Section 53A of the Licensing Act 2003, which had been quite recently inserted in pursuance of the Government's aim to reduce violent crime by 15% by 2008. The certificate provided by the Police in requesting the review related to the association of the premises with serious crime and disorder, as a result of recent stabbings. He added that the track record of the premises was so poor that the Police had been forced to apply for the review as there were concerns that someone would die. Accordingly, the Police were asking for the premises licence to be suspended. Attempts had been made to reach an amicable agreement with the DPS and initially the Club management had agreed to close the premises for the coming weekend but had later decided against this. He indicated that details of the case would be presented by Acting Superintendent Robert Revill.

Acting Superintendent Revill commented that his presence at the meeting demonstrated the gravity of the problem with the premises, which presented a running theme of problematic behaviour. Both victims of the most recent stabbing incident were in a critical condition in hospital, on ventilators. There was evidence that a fourteen inch blade had been used to inflict terrible injuries. On the night of Friday 16 May/early hours of Saturday 17 May 2008, two males had been involved in a scuffle in the premises (known as the Temple Rooms) and afterwards had gone outside and were stabbed in the street. Their injuries were horrific and the attack was the latest and most serious of three recent incidents.

CCTV had shown that door staff had been involved in the initial break up of the scuffle. However, when Murder Squad Officers had approached them next day, door staff had denied knowledge of the incident. Other witnesses had stated that the door staff were involved but they had given no co-operation to the Police and only limited statements had been made.

On 11 May 2008, Police had been called to another fight and stabbing in the street after persons had been ejected from the premises following a scuffle. Again, door staff did not attempt to intervene and did not inform the Police. On this occasion the victim had received a stab wound in the back but was discharged from hospital next day.

Acting Superintendent Revill explained the procedure by which the Police undertook risk assessments of upcoming events (CO 14 reviews), which allowed an assessment of the numbers of officers needed to provide an effective presence. Attempts were always made to work along with club management, in order to enforce Police recommendations to maintain public safety.

He referred to the Syn City event at the Temple Rooms on 2 May 2008, which had been graded as a low risk, having assessed the nominated DJs, etc., but these had later been changed and no longer reflected the acts initially proposed. In a similar event elsewhere in London there had been a shooting and a large scale Police deployment had been needed. The DPS of the club at City Hotel had stated that there would be no further Syn City events in future but promotional material had shown that the proposed events for the coming weekend were essentially the same in nature.

Attempts had been made to engage with the DPS, promoters and club owners to ensure the proper management of events but the Police had been lied to and there had been lack of co-operation in interactions with them.

The club management had refused to close voluntarily over the coming weekend, as they would lose too much money and, if the event again proceeded on Friday 23 May, the Police would have no powers to close the club unless they were again able to prove disorder. There were two separate premises licences in force at the City Hotel but the Police had no interest in closing the hotel completely, although there was some spillage in clientele from the ground floor to the basement club. However, they had to look after the best interests of the public. It was stressed that the club did not comprise the hotel owners' sole income and its closure would not result in their being out of pocket. Should a review order be granted, the Police would have a further period to have discussions with the club, as it was the type of event held in the basement area that created problems, seeming to attract people with violent natures.

The Chair invited questions for the Metropolitan Police.

In response to queries from Members, Police representatives replied that:

- there had been very serious incidents over a three-week period – 2 May, 11 May and 17 May, with a recurrent theme and similar events for the coming weekend;
- the event on 11 May had not been Syn City but was a promotional event that attracted a certain type of music and followers, associated with particular DJs and gangs;
- the Police had been assured there would be no further Syn City events but a flier for an event to be held on 6 June 2008 had contained the same phone number as previous similar events and this was considered to be linked with activities where there would be a prevalence of violence;
- three events were being proposed for the coming weekend, on Friday, Sunday and Monday nights, a flier for the last of which had named

about 20 acts – however, this was only about one third of what would actually proceed and consequently a proper risk assessment had not been possible;

- door staff would be expected to make an emergency call to Police if they witnessed trouble in the street outside their club;
- facial identification details of clients were scanned into a machine when entering the club and there was a requirement that people could not enter without such identification: however, there were two staircase entrances to the premises that were not fully monitored, allowing people to enter unrecorded;
- it was felt that the events of the weekend were now too close to discuss measures for tightening security and, in any event, there had been a loss of trust by the Police with regard to the club owners and promoters;
- suspension of the basement club premises licence would not prevent the sale of alcohol elsewhere in the hotel;
- the Police would be looking to discuss with club management a new strategy for running the premises, over the remainder of the 28 day period, should a suspension of the licence be granted.

The Chair thanked everyone for their contributions and advised that the Sub-Committee would be proceeding into private session to consider the evidence submitted.

The Sub-Committee adjourned at 5.25 p.m. and reconvened at 5.30 p.m.

The Chair reported that, having considered the report and all the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a review of the Premises Licence under Section 53A of the Licensing Act 2003, City Hotel/Basement, 12-20 Osborn Street, London, E1 6TE be **GRANTED** with the Premises Licence suspended immediately pending a full review hearing.

The Sub-Committee did not consider that, on balance, there were any alternative measures that could be adopted which would adequately address the serious disorder issues that had been identified and meet the crime and disorder Licensing Objective.

The meeting ended at 5.32 p.m.

Chair, Councillor Fozol Miah  
Licensing Sub Committee

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# Agenda Item 5.1

Committee : <b>Licensing Sub Committee</b>	Date	Classification <b>Unclassified</b>	Report No. <i>LSC006/809</i>	Agenda Item No.
Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>  Originating Officer: <b>Jackie Randall</b> <b>Principal Licensing Officer</b>	Title <b>Licensing Act 2003</b> <b>Application for New Premises Licence for Masala Restaurant, 88 Brick Lane, London E1 6RL</b>  Ward affected <b>Spitalfields and Banglatown</b>			

## 1.0 Summary

Applicant: **Saiful Alam**  
Name and **Masala Restaurant**  
Address of Premises: **88 Brick Lane**  
**London E1 6RL**

Licence sought: **Licensing Act 2003**  
  
**The sale of alcohol**  
**Provide regulated entertainment**  
**Late Night Refreshment**

Objectors: **Local Resident**

## 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

**Jackie Randall**  
**020 7364 5108**

### 3.0 **Background**

3.1 This is an application for a new premises licence for Masala Restaurant, 88 Brick Lane, London E1 6RL.

3.2 A copy of the application is enclosed as **Appendix 1**.

3.3 The applicant has described the nature of the application as:  
The sale of alcohol, Late night refreshment and recorded music.

3.4 The applicant has amended the application through consultation with Environmental Health. Recorded music has been withdrawn from the application. (**See Appendix 2**).

3.5 The hours and activities being applied for are as follows:-

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

- Monday to Saturday from 12:00 hours to 23:30 hours
- Sunday from 12:00 hours to 23:00 hours

#### **The Provision of Late Night Refreshment:**

- Monday to Saturday until 23:30 hours

#### **Hours premises is open to the public:**

- Monday to Saturday from 12:00 hours to midnight
- Sunday from 12:00 hours to 23:30 hours

3.6 A map showing the relevant premises is included as **Appendix 3**.

### 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 revised policy came into effect on the 7<sup>th</sup> January 2008.

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](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.

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 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 All the representations in this report have been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:  
Local Resident – See **Appendix 5**

5.11 The Metropolitan Police have not made representation to this application; however have agreed conditions relating to Touting and CCTV. Please see **Appendix 6**.

5.12 All of the responsible authorities have been consulted about this application. They are as follows:

- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection

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

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

5.14 The objections cover allegations of

- Anti social behaviour from patrons leaving the premises
- Acting as a magnet attracting the young who then engage in anti-social behaviour
- Disturbance from patrons leaving the premises on foot
- Lack of adequate car parking facilities
- Close proximity to residential properties

5.15 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. 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 their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
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 (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).
- ❖ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (7.79). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.

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

- 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 Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## 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

<b>Appendix 1</b>	A copy of the application.
<b>Appendix 2</b>	Amendments to application
<b>Appendix 3</b>	Maps of the area
<b>Appendix 4</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 5</b>	Representation of Local resident
<b>Appendix 6</b>	Conditions agreed with Police
<b>Appendix 7</b>	Licensing Officer comments on Anti social behaviour from patrons leaving the premises
<b>Appendix 8</b>	Licensing Officer comments on Acting as a magnet attracting the young who then engage in anti-social behaviour
<b>Appendix 9</b>	Licensing Officer comments on Access and Egress Problems
<b>Appendix 10</b>	Licensing Officer comments on Planning
<b>Appendix 11</b>	Licensing Policy relating to hours of trading

# Appendix 1

**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 Saiful Alam

*(Insert name(s) of applicant)*

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Masala Restaurant 88 Brick Lane			
<b>Post town</b>	London	<b>Post code</b>	E1 6RL
<b>Telephone number at premises (if any)</b>		020 7377 9123	
<b>Non-domestic rateable value of premises</b>		£15,250	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

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- 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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Alam			<b>First names</b> Saiful		
I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes					
<b>Current postal address if different from premises address</b>		25 Limborough House Thomas Road			
<b>Post Town</b>	London			<b>Postcode</b>	E14 7AN
<b>Daytime contact telephone number</b>			07970172088		
<b>E-mail address (optional)</b>		citysurveyors@hotmail.co.uk			

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over <input type="checkbox"/> 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 address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
0	2	0 6 2 0 0 8

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)  
Ground floor & mezzanine floor - eid terrace building - dining, kitchen and bar facilities.

Alcohol to be consumed by customers with meals.

The property is located in a Town Centre location on a commercial street called Brick Lane, London, E1.

Commercial use self contained accomodation above premises (no connection with subject premises) and offices located nearby.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 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:**

- 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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Sun				
			<b>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</b> (please read guidance note 5)	

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Sun				
			<b>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</b> (please read guidance note 5)	

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			<b>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</b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Thur				
Fri				
Sat			<b>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</b> (please read guidance note 5)	
Sun				

**F**

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12.00	23.30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	12.00	23.30			
Wed	12.00	23.30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	12.00	23.30			
Fri	12.00	23.30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	12.00	23.30			
Sun	12.00	23.00			

**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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b></p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur					
Fri			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Sat					
Sun					
			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		



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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
			<b>Please give a description of the facilities for dancing you will be providing</b>					
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Wed					
Thur					
Fri			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Sat			<b><u>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</u></b> (please read guidance note 5)		
Sun					

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	12.00	23.30			
Tue	12.00	23.30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed	12.00	23.30			
Thur	12.00	23.30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	12.00	23.30			
Sat	12.00	23.30			
Sun	12.00	23.00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	12.00	23.30			
Tue	12.00	23.30			
Wed	12.00	23.30			
Thur	12.00	23.30			
Fri	12.00	23.30			
Sat	12.00	23.30			
Sun	12.00	23.00			
			<b>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</b> (please read guidance note 5)		

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

<b>Name</b> Saiful Alam	
<b>Address</b> 25 Limborough House Thomas Road London	
<b>Postcode</b>	E14 7AN
<b>Personal Licence number (if known)</b> 90236	
<b>Issuing licensing authority (if known)</b> Islington Council	

**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)

**O**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12.00	00.00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p>
Tue	12.00	00.00	
Wed	12.00	00.00	
Thur	12.00	00.00	
Fri	12.00	00.00	
Sat	12.00	00.00	
Sun	12.00	23.30	

**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)

The premises will be well lit, well maintained by experienced staff, who will offer a highly personal and professional service.

Staff at the restaurant will be offered compulsory training with regards to licensing aspects on a continuous basis.

CCTV installed

Dedicated taxi service operated.

Door control operated.

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

Intoxicated customers will not be served alcohol.

Will display signs stating no sale of alcohol to underage persons.

Staff will be under instruction to be vigilant for crime and disorder and report to police.

Management will limit amount of alcohol consumption in the premises to deter crime & disorder.

Estimates are being obtained to install CCTV (within 3 months) .

Door control operated by door persons at all times to create safer environment.

No queuing will be allowed outside the front door to eliminate noise pollution & disorder.

**c) Public safety**

Will maintain serviced fire safety equipment.

Bottle contents poured in glass and served where appropriate.

Fire resistant doors and cupboards will be kept closed.

Steps, Stairs edges, will be appropriately highlighted so as to be conspicuous.

Appropriate fire notices and other emergency notices will be displayed.

Premises will be managed by experienced staff.

Dedicated taxi service will be operated for customer.

**d) The prevention of public nuisance**

Will not allow gathering of groups outside the unit to prevent disorder and disturbance to neighbours.

If groups do not leave when asked, will call police.

Ask customers to leave quietly to prevent public nuisance.

Will not serve customers who are loud or causing nuisance.

Low key background music to be played in the restaurant with no speakers near front door so that to prevent escape of noise from indoor.

Doors will be kept closed at all times to prevent escape of noise/music from indoor or entrance of dirty air/pollution.

Deliveries will be scheduled to prevent noise pollution to residents. No early morning deliveries will be accepted.

No congregation of groups will be allowed outside to prevent noise pollution/disorder to residents.

Confectionery (lolly pops) will be offered to leaving diners to minimise conversation when diners are leaving the premises to eliminate noise disturbance.

Complimentary black coffees will be offered to customer prior to leaving the restaurant to minimize impact of alcohol thus disorder.

The company/management will work actively to gether with other businesses to create warm & friendly atmosphere to deter public nuisance

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

All children will be required to be accompanied by adults.

No alcohol will be served to children - if in doubt of age, will seek proof of age.

Will not allow children to order alcohol for adults.

Will not accommodate children near the bar.


- 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	
Date	01 May 2008
Capacity	Chartered Surveyor

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

City Surveyors  
37 Radcliffe Buildings  
Portpool Lane

<b>Post town</b>	London	<b>Post code</b>	EC1N 7SN
<b>Telephone number (if any)</b>	07956279794		

**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**  
citysurveyors@hotmail.co.uk

**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.

# Appendix 2

**Kathy Butler**

**From:** Muktar Miah [citysurveyors@hotmail.co.uk]  
**Sent:** 12 May 2008 16:39  
**To:** Kathy Butler  
**Cc:** Alkesh Solanki  
**Subject:** RE: Masala Restaurant - 88 Brick Lane

Hello Ms Butler

As advised by Mr Solanki i have ammended as below and now sending copy to you and copy to Mr Solanki.

I confirm amendment to the application for the above the we request removal of the RECORDED MUSIC from our application. We shall only be playing soft background music only.

The restaurant will be open from Midday to Midnight but alcohol will be served only until 23.30 hours from Monday to Saturday and opening time for Sunday is 12 midday until 23.30 hours and alcohol served until 23.00 hours.

So therefore if the late night refreshment timing start from 23.00 hours, then the requirement for late night refreshment will be the following:

Monday to Saturday 23.00 hours until 23.30 hours for late night refreshments.

Sunday is not applicable (as not **selling** refreshment after 11pm).

PLEASE LET ME KNOW IF I SHOULD SEND COPIES TO ALL RESPONSIBLE AUTHORITIES.

Await you reply

Kind regards

Muktar Miah MRICS

---

**Subject:** RE: Masala Restaurant - 88 Brick Lane  
**Date:** Mon, 12 May 2008 16:13:26 +0100  
**From:** Alkesh.Solanki@towerhamlets.gov.uk  
**To:** citysurveyors@hotmail.co.uk

Thank you Mr Miah. Please amend your wording MONDAY to SATURDAY 23:00 hours to 23:30 hours for late night refreshment.

Please compile a separate email as just discussed on the phone with all the amendments

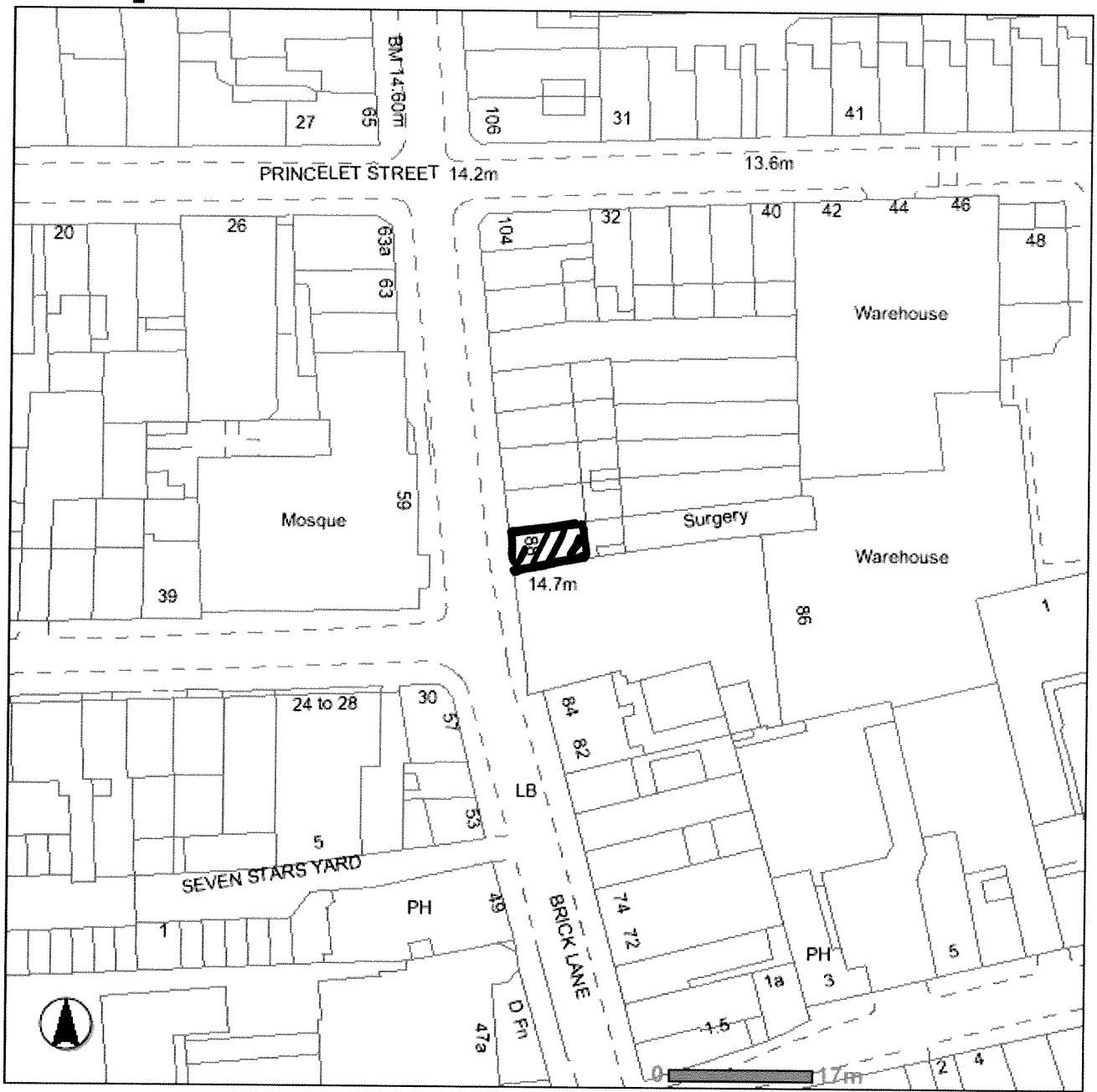
best regards

Alkesh

Mr A Solanki, BSc (Hons) MCIEH  
Environmental Health Officer  
Environmental Health  
Environmental Protection  
Area Team North

# Appendix 3

# Map



Scale 1:750

Map of:

## 88 Brick Lane

Notes:

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# Map



Scale 1:1228

Map of:

Notes:

## 88 Brick Lane

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# Appendix 4

## Section 182 Advice by the DCMS

Updated Jan 08

### Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.



- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

# Appendix 5

## Kathy Butler

---

**From:** David Cunningham [dc@stalk.net]  
**Sent:** 30 May 2008 11:18  
**To:** Trading Standards  
**Cc:** Kathy Butler  
**Subject:** Masala Restaurant 88 Brick Lane

To the Licensing Section LBTH

I wish to object to the license application for Masala Restaurant 88 Brick Lane because of the likely disturbance to myself and other nearby residents.

1) There is a existing public nuisance problem of noise disturbance from large groups of customers leaving nearby restaurants late at night and remaining on the street for some time. This has been exacerbated by the smoking ban. Late opening hours can only increase this disturbance. The proposed hours for 88 Brick Lane appear to be later than some other local restaurants and if granted the cumulative effect of this disturbance will escalate even further.

2) A further noise problem will be created as 88 Brick Lane is at the junction of Brick Lane and Fournier St with no parking immediately outside - there is no space for late night taxis etc to wait outside without blocking this already very congested junction.

3) These opening times will significantly add to an existing problem of noise disturbance from the quantity of rubbish disposal, in particular bottles, late at night.

Yours

David Cunningham

--  
David Cunningham  
30 Fournier Street  
London E1 6QE  
UK

telephone: (+44) 20 7247 1346  
email: dc@stalk.net

# Appendix 6

**Kathy Butler**

**From:** Louise.Allen@met.pnn.police.uk  
**Sent:** 28 May 2008 12:10  
**To:** citysurveyors@hotmail.co.uk  
**Cc:** Jacqueline Randall; Kathy Butler  
**Subject:** Masala Restaurant, 88 Brick Lane, E1

Dear Mr Miah,

Following our conversation of todays date, the police would like your client to agree to;

1. Anti-Touting condition being added to their premises licence -

**"The premises will not knowingly allow any person, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions"**

2. CCTV will be installed at the premises to the satisfaction of police prior to the premises licence being issued and the premises trading.

Should the client agree to the above, the police as a responsible authority will not be objecting to the application.

Could you please inform me of thier reply at your earliest convenience.

Regards,

Louise Allen  
Licensing Bethnal Green.

\*\*\*\*\*  
It is the policy of the MPS that:

MPS personnel (or agents working on behalf of the MPS) must not use MPS systems to author, transmit or store documents such as electronic mail (e-mail) messages or attachments:

- \* containing racist, homophobic, sexist, defamatory, offensive, illegal or otherwise inappropriate material;
- \* containing material requiring a protective marking higher than RESTRICTED, (and not higher than NOT PROTECTIVELY MARKED across the internet) without the use of approved encryption;
- \* containing personal data for use other than in accordance with the notification(s) under the Data Protection Act, 1998 of the system(s) from which the data originates.

\* This Email message has been scanned for viruses and contents.

\*\*\*\*\*

# Appendix 7

## **Anti-Social Behaviour From Patrons Leaving The Premises**

### General Advice

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

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” **(See Section 4.10 and 4.11 of the Licensing Policy).**

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model 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):

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

- Signage

### Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

### Police Powers

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

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

The pool of conditions, adopted by the council is recommended (13.20).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (s.2.7-2.11).

*There is also guidance issued around the heading of "public nuisance as follows*

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures "within the direct control of the licence holder" (2.38).

### Other Legislation

#### Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism



# Appendix 8

## **Acting As A Magnet Attracting The Young Who Then Engage In Anti-Social Behaviour**

### General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate (in relation to the behaviour of patrons who have left the premises) but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” **(See Section 4.10 and 4.11 of the Licensing Policy).**

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2 of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model 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):

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

### Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 6 of the Licensing Policy).**

### Police Powers

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

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

#### Other Legislation

##### Crime and Disorder Act 1998

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

##### Anti-Social Behaviour Act 2003

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

# Appendix 9

## Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 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 Section 8.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

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 12.10**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions 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 (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

# Appendix 10

## **Planning**

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



# Appendix 11

## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

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

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

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

(see 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

# Agenda Item 5.2

Committee: <b>Licensing Sub-Committee</b>	Date:	Classification: <b>Unclassified</b>	Report No. <i>LS0007/809</i>	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Mohshin Ali</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a variation of the Premises Licence for Rootmaster Ltd, Ely's Yard, The Old Truman Brewery, London E1 6QR</b>  Ward affected: <b>Spitalfields and Banglatown</b>
---	--

## 1.0 Summary

Applicant: **Rootmaster Ltd**

Name and Address of Premises: **Rootmaster Ltd**  
**Ely's Yard**  
**The Old Truman Brewery**  
**London**  
**E1 6QR**

Licence sought: **Variation of premises licence under the Licensing Act 2003**

- **Extending the hours for the sale of alcohol**

Representations: **Environmental Protection**  
**Local Resident**

## 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	<input type="checkbox"/>	<b>Mohshin Ali</b> <b>020 7364 5498</b>

### 3.0 **Background**

- 3.1 This is an application to vary the premises licence for Rootmaster Ltd, Ely's Yard, the Old Truman Brewery, London E1 6QR. The premises is a small restaurant within a converted Routmaster Bus.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

#### **The current standard timings are as follows:**

##### Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

##### Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

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

##### Opening hours of the premises (Inside)

- Monday to Saturday, 10:00 hours to 23:00 hours
- Sunday, 10:30 hours to 22:30 hours

##### Opening hours of the premises (Outside)

- Monday to Sunday, 10:00 hours to 21:30 hours

- 3.3 A copy of the variation application is enclosed as **Appendix 2**.

- 3.4 The applicant has described the nature of the variation as follows:
- Extending the hours for the sale of alcohol

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

#### **Sale of Alcohol (on sales) – Inside and outside:**

- Monday to Saturday, 12:00 hours to 23:00 hours
- Sunday, 12:00 hours to 22:30 hours

#### **Hours premises are open to the public - Inside and outside:**

- Monday to Saturday, 11:00 hours to 00:00 hours
- Sunday, 11:00 hours to 23:30 hours

- 3.6 A map showing the relevant premises in the area is included as **Appendix 3**.

#### **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](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.
- 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 Representations**

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 This hearing is required by the Licensing Act 2003, because relevant representation has been made by Environmental Protection and a local resident.
- 5.11 Please see **Appendix 5** for the representation of Environmental Protection.
- 5.12 Please see **Appendix 6** for the representation of the local resident.
- 5.13 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Protection
  - Trading Standards
  - Child Protection
- 5.14 The application was required to be advertised in a local newspaper and by a blue poster. In addition, the Licensing Authority notifies local residents and businesses within 40m.
- 5.15 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
- 5.16 Essentially, the application is opposed 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

5.17 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. 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 their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
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 (1.7).
- ❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).

- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.”
  - ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).
  - ❖ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (7.79). The Office of Fair Trading’s Advice also needs to be borne in mind.
- 6.3 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.4 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.
- 6.5 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.6 Members will find advice on the issues relating to conduct on the premises and egress as follows:
- Appendix 7** Licensing Officer comments on noise while the premise is in use
  - Appendix 8** Licensing Officer comments on access and egress Problems
  - Appendix 9** Planning
  - Appendix 10** Licensing Policy relating to hours of trading



## **7.0 Exemptions**

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## **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** A copy of the existing licence
- Appendix 2** A copy of the variation application
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 5** Representation of the Environmental Protection
- Appendix 6** Representation of the local resident
- Appendix 7** Licensing Officer comments on noise while the premise is in use
- Appendix 8** Licensing Officer comments on access and egress Problems
- Appendix 9** Planning
- Appendix 10** Licensing Policy relating to hours of trading

# Appendix 1



# TOWER HAMLETS

Licence / Registration

Certificate Number

12251

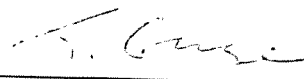
(Rootmaster Ltd)  
Ely's Yard  
The Old Truman Brewery  
London  
E1 6QR

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse   
Team Leader Licensing

Date: 08 November 2007



**Part A - Format of premises licence**

Premises licence number

12251

**Part 1 - Premises details**

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

(Rootmaster Ltd)  
Ely's Yard  
The Old Truman Brewery

**Post town**  
London

**Post code**  
E1 6QR

**Telephone number**  
07912 389 314

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

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol

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

Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

**The opening hours of the premises**

Opening hours of the premises (Inside)

- Monday to Saturday, 10:00 hours to 23:00 hours
- Sunday, 10:30 hours to 22:30 hours

Opening hours of the premises (Outside)

- Monday to Sunday, 10:00 hours to 21:30 hours

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

On sales

**Part 2**

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

Rootmaster Ltd  
7 Brompton Place  
London  
SW3 1QE

**Tel:** 07912 389 314

**Email:** sylvia@root-master.co.uk

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

None

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

Sylvia Garcia  
7 Brompton Place  
London  
SW3 1QE

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

**Issuing Authority:** Lambeth Council  
**Personal Licence Number:** 01789

**Annex 1 - Mandatory conditions**

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

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

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

**Times**

**Alcohol (Inside)**

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

**Alcohol (Outside)**

- Monday to Sunday, 12.00 hours to 21.00 hours

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

1. Photo identification to be sought from anyone appearing to be under the age of 21. Only UK photo card driving licence or a valid passport to be accepted.
2. Children are not allowed on or within the premises unless accompanied by an adult who is responsible for their supervision at all times.

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

None

**Annex 4 - Plans**

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

6 September 2007





**Part B - Premises licence summary**

**Premises licence number**

12251

**Premises details**

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

(Rootmaster Ltd)  
Ely's Yard  
The Old Truman Brewery

**Post town**

London

**Post code**

E1 6QR

**Telephone number**

07912 389 314

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

N/A

**Licensable activities authorised  
by the licence**

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol (Inside)

- Monday to Saturday, 12.00 hours to 22.30 hours
- Sunday, 12:30 hours to 22.00 hours

Alcohol (Outside)

- Monday to Sunday, 12.00 hours to 21.00 hours

The opening hours of the premises

Opening hours of the premises (Inside)

- Monday to Saturday, 10:00 hours to 23:00 hours
- Sunday, 10:30 hours to 22:30 hours

Opening hours of the premises (Outside)

- Monday to Sunday, 10:00 hours to 21:30 hours

Name, (registered) address of holder of premises licence

Rootmaster Ltd  
7 Brompton Place  
London  
SW3 1QE

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

On sales

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

None

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

Sylvia Garcia  
7 Brompton Place  
London  
SW3 1QE

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

No

# Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We Sajid Ghouse (Insert name(s) of applicant)

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

Premises Licence number 12251

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
<u>Romania Ltd</u> <u>Elg's Road</u> <u>The Old Truman Brewery</u> <u>Hambury St</u>	
Post town	Post code
<u>London</u>	<u>E1 3RL</u>

30 APR 2008

Telephone number at premises (if any)

09912 339 311

Non-domestic rateable value of premises

£ 50,000

**Part 2 - Applicant details**

Daytime contact telephone number		07512 550 311	
E-mail address (optional)		S...@... .co.uk	
Current postal address if different from premises address		4 Symonds Lane Aston	
Post Town	Birmingham	Postcode	B4 7 150

**Part 3 - Variation**

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

Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

**Please describe briefly the nature of the proposed variation (please see guidance note1)**

We are applying to extend our opening hours each day from 10am to 11pm. This is to allow us to serve our customers better and to provide a better service to the community.

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

--

## Part 4 Operating Schedule

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

### Provision of regulated entertainment

- Please 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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur						
Fri						
Sat				<b>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</b> (please read guidance note 5)		
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for exhibition of films</b> (please read guidance note 4)		
Thur						
Fri						
Sat				<b>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</b> (please read guidance note 5)		
Sun						

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<p><u>Please give further details here</u> (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**

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



**E**

Live music Standard days and timings (please read guidance note 6)			Indoors	
Day	Start	Finish		
Mon			Outdoors	
Tue				
Wed			Both	
Thur				
Fri			<p><b>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)</p> <p><b>Please give further details here</b> (please read guidance note 3)</p>	
Sat				
Sun				
			<p><b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)</p>	
			<p><b>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</b> (please read guidance note 5)</p>	

**F**

Recorded music Standard days and timings (please read guidance note 6)			Indoors	
Day	Start	Finish		
Mon			Outdoors	
Tue				
Wed			Both	
Thur				
Fri			<p><b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)</p> <p><b>Please give further details here</b> (please read guidance note 3)</p>	
Sat				
Sun				
			<p><b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)</p>	
			<p><b>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</b> (please read guidance note 5)</p>	

**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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				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)		
Sat						
Sun						

**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	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur			
Fri			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)
Sat			
Sun			

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>			
			<b>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>		Indoor	
					Outdoor	
					Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 2)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			<b>State any seasonal variations for the facilities for making music</b> (please read guidance note 4)			
			<b>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</b> (please read guidance note 5)			

**J**

<b>Provision of facilities for dancing</b> 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)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> <b>Standard days and timings</b> (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>			
			<b>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>		Indoor	
					Outdoor	
					Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or k</b> (please read guidance note 4)			<b>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</b> (please read guidance note 5)			
						Sun

**L**

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

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</b>	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises		
Mon	12:00	23:00	<b>Please give further details here</b> (please read guidance)	Both		
Tue	12:00	23:00				
Wed	12:00	23:00		<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Thur	12:00	23:00				
Fri	12:00	23:00				
Sat	12:00	23:00		<b>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</b> (please read guidance note 5)		
Sun	12:00	23:00				

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)

Can be offering alcohol and food in  
social club to members

O

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	24:00	
Tue	11:00	24:00	
Wed	11:00	24:00	
Thur	11:00	24:00	<b>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</b> (please read guidance note 5)
Fri	11:00	24:00	
Sat	11:00	24:00	
Sun	11:00	24:00	

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

We wish to have our opening hours extended to those which were first applied for in our initial application. I do not feel an extra hour of business will prevent us from maintaining & achieving the four licensing objectives, but for us as a small business, it will make an enormous difference in the amount of cases we are able to serve in an evening which in a restaurant of our size is vital.



Please tick yes

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

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

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

**P**

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

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

Since we have opened, we have received no complaints and have not failed to meet either of the licensing objectives. We have now created an established business which is managed responsibly and which is now viewed by many as an asset to the area. We uphold the safety of any person in our premises with the utmost importance and now have strong systems in place which enable us to do so.

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

Since opening we have had few crime related incidents. All of which involved theft from the business and affected no customer or staff. We have since established a good working relationship with the local police and feel in all cases we were able to deal with the situations professionally, safely and quickly. All CCTV & security measures in the yard remain in place and

**c) Public safety**

As the area is getting busier & busier, more security have been placed on duty for all evening shifts. They are all highly trained & very experienced in dealing with the public. We have also developed strong working relationships with all of the security team of the Old Truman Brewery.

**d) The prevention of public nuisance**

We are applying for a license extension so that we may turn over our tables 3 times in one evening. Presently we are only able to do this 2 times. This does not mean our existing customers will have longer to drink, it means we as a business will be more sustainable. We have had no problems to date with persons becoming overly drunk as all of our customers are also drinking water throughout the evening.

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

We feel the way the premises is managed with this licensing objective very well. I do not believe children will be affected by our opening later as the majority of our customers will come with children do so earlier in the evening and never have stayed until close. We will maintain our policy on asking for proof of age from anybody who appears to be under the age of 21.


**CHECKLIST:**

- Please tick  yes
- I have made or enclosed payment of the fee
  - I have sent copies of this application and the plan to responsible authorities and others where applicable
  - I understand that I must now advertise my application
  - I have enclosed the premises licence or relevant part of it or explanation
  - I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, 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 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	29.04.09
Capacity	

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> 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)

Sylvia Garcia  
7 Brompton Place

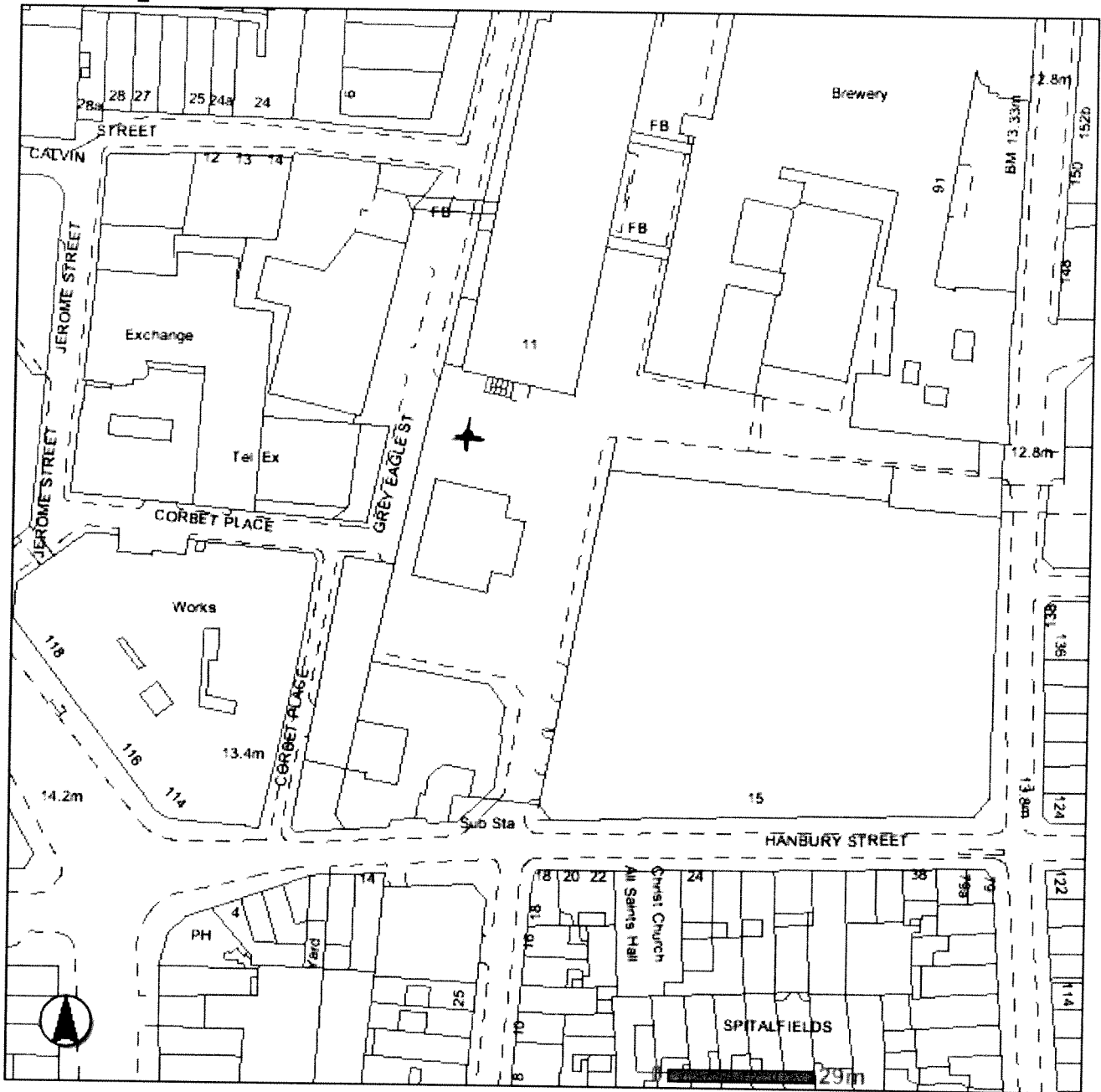
Post town	London	Post code	SW3 1QE
-----------	--------	-----------	---------

Telephone number (if any)	0207 589 5663
---------------------------	---------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)	Sylvia.garcia@root-master.co.uk
--	---------------------------------

# Appendix 3

# Map



Scale 1:1250

Map of:

## Rootmaster

Notes:

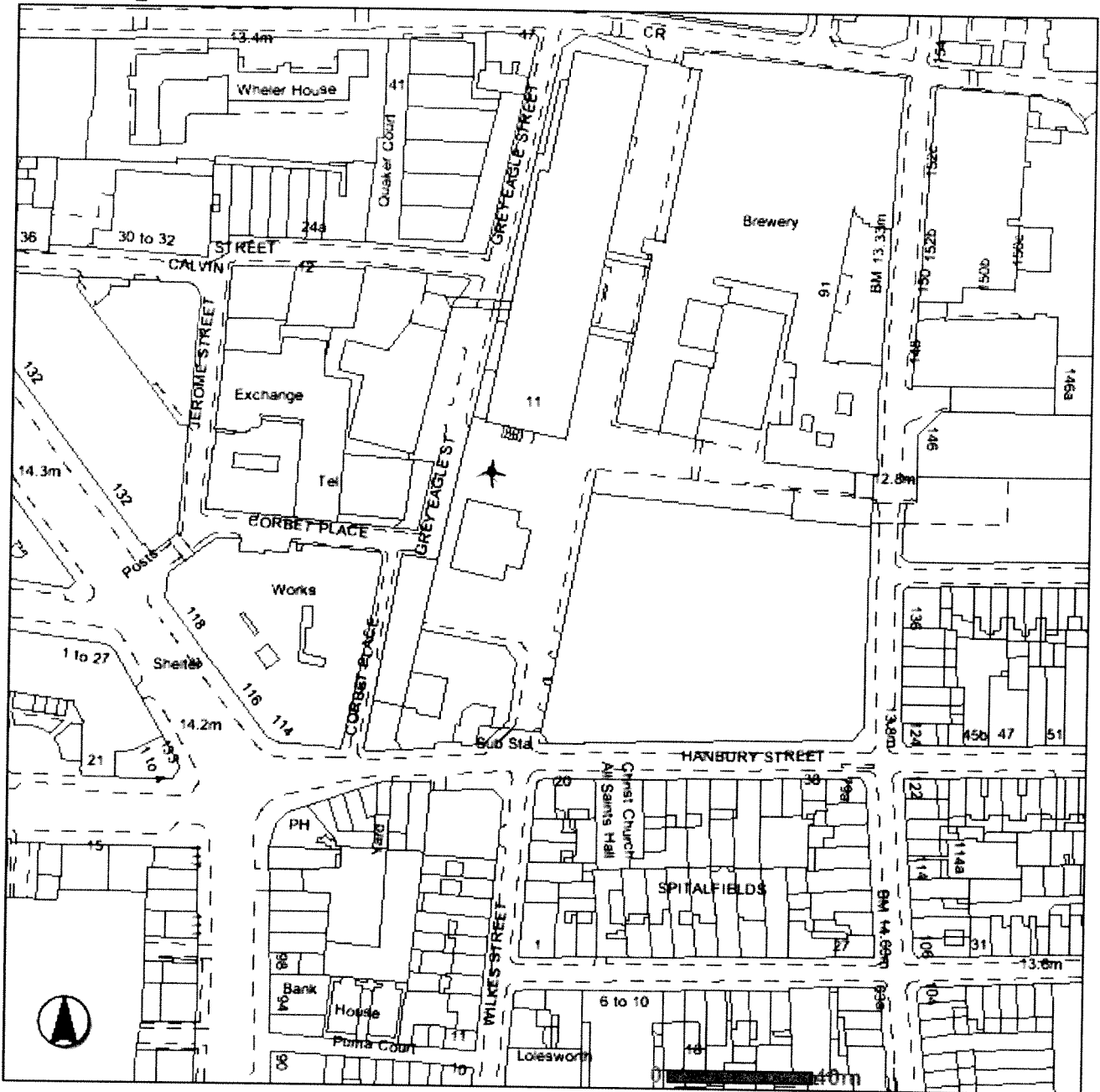
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# Map



Scale 1:1750

Map of:

## Rootmaster

Notes:

Ely's Yard

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# Appendix 4

## **Section 182 Advice by the DCMS**

### **RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS**

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.



- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

# Appendix 5

**Mohshin Ali**

**From:** Derrick Harrington  
**Sent:** 12 May 2008 15:33  
**To:** Mohshin Ali  
**Cc:** John Cruse; Iain Pendrigh; Kathy Butler; Cain Duncan; Stephen Irvine; Alkesh Solanki  
**Subject:** Re: APPLICATION FOR A VARIATION OF THE PREMISES LICENSE-ROOTMASTER LTD, ELYS YARD E1

Mohshin

**Re: THE LICENSING ACT 2003  
APPLICATION FOR A VARIATION OF THE PREMISES LICENSE  
ROOTMASTER LTD , ELYS YARD, THE OLD TRUMAN BREWERY, HANBURY ST E1**

I have just received an application from Rootmaster Ltd, (Ms Sylvia Garcia, 7, Brompton Place, London, SW3 1QE) received on the 1st May last for a variation of the existing Premises License. The applicant wishes to remain open an additional hour every night of the week presumably in order to capitalise on increased sales etc.

Regrettably, the applicant still does NOT have planning permission for the installation of a low level kitchen extract ventilation system serving this red double decker bus which is provided within the ground floor of the bus where cooking and frying of vegetarian foodstuffs is carried out. Currently the existing installation is unsatisfactory.

Although to date, we have not received any complaints from adjoining residents regarding noise or smell nuisance from frying of foods, I regret that I have no alternative but to OBJECT to this application since the current installation does NOT have planning permission from the Council, despite the business being in operation now for over 12 months and does not comply with the relevant British Standards. Unless or until a proper planning application is submitted and approved by the Council, then I feel obliged to object to this application.

In addition to the above, despite the managerial controls proposed by the applicant, I am also concerned about the possibility of an increase in anti-social behaviour activities including the likely increase in drunkenness, foul language and other forms of anti-social behaviour that would impact upon an already hard pressed community.

D C Harrington  
Principal Environmental Health Officer

# Appendix 6

**Mohshin Ali**

**From:** Jane Curtis [j1curtis@hotmail.com]  
**Sent:** 27 May 2008 13:35  
**To:** John Cruse; Mohshin Ali  
**Subject:** Rootmaster Ltd Ely's Yard

Dear Mr Cruse and Mr Ali

**Change to licence: Rootmaster Ltd, Ely's Yard, Old Trumans Brewery, London E1 6QR**

I note that the Rootmaster has applied to increase its licensing hours.

Does this variation increase the hours for the licensing activities outside the premises? This is currently 21:00, with opening hours set at 21:30 hours.

Whilst I do not have any real problems with a small increase in the hours for the supply of alcohol inside the bus I am concerned about any increase of outside drinking in this part of Ely's Yard.

My concerns are that the times of 9pm, and 9:30pm for use, was set because of the problem of sound carrying from groups of people gathered in this part of the Yard which carries into homes in nearby Wilkes Street and Corbet Place. Whilst there have only been a few tables outside, this has increased of late.

I therefore have concerns about the proximity to residential properties and noise whilst the premises is in use.

I am also concerned that these premises do not have any toilet facilities!

I would also object if the variation included the playing of music outside, as this would indeed be heard very clearly in residential premises.

The current licence holders seem to be reasonable, however I do have concerns, which have been borne out in other local licensed premises, that licences can change hands and problems can increase for locals which take years to fight (like Public Life). Can it be a condition of an increase in the hours that the licence is revoked if Rootmaster Ltd leaves these premises? I assume it is the bus which is licensed and not the site where the bus stands?

Thank you for your consideration of these points.

I hope my concerns will be addressed and we will not have to take this to the Licensing Committee.

Jane Curtis

16 Wilkes Street  
London E1

# Appendix 7

## 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 as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

### Other Legislation

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

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

# Appendix 8

## Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### 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 (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

# Appendix 9

## **Planning**

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

# Appendix 10

## Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
  - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
  - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
  - Previous history
  - Access to public transport
  - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

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# Agenda Item 5.3

Committee: <b>Licensing Sub-committee</b>	Date:	Classification <b>Unclassified</b>	Report No. <i>LSC008/809</i>	Agenda Item No.
--	-------	---------------------------------------	---------------------------------	-----------------

Report of: <b>Colin Perrins Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Mohshin Ali Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a premises licence application for Jamboree, Gallery West, 566 Cable Street, London E1W 3HB</b>  Ward affected: <b>Shadwell</b>
---	---

## 1.0 Summary

Applicant: **Renate Beck**

Name and Address of Premises: **Jamboree  
Gallery West  
566 Cable Street  
London  
E1W 3HB**

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

- **Sale of alcohol**
- **Provision of regulated entertainment**
- **Provision of late night refreshment**

Representations: **Local residents**

## 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		<b>Mohshin Ali 020 7364 5498</b>

### 3.0 Background

- 3.1 This is an application for a new premises licence for Jamboree, Gallery West, 566 Cable Street, London E1W 3HB.
- 3.2 A copy of the application is enclosed as **Appendix 1**.

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

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

- Sunday to Wednesday, from 12:00 hours to 23:00 hours
- Thursday, from 12:00 hours to 23:30 hours
- Friday and Saturday, from 12:00 hours to 01:00 hours the following day

#### **Late Night Refreshment**

- Sunday to Wednesday, from 08:00 hours to 23:00 hours
- Thursday, from 08:00 hours to 23:30 hours
- Friday and Saturday, from 08:00 hours to 01:00 hours the following day

***For members' information, late night refreshment starts from 23:00 hours. A premises licence is not required prior to 23:00 hours.***

#### **Regulated Entertainment - Indoors (*music to be amplified*)**

##### Plays and performance of dance

- Monday to Sunday, from 18:00 hours to 23:00 hours

##### Films

- Monday, from 18:00 hours to 23:00 hours
- Tuesday to Thursday, from 18:00 hours to 23:30 hours
- Friday and Saturday, from 18:00 hours to 01:30 hours the following day
- Sunday, from 18:00 hours to 23:30 hours

##### Live music and anything of a similar description to live music, recorded music and performance of dance

- Sunday to Wednesday, from 18:00 hours to 23:00 hours
- Thursday, from 18:00 hours to 23:30 hours
- Friday and Saturday, from 18:00 hours to 00:00 hours

##### Recorded Music and provision of facilities for making music

- Sunday to Wednesday, from 08:00 hours to 23:30 hours
- Thursday, from 08:00 hours to 00:00 hours
- Friday and Saturday, from 08:00 hours to 01:30 hours

#### Provision of facilities for dancing

- Sunday to Wednesday, from 20:00 hours to 23:30 hours
- Thursday, from 20:00 hours to 00:00 hours
- Friday and Saturday, from 20:00 hours to 01:30 hours the following day

#### Provision of facilities for entertainment of a similar description to making music and dancing

- Sunday to Wednesday, from 18:00 hours to 23:30 hours
- Thursday, from 18:00 hours to 00:00 hours
- Friday and Saturday, from 18:00 hours to 01:30 hours the following day

#### Non-standard timings

- Sunday nights before bank holidays to be open until 01:30 hours the following day

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

- Sunday to Wednesday, from 08:00 hours to 23:30 hours
- Thursday, from 08:00 hours to 00:00 hours
- Friday and Saturday, from 08:00 hours to 01:30 hours the following day

3.3 A map showing the situation of premises in the local area 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](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.

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 Representations**
- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
  - The LFEP (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Environmental Protection
  - Trading Standards
  - Child Protection



- 5.11 This hearing is required by the Licensing Act 2003, because relevant representation has been made by three local residents.
- 5.12 Please see **Appendix 4** for the representation of Miss Joann Carter.
- 5.13 Please see **Appendix 5** for the representation of Mrs Vivien Park.
- 5.14 Please see **Appendix 6** for the representation of Miss Joanna Sagnia.
- 5.15 For Members' information, the applicant has agreed conditions with the Police (see **Appendix 7**).
- 5.16 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
- 5.17 Essentially, the residents oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
  - the prevention of public nuisance
- 5.18 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. 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 their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
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 (1.7).
  - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
  - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
  - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 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 Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and access/egress as follows:
- Appendix 8** Licensing Officer comments on noise while the premise is in use
  - Appendix 9** Licensing Officer comments on access/egress problems
  - Appendix 10** Licensing Officer comments on crime and disorder on the premises
  - Appendix 11** Licensing Officer comments on crime and disorder from patrons leaving the premises
  - Appendix 12** Planning
  - Appendix 13** Licensing Policy relating to hours of trading

## **7.0 Exemptions**

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## **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** A copy of the premises licence application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 4** Representation of Miss Joanne Carter
- Appendix 5** Representation of Mrs Vivien Park
- Appendix 6** Representation of Miss Joanna Sagnia
- Appendix 7** Conditions agreed with Police
- Appendix 8** Licensing Officer comments on noise while the premise is in use
- Appendix 9** Licensing Officer comments on access/egress problems
- Appendix 10** Licensing Officer comments on crime and disorder on the premises
- Appendix 11** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 12** Planning
- Appendix 13** Licensing Policy relating to hours of trading

# Appendix 1



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY 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) RENATE BECK

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	
<p>JAMBOREE GALLERY WEST 566 CABLE STREET</p>	
Post town	Post code
LONDON	E1W 3HB

13TH  
12 MAY 2008

Telephone number at premises (if any)

Non-domestic rateable value of premises

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick  yes  no
- 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:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or  Please tick yes
- 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

BECK

First names

RENATE

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

UNIT P4  
55 WALLIS ROAD

Post Town

LONDON

Postcode

E9 544

Daytime contact telephone number

077 8370 3270

E-mail address (optional)

rena\_beck@hotmail.com

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
11	07	2008

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 note 1)

GALLERY WEST IS LOCATED WITHIN THE COURTYARD OF CABLE STREET STUDIOS IN 566 CABLE STREET. THE SPACE WAS PREVIOUSLY USED AS A WORKSHOP, IS OPEN PLAN WITH AN INTERNAL OFFICE AND 2 WC'S.

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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	18.00	23.00	<u>Please give further details here</u> (please read guidance note 3) <b>TO BE AMPLIFIED (SPEAKERS)</b>	Both	
Tue	18.00	23.00			
Wed	18.00	23.00		<u>State any seasonal variations for performing plays</u> (please read guidance note 4)	
Thur	18.00	23.00			
Fri	18.00	23.00		<u>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</u> (please read guidance note 5)	
Sat	18.00	23.00			
Sun	18.00	23.00			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<u>Will the exhibition of a film take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	18.00	23.00	<u>Please give further details here</u> (please read guidance note 3) <b>TO BE AMPLIFIED (SPEAKERS)</b>	Both	
Tue	18.00	23.30			
Wed	18.00	23.30		<u>State any seasonal variations for exhibition of films</u> (please read guidance note 4)	
Thur	18.00	23.30			
Fri	18.00	1.30		<u>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</u> (please read guidance note 5)	
Sat	18.00	1.30		Sunday nights before bank holidays to be open until 1.30 am (like Saturdays)	
Sun	18.00	23.30			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details here</b> (please read guidance note 3)
Day	Start	Finish	
Mon			<p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)</p> <p><b>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</b> (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

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

**Please give further details here** (please read guidance note 3)

**State any seasonal variations for boxing or wrestling entertainment**  
(please read guidance note 4)

**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)

**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 [X] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors		
Mon	18.00	23.00	Please give further details here (please read guidance) <b>WILL BE AMPLIFIED OR ACUSTIC</b>	Both		
Tue	18.00	23.00				
Wed	18.00	23.00		State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	18.00	23.30				
Fri	18.00	24.00				
Sat	18.00	24.00		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)		
Sun	18.00	23.00			<b>SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 AM (LIKE SATURDAYS)</b>	

**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 [X] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors		
Mon	08.00	23.30	Please give further details here (please read guidance note 3) <b>TO BE AMPLIFIED (SPEAKERS)</b>	Both		
Tue	08.00	23.30				
Wed	08.00	23.30		State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	08.00	24.00				
Fri	08.00	01.30				
Sat	08.00	01.36		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)		
Sun	08.00	23.30			<b>SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 AM (LIKE SATURDAYS)</b>	

**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 [X] (please read guidance note 2)	Indoors	Outdoors	Both
Day	Start	Finish	Please give further details here (please read guidance note 4)	<input checked="" type="checkbox"/>		
Mon	18.00	23.00				
Tue	18.00	23.00				
Wed	18.00	23.00				
Thur	18.00	23.00				
Fri	18.00	23.00				
Sat	18.00	23.00				
Sun	18.00	23.00				
			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	Performance Art  Please give further details here (please read guidance note 3)  TO BE AMPLIFIED
Mon	18.00	23.00	
Tue	18.00	23.00	
Wed	18.00	23.00	
Thur	18.00	23.30	
Fri	18.00	24.00	
Sat	18.00	24.00	
Sun	18.00	23.00	
			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)
			SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 (LIKE SATURDAYS)

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 <b>MICROPHONES, DEKS, IPOT, CD PLAYER, AMPLIFIER, SPEAKERS, MIXER, DESK, STAGE</b>	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> M</b> (please read guidance note 2)	
			Indoor	<input checked="" type="checkbox"/>
			Outdoor	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance)	
Mon	08.00	23.30	<b>TO BE AMPLIFIED, AMPLIFIER &amp; SPEAKERS</b>	
Tue	08.00	23.30		
Wed	08.00	23.30		
Thur	08.00	24.00		
Fri	08.00	01.30		
Sat	08.00	01.30		
Sun	08.00	23.30		
			<b>State any seasonal variations for the facilities for making music</b> (please read guidance note 4)	
			<b>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</b> (please read guidance note 5)	
			<b>SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 (LIKE SATURDAYS)</b>	



J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing <b>WOODEN FLOOR</b>								
			<b>Will the facilities for dancing be indoors or outdoors or both – please tick [X] (please read guidance note 2)</b>		<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	<b>Please give further details here (please read guidance</b>								
Mon	20.00	23.30	<b>State any seasonal variations for the facilities for dancing (please read guidance note 4)</b>  <b>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)</b> <b>SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 (LIKE SATURDAYS)</b>								
Tue	20.00	23.30									
Wed	20.00	23.30									
Thur	20.00	24.00									
Fri	20.00	01.30									
Sat	20.00	01.30									
Sun	20.00	23.30									

K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> <b>Standard days and timings</b> (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b> STAGE WITHIN SPACE, MUSIC DESK	
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick [X] (please read guidance note 2)</b>	
Mon	18.00	23.30	Indoor	<input checked="" type="checkbox"/>
			Outdoor	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue	18.00	23.30	<b>Please give further details here</b> (please read guidance)	
			TO BE AMPLIFIED	
Wed	18.00	23.30	<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or k</b> (please read guidance note 4)	
Thur	18.00	24.00		
Fri	18.00	01.30	<b>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</b> (please read guidance note 5)	
Sat	18.00	01.30	SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL	
Sun	18.00	23.30	01.30 (LIKE SATURDAYS)	

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [X] (please read guidance note 2)</b>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	08.00	23.00	<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue	08.00	23.00			
Wed	08.00	23.00			
Thur	08.00	23.30			
Fri	08.00	01.00			
Sat	08.00	01.00			
Sun	08.00	23.00			
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
			SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 (LIKE SATURDAYS)		

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [X] (please read guidance note 7)</b>	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	
Mon	12.00	23.00	<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.30			
Fri	12.00	01.00			
Sat	12.00	01.00			
Sun	12.00	23.00			
			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
			<b>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</b> (please read guidance note 5)		
			SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 (LIKE SATURDAYS)		

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

RENATE BECK

Address

UNIT P4  
55 WALLIS ROAD  
LONDON  
Postcode E9 5LH

Personal Licence number(if known)

TO BE CONFIRMED

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)

FILMS FOR RESTRICTED AGE GROUPS,  
SUPPLY OF ALCOHOL

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	08.00	23.30	<p><b>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</b> (please read guidance note 5)</p> <p>SUNDAY NIGHTS BEFORE BANK HOLIDAYS TO BE OPEN UNTILL 01.30 (LIKE SATURDAY)</p>
Tue	08.00	23.30	
Wed	08.00	23.30	
Thur	08.00	24.00	
Fri	08.00	01.30	
Sat	08.00	01.30	
Sun	08.00	23.30	

**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)

Being constantly vigilant of the situation within the premises. Ensuring licencing restrictions are adhered to, and all staff are fully briefed on this point.

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

Having a registered doorman and CCTV on the premises. Abiding by the policy of not allowing entry nor the serving of intoxicated persons.

A zero tolerance of drugs within the premises, and the liaising with local police on this matter.

c) **Public safety**

The training of stewards in procedure of evacuation. All staff fully briefed on this procedure. Making sure all customers are evacuated in a safe manner. Fire extinguishers and alarm buttons in place. Fully tested sounder and smoke alarm. Both Fire exits to be kept clear at all times.  
First aid equipment on premises

d) The prevention of public nuisance

A clear sign by the door requesting that customers leave in a quiet manner. The supervision of customers to see that this is upheld. Abiding by agreed sound levels of environmental protection.  
The supervision of the noise level of smoking customers in the courtyard.

e) The protection of children from harm

No alcohol ever to be sold/served to an under eighteen. The enforcement of proof of age if age is in doubt.  
All staff briefed on this matter.

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   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the plan of the premises   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have sent copies of this application and the plan to responsible authorities and others where applicable   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I understand that I must now advertise my application  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**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

B. P. R. A.

Date

8. MAY 2007

Capacity

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)**

RENATE BECK  
UNIT P4  
55 WALLIS ROAD

Post town LONDON

Post code E9 5LH

Telephone number (if any)

077 8370 3270

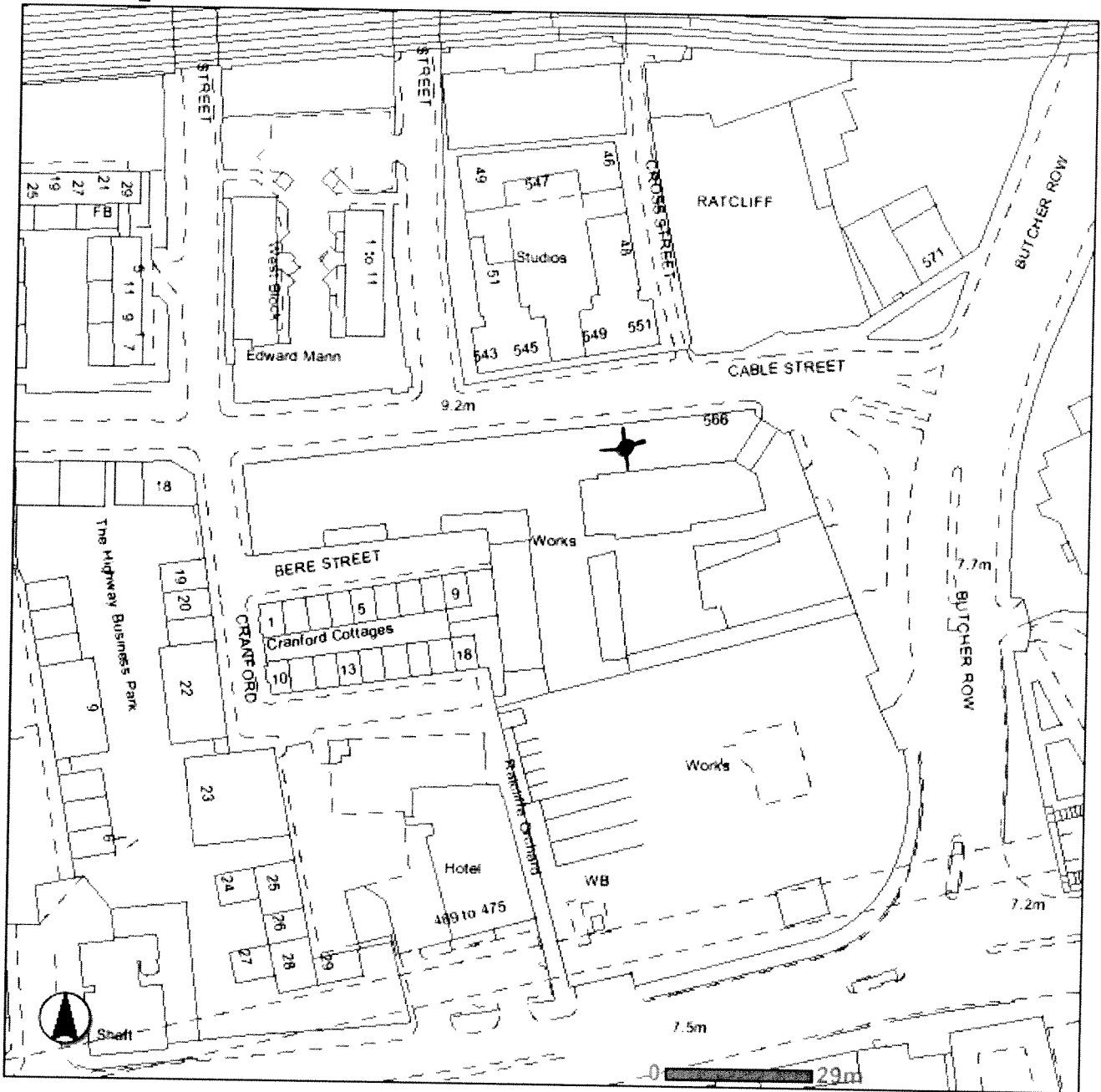
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

rena\_beck@hotmail.com



# Appendix 2

# Map



Scale 1:1250

Map of:

## Jamboree

Notes:

566 Cable Street

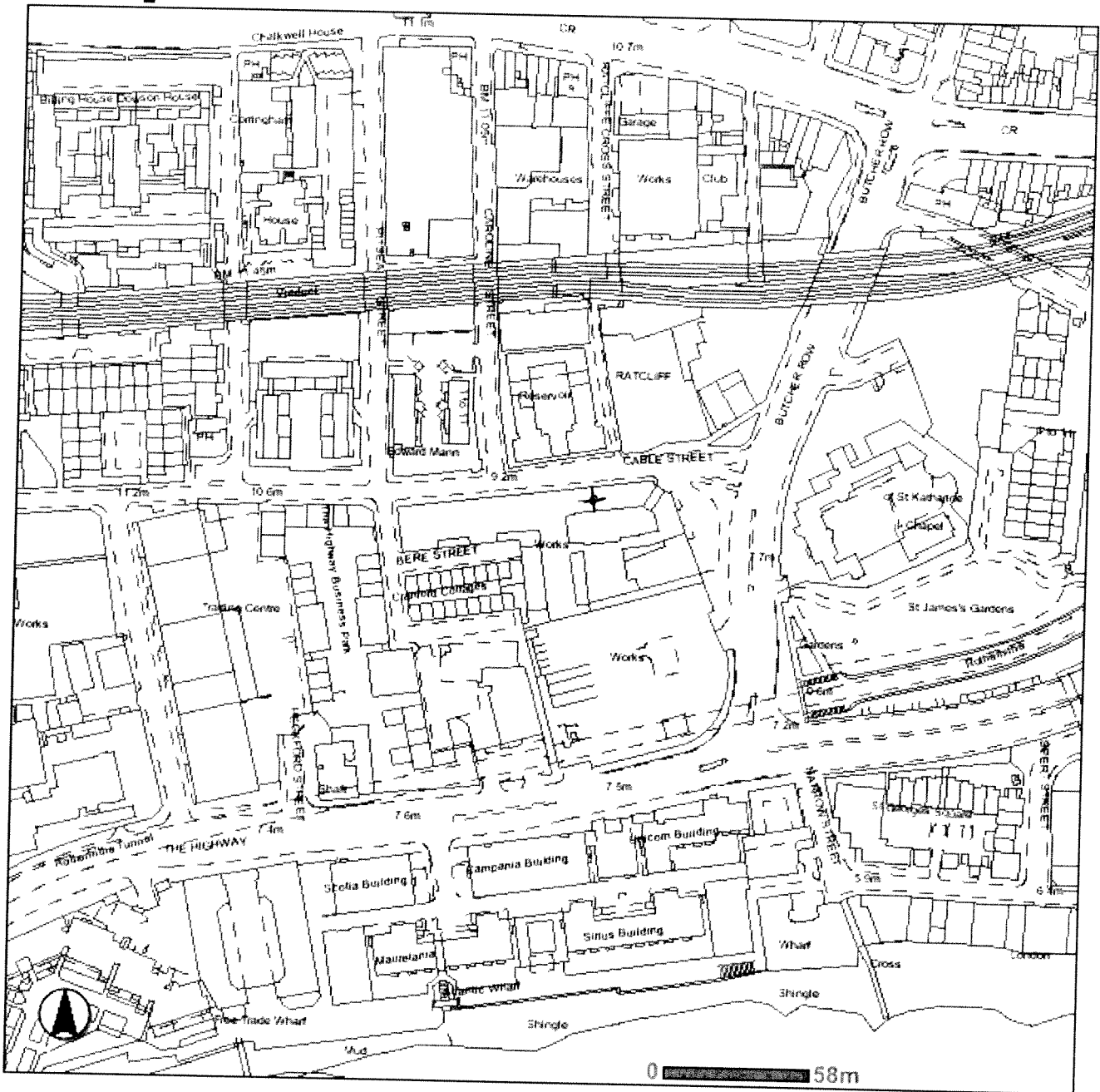
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Map



Scale 1:2500

Map of:

## Jamboree

Notes:

566 Cable Street

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

# Appendix 3

## Section 182 Advice by the DCMS

### RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

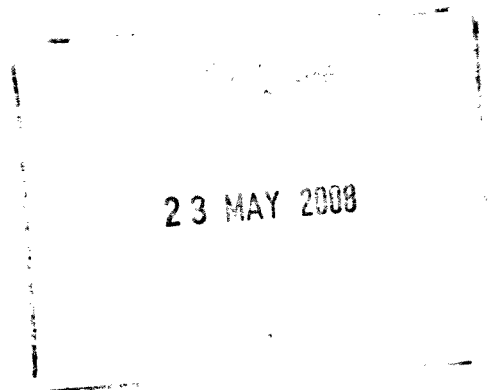
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

# Appendix 4

11 Reservoir Studios  
547 Cable Street  
London  
E1W 3EW

20 May 2008

Licensing Dept  
London Borough of Tower Hamlets  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY



Dear Sir/Madam

**RE : LICENSING APPLICATION FOR 'JAMBOREE', GALLERY WEST, 566  
CABLE STREET STUDIOS, CABLE STREET, LONDON, E1**

I am writing to inform you that I have major issues and to express my deep concern with the possibility of yet another music and alcohol licence being issued for Cable Street Studios.

Bearing in mind that this is a residential area, my quality of life and that of our 3 young children is seriously being compromised due to the existing and consistent noise levels and general disruption coming from the numerous nightclubs held at Cable Street Studios.

When we moved into our flat 8 years ago, the area was extremely quiet. However, over the years, various licenses have been issued resulting in most weekends us being woken up in the middle of the night with loud music and drunken behaviour from people leaving the premises.

I am currently being treated for stress under the doctor which is a direct result of Unit 7 at Cable Street Studios, consistently breaking the music noise levels set with the noise pollution team, and my children's schoolwork is being affected as they are suffering with sleep deprivation.

.../Continued...

In addition to this, the Mecca Bingo is now 'Troxy' venue and cars double park along Caroline street (directly underneath our children's bedroom windows). This also creates disruption when people return to their cars during the early hours of the morning, beeping their horns and shouting. More importantly, if there was a fire in either Reservoir Studios or the council estate opposite, fire engines and ambulances would not been able to access Caroline Street due to

the number of cars double parked along the road, which could have a devastating effect!

I am having on-going dialogue with Noise Pollution department and currently spend most weekends logging noise complaints with Tower Hamlets and calling out officers for the weekend disruption and if you grant this licence for 'Jamboree', I will probably have to do the same in the week as well.

My property has been significantly under valued as non-one wants to live opposite this noise, so we are stuck in this living hell.

I urgently seek your reassurance that this license application will be rejected.

Thank you

Yours faithfully



J E Carter (Miss)

Cc : Mohammed Shahid Ali – Councillor  
Jim Fitzpatrick – MP  
Local Ombudsman  
Fire Department



**Mohshin Ali**

**From:** Joanne Carter [jec2002uk@yahoo.co.uk]  
**Sent:** 02 June 2008 20:58  
**To:** Mohshin Ali  
**Cc:** ian.waring@towerhamlets.gov.uk  
**Subject:** Licensing Act 2003 - New Premises Licence Application - Jamboree, Gallery West, 566 Cable Street, London, E1W 3HB

**Licensing Act 2003 - New Premises Licence Application - Jamboree, Gallery West, 566 Cable Street, London, E1W**

In response to your letter dated 29 May, I have the following additional comments to make :

Regardless of the fact that our lives are currently a living hell, due to the numerous licences issued by your department, I fail to see how ANOTHER licence is going to improve our situation. Please explain to me?

Gallery West was used last year as a studio for bands to practice in and loud live music was heard throughout the whole summer.

Granting another late night licence will obviously mean more traffic/cars parked in Caroline Street, more people leaving the premises late at night under the influence of alcohol and disturbing ours & our children's sleep.

If you speak with your colleagues in Noise Pollution you may achieve an understanding of how unit 7 have consistently breached their music levels set by Tower Hamlets, so what assurance can you offer me that this will not happen again at Jamboree?

I remain thoroughly against this licence application, however this e-mail will probably be ignored as no-one at Tower Hamlets seems to hold any responsibility for the protection of the residents in this area.

Joanne Carter

Sent from Yahoo! Mail.  
A Smarter Email.

# Appendix 5

Uivien Park,  
3 Edward Mann Close,  
East. Block  
Caroline St, E.I. 055.

2.6.08.

yr. Ref. Tss/Lic/026076/MA.

HM tele. 0207-265-9262

3rd Letter Jamboree.

Dear Mokshin Ali,

Thank you for your letter 29-5-08.

The reason Jamboree would make my situation worse is because your license is for 7 nights a week until late every evening and people will pass to and from to get to your venue.

We have to put up with far to much noise already with out it happening 7 nights a week.

As I have explained my son has epilectic fits and I have two fused vertebrae we need our sleep.

I am trying to have two small bedroom windows sound proofed, if someone could do this for us there would not be any problem with being disturbed by Passerby's, and then we called all be happy.

Yours sincerely

Uivien Park

RECEIVED  
-3 JUN 2008  
10:10 AM

Divien Park  
3 Edward Mann Close,  
East Block  
Caroline St. E.I. OSS.  
30.5.08

Hm. Tele 0207-265-9262

2nd letter Jamboree

I hope that you read my letter sent 19.5.08.

I was glad that it rained all holiday weekend. and it helps keep people from raves (listening and waking us outside our windows.

I forgot to mention that there are cars parked across the pavement outside my window every weekend and some evenings due to entertainment from Troxy. The drivers blast stereo's slam their car doors and talk to loud. My sleep is constantly disturbed. The cable street Raves are much worse because that goes on all night. I do not want to move I love my home and my neighbours.

If you would put sound proof windows in 2 bedrooms it would solve my problem they are only tiny windows I will supply medical letters from hospital and doctor for support.

Please will you help us to sort out noise and let me know what to do.

Yours sincerely  
Divien Park

-2 JUN 2008

Mrs V. Park  
3 Edward Mann close  
East Block  
Caroline Street  
London  
E1 OJS

The Licensing Dept.  
London Borough of Tower Hamlets  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY

Premises Jamboree

19<sup>th</sup> May 2008

To Whom It May Concern:,

I must strongly object to the activities from the premises of Cable Street Studios.

I cannot bare to live in my home anymore, I wish to move as soon as possible and this is because of the continuous all night "rave" like events they hold.

There are people passing my home all night long in their drunken state making unacceptable amounts of noise – shouting, arguing, laughing and also cars being accessed. This is seriously disturbing the sleep of myself and my son.

I have a disability am in continuous pain, my son is epileptic and his fits and my pain are far worse when we have constant sleep deprivation. I can provide medial evidence to this effect. Our sleep is now disturbed every weekend and it is much worse on Bank Holidays.

On the 14<sup>th</sup> April 2008 at 6am, I called 999 emergency servies because bouncers were fighting with a man who had a samaura sword directly outside of my windo.

I have had noise nuisance involved in the past, but people do what ever they want it seems!?  
I have asked for treble glazing also to help, but told I cannot have this.

Noise between 9am and 9pm is acceptable from the Studios, but it is far too close to my home to have this going beyond that.

Yours Sincerely

Vivien Park

28 MAY 2008

# Appendix 6

**Mohshin Ali**

**Subject:** FW: Jamboree, Gallery West, 566 Cable Street, London E1W 3HB

**From:** joanna sagnia [mailto:j\_sagnia@hotmail.com]

**Sent:** 29 May 2008 19:06

**To:** Mohshin Ali

**Subject:** RE: Jamboree, Gallery West, 566 Cable Street, London E1W 3HB

Hi there,

Thanks for the details. I can confirm I am a local resident (living opposite the venue in question) address is:  
8 Edward Mann Close EAST BLOCK  
Caroline Street  
London  
E1 0JS

I am making my representations against the licensing act stated for Jamboree as we already experience a huge amount of noise nuisance from this building in general extremely late at night. On several occasions I have called the noise nuisance hotline due to being woken up by rave music coming from the building. I am not sure if it is from Jamboree but it is usually on a weekend and bank holidays where the raves do not finish until 9am/10am the next morning where the bass is still booming.

On occasion it has been during the week and so early in the morning that I have been woken up about 4am but this is obviously when the noise nuisance office is closed.

I feel that giving a licence for alcohol for the timescales the Jamboree area is requiring it for is just opening the doors to more noise nuisance - lack of parking for local residents, loud revellers who do not care how much noise they make on their way to and from the club. Only 2 weeks ago I was woken up by music coming from the area again - just as I was looking out of the window to see the people who were making noise coming from the club - one man decided to pull his pants down and defecate in the bush area on the corner of Cable and Caroline Street. I mentioned this to a neighbour the next day and actually went to see if I had not indeed dreamt this and there it was very visible to the public.

I cannot afford to move homes but if I could I would as I have come to the end of my tether with noise nuisance coming from this large warehouse building - there appears to be a couple of clubs there now and I have now even had to fork out money to rent parking spaces as tower Hamlets has proceeded to put double yellow lines on my road and limit the residents parking permit bays causing me to have to park extremely far from where I live - this is an extra cost to an ever increasing cost of living in the borough!

Granting this license will increase the public nuisance which has dominated this once quiet road - it really does affect myself and the neighbours - but it seems that some of the neighbours: a: do not know about this new licence application and b: do not write their representations to you as they are not aware of it (I found the notice on railings halfway down the road where nobody really walks) and also because they do not speak fluent English.

Please please please can you consider not granting this application - the foot traffic of many alcohol induced people walking down this road towards 566 Cable street has increased a huge amount and it is really disrupting sleep patterns and affecting my work due to infrequent sleep.

Kind regards

Joanna Sagnia

PS: Please advise if you need further details from me.

# Appendix 7



Your reference :

Our reference :

Date : 28<sup>th</sup> May 2008



Mr John Cruse  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY

**Metropolitan Police Service**  
*Tower Hamlets Division (HT)*

**Licensing Office**  
**Bethnal Green Police Station**  
**12 Victoria Park Square**  
**London E2 9NZ**

Tel: (020) 8 217 4118

Fax: (020) 8 217 6688

Dear Sir,

**Re: Premises licence application : Jamboree, Gallery West, 566 Cable St, E1W 3HB**

I write with reference to the above application which was received by Tower Hamlets police on the 15<sup>th</sup> of May 2008.

I had a meeting with the applicant Renate Beck on Wednesday 28<sup>th</sup> of May 2008. She is aware that 566 Cable Street has recently come to notice of the licensing authorities.

She has agreed that the following conditions will be put on the licence. She will then forward this confirmation to LBTH licensing. The police will not object to her application if this occurs.

1. If outside promoters are used , upon entry to the premises , every customer must be searched. The searches will include the searching of the customer's wallet , bag , purses or any other item being carried by that customer.  
Any person who will not submit themselves to a search, will be refused entry.  
The searches will be conducted by the door staff ( hereafter referred to as SIA accredited door staff ) and covered by the premises CCTV.
2. Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated.
3. Any customer or member of staff found using, possessing or supplying illegal drugs (of whatever quantity) on the premises is to be permanently excluded from the premises. If this person is detained by staff, then police will be called.  
A record of such exclusions is to be entered into the incident book. All reasonable steps must be taken to ensure all staff (including door staff) are aware of the identity of excluded persons.

4. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
  5. A Premises Daily Register / Incident Book shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the following;
    - a. Name of the person responsible for the premise on each given day.
    - b. All incidents in relation to the use of force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.
    - c. Door Supervisors shall enter their full details at the commencement of work. (full name, home address and contact telephone number, SIA registration number and the time they commenced and concluded working) If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.
  6. The premises will have a door supervisor every Friday and Saturday . It has been agreed with police that the amount of SIA door supervisors and the days they work can be reviewed at any time.
  - 7 .An adequate and appropriate supply of first aid equipment and materials shall be available on the premises. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.
  - 8 .All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence shall be in the form of a passport or photographic driving licence.
  9. The License Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority and Tower Hamlets Police.
  - 10.A CCTV system shall be installed or the existing system maintained covering areas inside and outside of club. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image that is regarded as 'identification standard.'
- To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
  - CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the club is open to the public.
  - The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
  - The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of Tower Hamlets Police and the Licensing Authority.

- A staff member from the club that is conversant with the operation of the CCTV system will be on the premises at all times that the club is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.

16. If external promoters are to be used for running events in the premises then Police risk assessment forms (Form 696) are to be fully completed before and after the event and emailed to the relevant police units, so that artists, DJ's, MC's and promoters can be checked. The forms will be completed and returned to the required police addresses electronically at least 2 weeks prior to the event taking place. A post event form will also be completed (F696a) and returned to the required police addresses. The management should act on police advice.

17. If the club is loaned or hired to another person or company, whether on payment or otherwise, the police licensing office must be informed at least two weeks prior to any such loan or hire taking place

Yours faithfully

Alan Cruickshank PC 189HT  
Licensing Officer

**Mohshin Ali**

**From:** John Cruse on behalf of Jacqueline Randall  
**Sent:** 30 May 2008 14:47  
**To:** Mohshin Ali  
**Subject:** FW:  
**Attachments:** Jamboree conditions.doc

**From:** Alan.Cruickshank@met.pnn.police.uk [mailto:Alan.Cruickshank@met.pnn.police.uk]  
**Sent:** 28 May 2008 14:45  
**To:** rena\_beck@hotmail.com  
**Cc:** Jacqueline Randall  
**Subject:**

Good afternoon

Please find the list of conditions for Jamboree.If Ms Beck agrees to them , we will not object to her application

Many thanks

Alan

Licensing

<<Jamboree conditions.doc>>

\*\*\*\*\*

It is the policy of the MPS that:

MPS personnel (or agents working on behalf of the MPS) must not use MPS systems to author, transmit or store documents such as electronic mail (e-mail) messages or attachments:

- \* containing racist, homophobic,sexist, defamatory, offensive, illegal or otherwise inappropriate material;
- \* containing material requiring a protective marking higher than RESTRICTED, (and not higher than NOT PROTECTIVELY MARKED across the internet) without the use of approved encryption;
- \* containing personal data for use other than in accordance with the notification(s) under the Data Protection Act, 1998 of the system(s) from which the data originates.

\* This Email message has been scanned for viruses and contents.

\*\*\*\*\*

# Appendix 8

## 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 as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

### Other Legislation

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

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

# Appendix 9

## Access and egress problems

Such as:

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

### Comment

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

### 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 (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)



# Appendix 10

## Crime and disorder on the premises

### Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2. of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Pool 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):

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

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

### Police Powers

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

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

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

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

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

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 11

## Crime and disorder from patrons leaving the premises

### General Advice

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

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

### Police Powers

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

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

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

*There is also guidance issued around the heading of “public nuisance as follows*

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

#### Other Legislation

##### Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

# Appendix 12

## Planning

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

# Appendix 13

## Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
  - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
  - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
  - Previous history
  - Access to public transport
  - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only