



Meeting of the

LICENSING SUB COMMITTEE

Thursday, 31 July 2008 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Ward Represented
Chair: Councillor Carli Harper-Penman	Bethnal Green South
Councillor M. Mamun Rashid	Shadwell
Councillor Motin Uz-Zaman	Mile End East

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

Margaret Sampson, Democratic Services, Tel: 020 7364 4850,
E-mail: margaret.sampson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 31 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
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION		
4 .1 Application for New Premises Licence: Rosa Restaurant, 12 Hanbury Street, London E1 6QR (LSC009/809)	15 - 112	Spitalfields & Banglatown
4 .2 Variation of Premises Licence: Beefeater at the Tower, Ivory House, St. Katharine's Dock, London E1 1LB (LSC010/809)	113 - 174	St Katharine's & Wapping

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:-

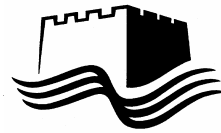
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 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).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 48(3)(a) (cancellation of interim authority notice following police objection).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
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	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 88(2) (determination of application for review of club premises certificate).	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 105(2)(a) (counter notice following police objection to temporary event notice)	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	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 (club) Chief Officer who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).				

APPENDIX B

Regulation 8

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

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Agenda Item 4.1

Committee : Licensing Sub Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for New Premises Licence for Rosa Restaurant, 12 Hanbury Street, London, E1 6QR			
Originating Officer: John Cruse Team Leader Licensing	Ward affected Spitalfields and Banglatown			

1.0 Summary

Applicant: **Hanbury Street Investments Limited**
Name and **Rosa Restaurant**
Address of Premises: **12 Hanbury Street**
London E1 6QR

Licence sought: **New Premises Licence under Licensing Act 2003**
The sale by retail of alcohol
Provision of regulated entertainment
Late Night Refreshment

Objectors: **Environmental Protection**
Residents Association
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

John Cruse
020 7364 5024

3.0 Background

- 3.1 This is an application for a new premises licence for Rosa Restaurant, 12 Hanbury Street, London E1 6QR.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the application as:
The sale by retail of alcohol, on and off the premises.
Provision of regulated entertainment
Provision of late night refreshment
- 3.4 The application has been amended after consultation with Metropolitan Police – see **Appendix 2**
- 3.5 The hours that have been applied for are as follows:-
- Sale of Alcohol (on and off sales)**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
 - Friday and Saturday from 11:00 hrs to 01:00 hrs
- The Provision of Regulated Entertainment:
Live Music, Recorded Music, Performance of dance and similar
including Mobile Discos and Karaoke**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
 - Friday and Saturday from 11:00 hrs to 01:00 hrs
- The Provision of Late Night Refreshment:**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
 - Friday and Saturday from 11:00 hrs to 01:00 hrs
- Hours premises is open to the public:**
- Sunday to Thursday from 11:00 hrs to 23:30 hrs
 - Friday and Saturday from 11:00 hrs to 02:00 hrs
- 3.6 Members may wish to note that in relation to the sale of alcohol on Sunday to Thursday, this is the same as when the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem, of course, is that if sales continue until the last minute the premises cannot be emptied on time. Members are advised to consider a break between the end of the regulated activities and the time the premises closes to the public.
- 3.7 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 7th 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. 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, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 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:
Environmental Protection - See **Appendix 5**
Residents Association – See **Appendix 6**
Local Residents – See **Appendix 7** for list and **Appendices 8-18** for representations.
- 5.11 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
- 5.12 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
- 5.13 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
 - Drug taking
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - Noxious smells or light pollution
 - Noise leakage from the premises
 - Lack of planning permission

5.14 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 this 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 an 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 19-27 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

Appendix 1	A copy of the application
Appendix 2	Amendments to the application
Appendix 3	Maps of the area
Appendix 4	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 5	Representation of Environmental Protection
Appendix 6	Representation of Residents Association
Appendix 7	List of residents making representation
Appendix 8-18	Representations of Local residents
Appendix 19	Licensing Officer comments on Anti social behaviour from patrons leaving the premises
Appendix 20	Licensing Officer comments on Acting as a magnet attracting the young who then engage in anti social behaviour
Appendix 21	Licensing Officer comments on Drug Taking

- Appendix 22** Licensing Officer comments on Noise while the premises is in use
- Appendix 23** Licensing Officer comments on Access and Egress problems
- Appendix 24** Licensing Officer comments on Noxious Smells or light pollution
- Appendix 25** Licensing Officer comments on Noise leakage from the premises
- Appendix 26** Licensing Officer comments on Planning
- Appendix 27** 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 Hanbury Street Investments Limited T/A
(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

Postal address of premises or, if none, ordnance survey map reference or description Rosa Restaurant 12 Hanbury Street			
Post town	London	Post code	E1 6QR
Telephone number at premises (if any)		T.B.A.	
Non-domestic rateable value of premises		£8100	

Part 2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
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)					

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)	
Surname			First names		
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 Hanbury Street Investments Limited
Address 45 Tower Bridge Wharf 86 St Katharines Way London E1W 1UR
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 0208 6431108
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **A.S.A.P**

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

The original premises was used as a A3 café premises and is now under going refurbishment to be converted in to a modern fully licensed Thai Restaurant. The Restaurant will have approximately 70 covers and will also offer a take away service for food and alcohol sales. The premises will be operating close to the old Spitalfields Market site, therefore the premises will be applying for licensing hours similar to other existing businesses in the area as granted under the 1964 licensing Act. These variations in hours will only apply on Fridays and Saturdays only. The restaurant will cater for famlies and children until 10pm. singles and couples there after.

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

0

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

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish						
Mon	11.00	23.30	Please give further details here (please read guidance note 3) On festive occasions live music and entertainment may be provided by the restaurant for it's customers. Some entertainment will include amplified music.					
	am	pm						
Tue	11.00	23.30						
	am	pm						
Wed	11.00	23.30				State any seasonal variations for the performance of live music (please read guidance note 4) christmas eve, new years eve and chinese new year		
	am	pm						
Thur	11.00	23.30						
	am	pm						
Fri	11.00	01.00	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) All live music will be restricted to 1am on Fridays and Saturdays or any day deemed as a festive occasion such as new years day or eve.					
	am	am						
Sat	11.00	01.00						
	am	am						
Sun	11.00	23.30						
	am	pm						

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	<u>Please give further details here</u> (please read guidance note 3) Low level amplified back ground music will be provided by the restaurant for it diners. The restaurant will be licensed by the Phonographic Performances Ltd.		
Mon	11.00 am	23.30 pm			
Tue	11.00 am	23.30 pm			
Wed	11.00 am	23.30 pm			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) christmas eve, new years eve and chinese new year		
Thur	11.00 am	23.30 pm	<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) none		
Fri	11.00 am	05.00 am			
Sat	11.00 am	05.00 am			
Sun	11.00 am	23.30 pm			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.30 am	23.30 pm	<u>Please give further details here</u> (please read guidance note 3) customers of the restaurant may dance on festive occasions such as new years day, new years eve etc...		
Tue	11.00 am	23.30 pm			
Wed	11.00 am	23.30 pm	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) christmas eve, new years eve and chinese new year		
Thur	11.00 am	23.30 pm			
Fri	11.00 am	01.00 am	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) new years eve, chinese new year, christmas until 1am.		
Sat	11.00 am	01.00 am			
Sun	11.00 am	23.30 pm			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> The restaurant will on occasion provide entertainment which will be amplified, such as mobile discos and karaoke. This will normal take place on special festive occasions.		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00	23.30		Outdoors	<input type="checkbox"/>
	am	pm		Both	<input type="checkbox"/>
Tue	11.00	23.30	<u>Please give further details here</u> (please read guidance note 3) music will be amplified.		
	am	pm			
Wed	11.00	23.30			
	am	pm	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) christmas eve, new years eve and chinese new year		
Thur	11.00	23.30			
	am	pm			
Fri	11.00	01.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) we intend the premises to be licensed on special festive occasions for amplified music untill 1 am on which ever day that the occasion may fall. example new years eve, chinese new year and christmas eve.		
	am	am			
Sat	11.00	01.00			
	am	am	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) we intend the premises to be licensed on special festive occasions for amplified music untill 1 am on which ever day that the occasion may fall. example new years eve, chinese new year and christmas eve.		
Sun	11.00	23.30			
	am	pm			

I

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

J

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	11.00	23.30	<p>Please give further details here (please read guidance note 3) the restaurant will serve table meals but will also offer a take away service to its clients.</p> <p>State any seasonal variations for the provision of late night refreshment (please read guidance note 4) christmas eve, new years eve and chinese new year.</p> <p>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.</p>		
	am	pm			
Tue	11.00	23.30			
	am	pm			
Wed	11.00	23.30			
	am	pm			
Thur	11.00	23.30			
	am	pm			
Fri	11.00	05.00			
	am	am			
Sat	11.00	05.00			
	am	am			
Sun	11.00	23.30			
	am	pm			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) christmas eve, new years eve and chinese new year Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.	Both	<input checked="" type="checkbox"/>
Mon	11.00 am	23.30 pm			
Tue	11.00 am	23.30 pm			
Wed	11.00 am	23.30 pm			
Thur	11.00 am	23.30 pm			
Fri	11.00 am	05.00 am			
Sat	11.00 am	05.00 am			
Sun	11.00 am	23.30 pm			

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

Name Ms Pattaraporn Boonchan	
Address 74 Malden Road Sutton Surrey	
Postcode	SM3 8QZ
Personal Licence number (if known) TBA	
Issuing licensing authority (if known) London Borough of Sutton	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.
Day	Start	Finish	
Mon	11.00	23.30	
	am	pm	
Tue	11.00	23.30	
	am	pm	
Wed	11.00	23.30	
	am	pm	
Thur	11.00	23.30	
	am	pm	
Fri	11.00	05.00	
	am	am	
Sat	11.00	05.00	
	am	am	
Sun	11.00	23.30	
	am	pm	
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 (please read guidance note 5) christmas eve, new years eve and chinese new year on which ever day it will fall we intend for the premises to remain open until 5am.			

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)

Both the premises licence holder and the designated premises supervisor fully understand their role and responsibilities concerning the four licensing objectives obtained within the 2003 licensing act, a comprehensive break down of these objectives and how to ensure they are met are detailed below. The designated premises supervisor is a personal license holder and has attended the (NCPLH) level 2 training qualification. She will take the responsibility of ensuring all staff, including new members of staff are trained and have full knowledge of any licensing issues under the 2003 Licensing Act.

b) The prevention of crime and disorder

Our Clients Hanbury Street Investments Limited and the Directors are fully aware of their roll and responsibilities as premises owners. Our client will endeavour to satisfy any recommendations made by either the police licensing or crime prevention officer for the local area. They have ensured that the Designated Premises Supervisor will instruct all members of staff in respect to the prevention of crime and disorder.

c) Public safety

Hanbury Street Investments Limited and the Directors will be responsible for conducting a fire risk assessment and also health and safety risk assessments for the licensed premises. The Company will also formulate a written Health & Safety policy and provide additional training to all staff members on manual handling and food hygiene. The company will endeavour to comply with FSA requirements at all times. All notices in relation to public health and safety will be displayed at the premises. The DPS will ensure the premises will be operated in line with the health and safety act and any environmental health issue will be the responsibility of both the licence holder for the premises and the designated premises supervisor.

d) The prevention of public nuisance

The designated premises supervisor/premises licence holder fully understand that it is their duty to prevent there business being responsible for any nuisance to local residents or businesses. They will monitor the internal premises area and also monitor activities outside of the premises in relation to any anti social behaviour or public nuisance as the Act requires.

The premises will only accept any trade deliveries or rubbish collections during normal working hours.

The DPS will also monitor the exterior of the premises to ensure litter is kept to a minimum. In the event of any anti social behaviour both inside and outside of the premises, the DPS will act to prevent such an occurrence.

e) The protection of children from harm

The Company and the DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the challenge 21 rule, the restaurant will only accept valid identification such as, photo driving licence, valid passport and home office approved identity cards bearing the national proof of age standard scheme (PASS hologram).

All customers under the age of 21 will be challenged to prove their identity when purchasing alcohol. Identification will also be required for the purchase of cigarettes & tobacco products, if on sale.

Any notices regarding the protection of children from harm will be displayed at the premises including notices for adults purchasing alcohol on behalf of minors.

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	<i>Sheehob</i>
Date	23.05.2008
Capacity	LTTA Licensing Consultants on behalf of Hanbury Street Investments Limited

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Licesned Trade Training Academy Ltd 19 Pershore Road South Cotteridge			
Post town	Birmingham	Post code	B30 3EE
Telephone number (if any)	0121 459 6080		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) amy.richards@lta.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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2

Kathy Butler

From: John Leslie [john.leslie@lta.co.uk]
Sent: 26 June 2008 12:00
To: Kathy Butler
Subject: Copy of e-mail sent to Paul Johnson EH

Follow Up Flag: Follow up
Flag Status: Completed

Hi Paul,

Further to our telephone conversation this morning I can confirm that PC 189HT Alan Cruickshank; Licensing Officer at Bethnal Green Police Station has spoken with Saiphin Poole (proposed DPS) with regard to the trading hours on Fridays & Saturdays, the agreed changes are as follows

- 1 Recorded music until 0130
- 2 Late Night Refreshment until 0100 (last food order)
- 3 Alcohol until 0100
- 4 The premises to be open until 0200

This I hope will resolve any issues regarding proposed trading hours;

With respect to your concerns re; live music & entertainment the application was submitted to cover any festive oriental celebration such as New Years dragon dance or possible wedding breakfast. As both of these activities will be extremely limited we will be happy to apply for any regulated entertainment under a Temporary Event Notice. I have also spoken to my client regarding your comment on general spoken noise levels & your request for an acoustic report is being dealt with. Bearing in mind the building has been a restaurant / cafe previously I hope we will also be able to resolve this issue.

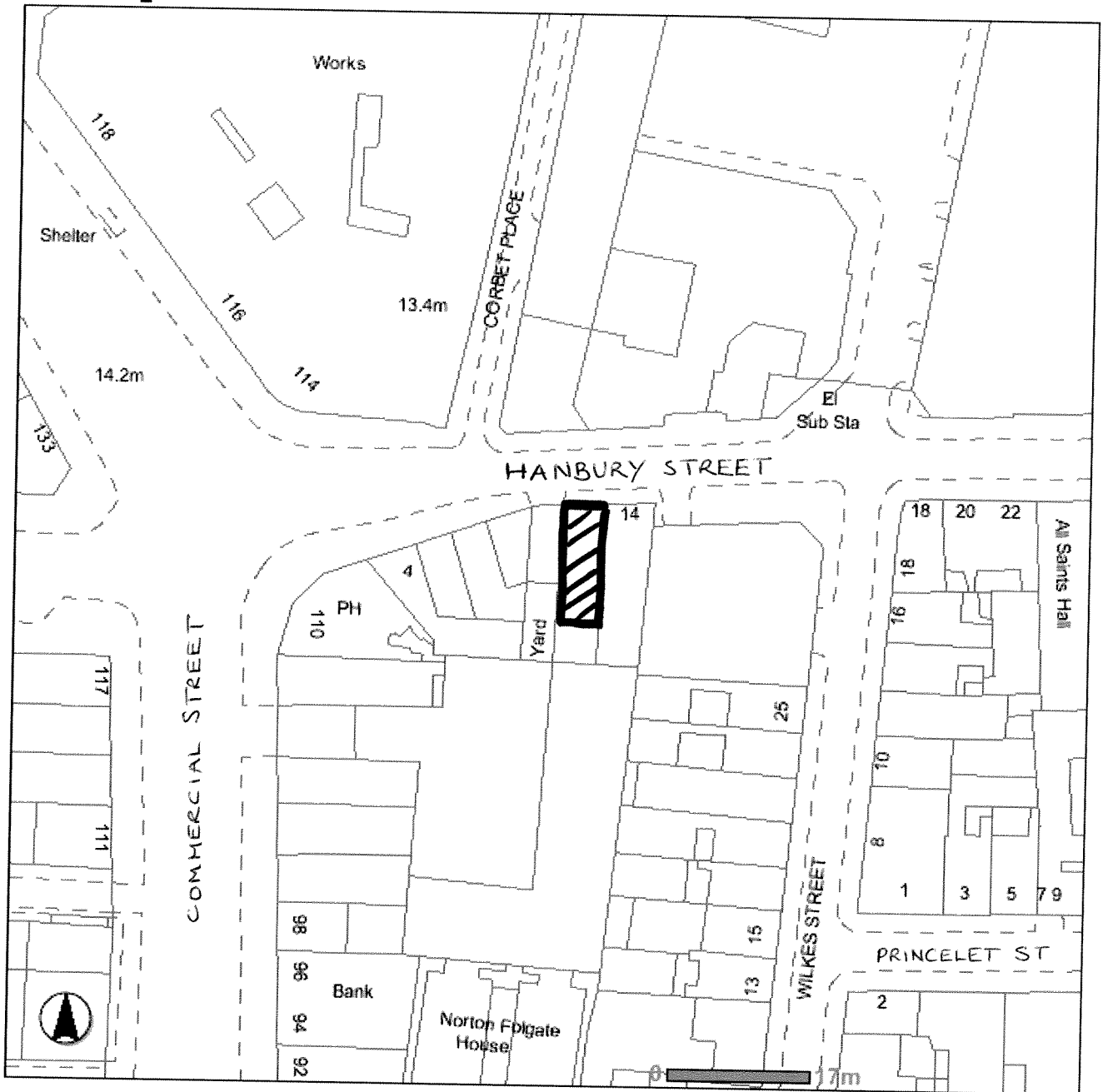
I also understand that interested parties have objections & hope to address the concerns if & when a hearing is requested. I will contact Kathy Butler over the next day or so to keep the Licensing Authorities informed

regards

John Leslie
LTTA

Appendix 3

Map



Scale 1:750

Map of:

12 Hanbury Street

Notes:

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Map



Scale 1:2500

Map of:

12 Hanbury Street

Notes:

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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

From: Paul Johnson
Sent: 16 June 2008 16:08
To: Jacqueline Randall
Cc: Iain Pendrigh
Subject: FW: 12 Hanbury Street, London E1 - Application for a new premises license

Hi Jackie,

Environmental Health object to the above premises application on the grounds of public nuisance.

EH feel that the premises is not capable of controlling and containing the noise created from live music within its structure. Also, Noise from customer access and egress and persons potentially congregating around premises up to the proposed times and smoking outside will potentially cause public nuisance to the surrounding residential, particularly residential above. There are numerous residential properties that potential public nuisance could effect.

EH feel that the proposed operating times are excessive.

Please find attached email below that was sent to applicant requesting further information as the the acoustic integrity of the building.

I normally request conditions at this and propose operating hours however I would like to do so at a later stage when the applicant has come back to me.

Regards,

Paul Johnson
Environmental Health Enforcement Officer
Environmental Protection

Postal Address

01/07/2008

Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY

Location Address

Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617

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

From: Paul Johnson

Sent: 16 June 2008 16:00

To: 'liz.czyz@lta.co.uk'

Subject: 12 Hanbury Street, London E1 - Application for a new premises license

Hi Liz,

As per our conversation earlier, Environmental Health are objecting to the above premises License on the grounds of public nuisance.

The two main issues are the ability of premises to contain noise and the proposed hours.

EH feel that the premises is not capable of controlling and containing the noise created from live music within its structure. Also, noise from customer access and egress and persons smoking outside up to the proposed hours will potentially cause public nuisance to the surrounding residential, particularly residential above. It is quite high density residential above and around applicants premises.

I recommend that you arrange for an acoustician or a competent person re noise matters to meet you on site to provide some advice as to if they feel that noise from live music can be contained within your venue and what measures would be necessary to potentially allow live music. EH would then request sight of a report assessing sound insulation of premises and recommendations to address the weak points of the premises. To confirm what EH will expect and what will be a condition in future premises License. As per IOA Good Practice Guide on the Control of Noise from Pubs and Clubs - inaudibility from regulated entertainment inside nearest noise sensitive property at any time (with windows open). Follow guidance within this guidance as to what EH expect within report.

There is no lobby shown on plans. If this is going to be the case, measurements as to future noise levels inside and how these effect neighbouring properties must be made when front doors to premises are open. Will this premises have air conditioning? Where will the air con unit be positioned if air conditioning? If you have any questions, please do not hesitate to contact me on the details below.

Regards,

Paul Johnson

Environmental Health Enforcement Officer
Environmental Protection

Postal Address

Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY

Location Address

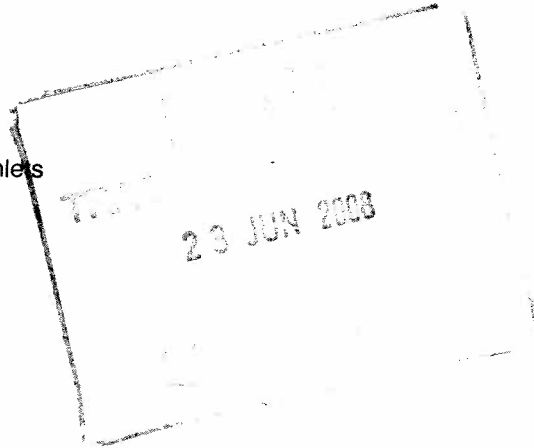
Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617

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

Appendix 6

John Cruse
Licensing Department
London Borough of Tower Hamlets
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 2BG



18 June 2008

Dear Mr Cruse

Application for Premises Licence for 12 Hanbury Street

I write on behalf of the Spitalfields Society regarding the application for the above premises. I understand that an application has been made for a licence for these premises for the sale of alcohol, late night refreshment and recorded music together with performances of dance and similar entertainment such as mobile discos and karaoke. The hours are Sunday to Thursday from 11 a.m. to 23.30pm and Friday and Saturday from 11 a.m. to 5 a.m. (1 a.m. for the entertainment).

I write to object in the strongest possible terms to this application. These premises are only a few steps away from the residential properties in Hanbury Street, Wilkes Street, Fournier Street and Princelet Street and in particular from the back of these properties on the west side of Wilkes Street. The rear of these properties generally comprise bedrooms, many occupied by young children, and the rear of no.12 Hanbury Street is both close to and clearly visible from these rooms. Any noise at all will be easily audible from these rooms over what are presently quiet back yard areas. The notion that such a premises should be granted a licence, let alone one that will run to 5.00am is wholly unreasonable.

As you will recall from the recent public meeting that you attended many of the residents have previously voiced their concerns at the proliferation of bars and restaurants in this area, which has lead to a substantial increase in crime of varying degrees from public disorder to drug dealing and assault. Yet another property serving alcohol and entertainment in such close proximity will exacerbate the problems.

The proposed hours of use are excessive and the noise from people arriving and particularly leaving late at night, whether in states of drunkenness or not, smoking outside etc. will leave us unable to work in the evening and get a proper nights sleep. The constant rubbish, vomit, urine and worse deposited on the pavements and the street by visitors to these bars, who see the residential streets as an extension to the bars and an open-air toilet, will only worsen.

The premises concerned are small and are wholly unsuited to use as a bar or for entertainment events.

If you are minded, notwithstanding our objections, to grant an alcohol licence then it should be with the following conditions, which must be strictly monitored and enforced by your department:-

- 1 Alcohol should only be served in conjunction with food, i.e. as ancillary to a restaurant use. This being the previous use of the premises, and there having been no application for the change of this use, we would assume that this condition would inevitably comply. Please will you confirm this point?

- 2 The hours of sale/supply of alcohol should be restricted and should be no later than 22.30 hours on any day.
- 3 There should be no live or recorded music and no grant of any separate entertainment licence.
- 4 All windows should be sealed so as not to allow the escape of any noise and suitable air-conditioning units installed with no externally audible plant located on the roof or rear of the premises.
- 5 An adequate number of toilet facilities should be installed.
- 6 There should be no use allowed of rear garden or yard areas or the roof terrace, which we understand has been recently constructed without the benefit of planning permission.
- 7 Adequate door control should be exercised at all times from the Hanbury Street entry and exit point and patrons are to be escorted to the corner of Commercial Street in accordance with managerial controls to be agreed with the council and the residents
- 8 No alcoholic or non-alcoholic beverages are to be taken outside the premises at any time. No smoking permitted outside the premises
- 9 The front door is to be kept closed to prevent noise breakout.

The fact that it would appear that the owners of this premises have recently extended the building and constructed a roof terrace without any of the necessary planning and building regulation consents makes us very doubtful that they will comply with any other such regulations. It is therefore very important that the Council investigates their true intentions very rigorously, and that any conditions that might be applied to any consent should be effectively and clearly worded and vigorously monitored and enforced.

Please would you also ensure that the owner and/or tenant has complied with all other legislation, such as planning and building control, before any licensed operations are permitted to commence

Yours sincerely



Rupert Wheeler

Cc; Eleanor Jones.

cc. Spitalfields Society committee members and local residents.

Appendix 7

Appendix 7

Name	Address1	Address2	Address3	Appendix
Rupert Wheeler, The Spitalfields Society	32 Monthope Road	London	E1 5LS	6
Claire Johnston	3 Princelet Street	London	E1 6QH	8
Roy and Pascale Adams	5 Princelet Street	London	E1 6QH	9
Natalia Puigdemasa and Fred Biver-Puigdemasa	8 Wilkes Street	London	E1 6QF	10
Adriana Paice	10 Wilkes Street	London	E1 6QF	11
John and Sandy Critchley	14 Wilkes Street	London	E1 6QF	12
Anne Hartnett	15 Wilkes Street	London	E1 6QF	13
Jane Curtis	16 Wilkes Street	London	E1 6QF	14
Keith Bowler	16 Wilkes Street	London	E1 6QF	15
Pat Jones	21 Wilkes Street	London	E1 6QF	16
Juliet McKoen	23 Wilkes Street	London	E1 6QF	17
Sue Rowlands	25 Wilkes Street	London	E1 6QF	18

Appendix 8

FROM: CLAIRE JOHNSTON [mailto:benandclaire162@btinternet.com]

Sent: 18 June 2008 17:45

To: John Cruse

Cc: Paul Johnson

Subject: Rosa Restaurant, 12 Hanbury Street, London, E1 ("the Property") - Licensing Act 2003

Dear Mr Cruse,

I note that an application has been made for a Premises Licence for the Property to sell intoxicating liquor for consumption on and off the Property, provision of late-night refreshment and further the provision of regulated entertainment. I also note the somewhat extensive trading hours which have been applied for.

I should be most glad if you could please accept this e-mail as a strong objection to the said application.

My reasons are set out below:-

1. Visitors to this area have no regard for the local community and surrounding areas. This is evidenced by the litter, drinking/smoking . on the streets and general loutish and anti social behaviour which has become part of our every day life;
2. As ever, it is the residents who will suffer. Our streets are very narrow and the noise caused by these "visitors" (loud obnoxious behaviour, smashing of glass) reverberates. The streets next to and surrounding the Property are principally residential and occupied by families. Have we not enough clubs of this type already? Surely, we have a right to live and sleep peacefully in our homes?
3. I am also anxious that more "people traffic" on the streets late at night will encourage the drug dealers and the beggars to loiter for longer periods;
4. I have lost count of the number of times I have witnessed urinating and sexual encounters in my doorway and that of my neighbours;

In recent months we have seen a massive upturn in public nuisance, crime and disorder on our streets.

Accordingly i would very much hope that you will consider my very reasonable objections properly and not grant the Licence.

Yours faithfully

Claire Johnston

1

3 Princelet Street
London E1 6QH

Appendix 9

5 Princelet Street London E1 6QH

22.06.08

Dear Mr Cruse,

Application under Licensing Act 2003 for Rosa Restaurant, 12 Hanbury Street, London E1 6QR

We note with dismay that yet another application has been made for a Premises Licence in Spitalfields, this time for Rosa's Restaurant, 12 Hanbury Street, London E1 6QR. We object most strongly to this application and ask the Licensing Section of Tower Hamlets Council not to grant a licence. to sell intoxicating liquor for consumption on and off the premises, provision of late-night refreshment and the provision of regulated entertainment.

The trading hours applied for - Monday to Thursday, 11.00am to 23.30pm, Friday and Saturday, 11.00am to 05.00am and Sunday, 11.30am to 23.30pm - and the location of what would become licensed premises so close to homes will cause distress and severe loss of amenity to the residents of Hanbury Street, Wilkes Street, Puma Court and the surrounding residential area, including Princelet Street.

Problems of invasive noise from music from the premises, from people entering and leaving the premises, smoking outside in groups and moving noisily through our streets would be inevitable if the licence were granted. We are also concerned that "regulated entertainment" may end up as lap-dancing, in the same way as the neighbourhood experienced to its misfortune at "Edge".

We have experienced the negative effects of the many other licensed premises in the area, We suffer already through noise, open consumption of alcohol in the street, open drug dealing, use of the streets as a toilet, sexual congress in our doorways, and other related drunken and drug-affected behaviour at all times of the day and night. This is already unbearable to the point that families with children (of which we are one) are seriously thinking of leaving the area.

There are already too many clubs and off-licences in this area, so that the neighbourhood is saturated with noisy and anti-social young people at almost all hours of the day and night. We are already woken regularly at night by noise and anti-social behaviour in the streets. The result of further intrusion will be a greater demand on the personnel of Tower Hamlets being called upon to regulate noise and on the Police to deal with anti-social behaviour.

This application, at premises just yards from the nearest residence, and with trading requested until 5.00am on Saturday and Sunday mornings will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a licence at all because restricted hours are unenforceable and licensees do not observe them.

Yours sincerely,

Roy and Pascale Adams

Appendix 10

From: natalia puigdemasa pujadas [mailto:npuigdemasa@gmail.com]
Sent: 21 June 2008 17:21
To: John Cruse
Cc: Paul Johnson; Frédéric Jean Biver; Spitalfields.snt@met.police.uk
Subject: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

We note that an application has been made for a Premises Licence for Rosa Restaurant, 12 Hanbury St, London E1 6QR, to sell liquor by retail for consumption on and off the premises, provision of late-night refreshment and the provision of regulated entertainment.

We further note that the trading hours applied for are:

Monday to Thursday, 11.00am to 23.30pm
Friday and Saturday, **11.00 to 05.00am**
Sunday, 11.30 to 23.30pm

WE OBJECT most strongly to this application and as the Licensing Section of Tower Hamlets council NOT to grant a license to this business.

Licensed premises located so close to home will cause severe loss of amenity to the residents of Hanbury Street, Wilkes Street, Princelet Street and Puma Court and the surrounding residential area. Problems of invasive noise from music from premises, from the people and specially drunk patrons entering and leaving the premises, smoking outside in groups and moving noisily through our streets would be inevitable if the license were granted. We strongly believe that the area is already having problems to cope with the amount of entertaining clubs, bars and restaurants. Tower Hamlets Council have been showing till the present a very good will to give licenses but not to take care of the residents and the area in terms of cleaning and safe keeping of the neighbors & visitors. We would like to make a remark that gratefully this area is not SOHO, and we don't want to be like

27/06/2008

this district either.

Spitafields and the Jack the Ripper streets have been lately becoming a realm for tourists, youngsters of all the ages. I think Tower Hamlets shall look carefully the management of the entire area and create a Action Plan for it.

We have experimented to our considerable detriment the negative effects of the many other licensed premises in the area, open alcohol intake in the streets, drug dealing and abuse, use the streets and our front doors as a toilet, sexual congress in our doorways, and other related drunken and drug-affected behavior at all the times of the day and night. We would like to remember the Council that most of the residents are having young children and sadly this area is becoming not a save place to have a family at all.

We would like to remind you that there area already too many clubs and off-licenses in this area, so that the neighborhood is saturated with noisy and anti-social young people at almost all hours of the day and night.

This application, at premises just yards from the nearest residence, and with trading requested **until 05.00am on Friday and Saturday** will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a license at all because restricted hours are unenforceable and licensees do observe them.

Yours Sincerely,

Natalia and Fred Biver-Puigdemasa, 8, Wilkes Street, London E1 6QF

--

Natalia Puigdemasa.

This transmission is confidential and intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient please notify the sender immediately by return e-mail and delete this e-mail from your system. You should not copy or use the information for any purpose nor disclose it to any other person. Please check this transmission for computer viruses. Natalia Puigdemasa does not accept liability for any damage arising from this transmission.

Appendix 11

From: Adriana Paice [mailto:adriana@adrianaPaice.com]

Sent: 18 June 2008 18:42

To: John Cruse

Subject: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London, E1 6QR

Dear John Cruse,

Please find attached my objection to the Licensing proposal for Rosa Restaurant, 12 Hanbury Street, London E1 6QR. I am very concerned about the level of noise and disruption caused by the existing bars and off-licenses in the area, which are having a detrimental impact on my once quiet neighbourhood. I urge you to take into consideration my objection when reviewing the proposal.

With kind regards,

Adriana

--

Adriana Paice
10 Wilkes Street
London E1 6QR
07803 175 232

20/06/2008

adriana paice

Wednesday, 18 June 2008

John Cruse
Team Leader, Licensing
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Re: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

It has been brought to my attention that an application has been made for a Premises License for Rosa Restaurant, 12 Hanbury Street, London E1 6QR, to sell intoxicating liquor by retail for consumption on and off the premises, provision of light night refreshment and the provision of regulated entertainment.

I further note that the trading hours applied for are:
Monday-Thursday 11am to 23:30pm
Friday and Saturday, 11am to 05:00am
Sunday, 11:30am to 23:30pm.

I object **strongly** to this application and ask the Licensing Section of Tower Hamlets Council **NOT** to grant a license.

I would like to stress that this is a residential area and we are already plagued by invasive noise and disruption from the many other licensed premises in the area, most of which are further from us than 12 Hanbury Street. Another licensed establishment would seriously effect the quality of life of the people who live in this neighborhood (Wilkes Street, Princelet Street, Hanbury Street and Puma Court).

There are already too many clubs and off-licenses in this area and my neighborhood is saturated with noisy and anti-social young people at almost all house of the day and night. I am regularly awoken at night by people shouting and screaming, drinking in the street, urinating in the street, openly taking drugs and even fornicating on my doorstep. It is simply intolerable and it is seriously affecting our right to live peacefully in our homes.

This application, at premises only feet away from the nearest residence, and with **trading requested until 05:00am on Saturday and Sunday mornings** will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a license at all because restricted hours are unenforceable and licensees do not observe them.

Yours sincerely

Adriana Paice

Appendix 12

John Cruse

From: Critchley [critchley@dial.pipex.com]
Sent: 16 June 2008 22:57
To: John Cruse
Cc: Paul Johnson; critchley@dial.pipex.com
Subject: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

We note that an application has been made for a Premises Licence for Rosa Restaurant, 12 Hanbury Street, London E1 6QR, to sell intoxicating liquor by retail for consumption on and off the premises, provision of late-night refreshment and the provision of regulated entertainment. We further note that the trading hours applied for are:

Monday to Thursday, 11.00am to 23.30pm
Friday and Saturday, 11.00am to 05.00am
Sunday, 11.30am to 23.30pm.

We object most strongly to this application and ask the Licensing Section of Tower Hamlets Council not to grant a licence.

Licensed premises located so close to homes will cause severe loss of amenity to the residents of Hanbury Street, Wilkes Street, Puma Court and the surrounding residential area. Problems of invasive noise from music from the premises, from people entering and leaving the premises, smoking outside in groups and moving noisily through our streets would be inevitable if the licence were granted. We are also concerned that "regulated entertainment" may end up as lap-dancing, in the same way as the neighbourhood experienced to its detriment at Edge.

We have experienced to our considerable detriment the negative effects of the many other licensed premises in the area, most much further from us than 12 Hanbury Street:- we suffer through noise, open alcohol intake in the street, drug dealing, using the streets as a toilet, sexual congress in our doorways, and other related drunken and drug-affected behaviour at all times of the day and night.

We would add that there are already too many clubs and off-licences in this area, so that the neighbourhood is saturated with noisy and anti-social young people at almost all hours of the day and night. We are already woken several times a night by noise and anti-social behaviour in the streets.

This is a built up and residential area and it is well documented that sound carries along the narrow Georgian streets and seems to be amplified into our homes, preventing sleep and taking away our right to live peacefully in houses which many of us were encouraged to move into by Tower Hamlets Council.

This application, at premises just yards from the nearest residence, and with **trading until 5.00am on Saturday and Sunday mornings** will not be able to meet the licensing objectives of Tower Hamlets Council. Please do not grant a licence at all because restricted hours would be unenforceable and the licensee would not observe them.

Yours sincerely,

John and Sandy Critchley

14 Wilkes Street, London E1 6QF

Appendix 13

From: Anne Hartnett [mailto:ahartnett75@hotmail.co.uk]
Sent: 22 June 2008 23:37
To: John Cruse
Subject: Licensing Act 2003 amd Rosa Restaurant, 12 Hanbury Street, London,E1 6QR

Dear John,

I am writing with regard to the Licensing application that has recently been made for Rosa's restaurant asking for the following trading hours:

Monday to Thursday, 11.00am to 23.30pm
Friday and Saturday, 11.00am to 05.00am
Sunday, 11.30am to 23.30pm.

I object most strongly to these trading hours.

As you will be aware Spitafields has seen huge developments very recently and we have seen a number of bars opening, in the surrounding area, which has resulted in a disruption to the local residents in Hanbury Street, Wilkes Street, Puma Court and Fournier Street. Fights and arguments happen on a regular basis outside residents houses which generally are fuelled by alcohol from local restaurants. This also increases the level of prostitution within the area and an increase in rubbish which is not cleared on a daily basis by the council. This will then be an area that people will stay away from rather than enjoy!

The City Beach application was refused last year because of the disruption to the local neighbourhood and as a business I would not want Rosa's to close down but would prefer they amend their licensing hours to close at 23.00pm at the latest on a daily basis.

I would like the Licensing Section of Tower Hamlets not to grant a license for the hours outlined above.

Yours sincerely

Anne Hartnett

27/06/2008

Kathy Butler

From: Anne Hartnett [ahartnett75@hotmail.co.uk]
Sent: 28 June 2008 09:35
To: Kathy Butler
Subject: RE: Rosa, 12 Hanbury Street

My address is 15 Wilkes Street, London, E1 6QF.

Thanks,

Anne

Appendix 14

From: j1curtis@hotmail.com
To: john.cruse@towerhamlets.gov.uk; mohshin.ali@towerhamlets.gov.uk
Subject: 12 Hanbury Street
Date: Mon, 23 Jun 2008 19:20:36 +0000

Licensing Department
London Borough of Tower Hamlets

Dear Mr Cruse

Application for Premises Licence for 12 Hanbury Street

I wish to object to the licence application for the above premises on the grounds that the licensing objectives can not be met.

The hours and activities which have been applied for will create problems of noise and antisocial behaviour to local residents. Customers leaving a premises late at night and in the early hours, until 5am, will have spent many hours drinking and will inevitably disturb residents, preventing sleep and taking away their right to live peacefully in their homes. These premises are part of a 19th century building which is impossible to sound proof. Any noise will disturb residents and local businesses. There are residential flats above and to either side of the premises and residential streets within yards of the premises. Also the premises backs onto an almost entirely residential street and sound break out is

27/06/2008

inevitable causing disturbance to families, many with young children who sleep to the rear of their houses.

The area is already suffering from alcohol-related antisocial behaviour and granting a licence for these premises will add to it making lives intolerable.

I therefore object to this license application on the following grounds.

- The location of the premises in a residential and business area.
- The proposed hours during which licensable activities would take place and which customers will be permitted to remain on the premises would lead to noise disturbance for local residents.
- The applicant has not adequately addressed problems of noise break out, the prevention of crime and disorder, public nuisance and anti social behaviour..
- The previous use of these premises was as a cafe and as such closed at about 5pm. This was in line with the residential properties surrounding it.
- Customers leaving the premises will cause disturbance to residents living above and to either side of the premises and will pass by many residential homes in order to reach public transport, creating noise nuisance for many residents.
- Other licensed premises in the area have to stop licensable activities at 11 in order to minimise disturbance to residents accepting that this is an area of narrow streets where sound carries and is amplified by the built up environment.

I therefore ask the Licensing Committee to reject this application on the grounds that the application cannot meet the licensing objectives.

Thank you for your consideration

Jane Curtis
16 Wilkes Street
E1 6QF

Appendix 15

From: Keith Bowler [mailto:keith@kbowler.freemove.co.uk]

Sent: 23 June 2008 11:21

To: John Cruse

Cc: Mohshin Ali; Derrick Harrington; Alkesh Solanki

Subject: Re: rosas cafe hanbury street

Re: Licensing Act 2003 and Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse,

I would like to register an objection against the granting of a license to the former Rosa's cafe on Hanbury Street. This is an over development of the site from what was a workingman's cafe that closed around 5pm.

The addition of a downstairs bar potentially opening until 5am is potentially disastrous for the residents of the area. There are flats directly above and adjacent to these premises and an addition to the already numerous drunken revellers that frequent Spitalfields in what is quaintly called 'The Night time Economy' would provide no benefits to the area at all.

The experience of living in Spitalfields is already marred by drunken and antisocial behavior and I can see no reason why the addition of yet another licensed premises would do anything to increase the quality of life for the many Spitalfields residents.

I urge you not to grant this license as it would be yet another kick in the teeth for local people.

yours

Keith Bowler

16 Wilkes Street

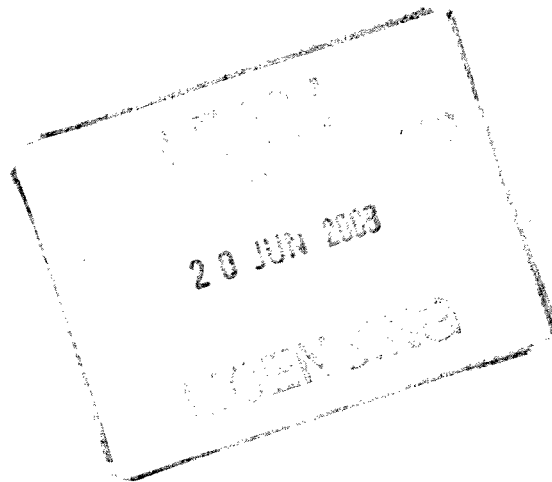
27/06/2008

Appendix 16

21 Wilkes Street
London
E1 6QF

19 June 2008

John Cruse
Licensing Department
London Borough of Tower Hamlets
Mulberry Place
PO Box 55739
5 Clove Crescent
London
E14 2BG



Dear Mr Cruse

Application for Premises Licence for 12 Hanbury Street

I understand that an application has been made for a licence for these premises for the sale of alcohol including off-sales, late night refreshment and recorded music together with performances of dance and similar entertainment such as mobile discos and karaoke. The hours are Sunday to Thursday from 11 a.m. to 23.30pm and Friday and Saturday from 11 a.m. to 5 a.m. (1 a.m. for the entertainment). As far as I am aware these premises do not have planning consent for such a use, having been used as an unlicensed café closing towards the end of the afternoon for many, many years. The local residents have recently met with representatives from your department and the planning department to voice their objections to the growth of the anti-social activities which bar and entertainment venues spawn which are unacceptable in a residential area, particularly as the conditions which are imposed on these uses to try and protect the residents appear to be wholly unmonitored and un-enforced by your department or the planning department.

I write to object in the strongest possible terms to this application. Indeed the residents are now so incensed by the abuse we suffer from those visiting the bars/clubs in this area that I propose to take judicial review action in respect of any further licences/consents which we consider are unreasonably issued. At the moment the bars/entertainment venues are mostly confined to the former Truman Brewery - in itself this does not protect the residents from the daily and nightly stream of drunken yobs abusing the residents both physically and verbally, urinating, vomiting, throwing litter and needles around and having sex in our doorways, but at least the gates to the Brewery from Hanbury street are locked late in the evening which does something to prevent the stream of people into the residential streets. There is no such protection from these premises as the proposed a bar/club is on our doorstep with these premises being only a few steps away from the residential properties in Hanbury Street, Wilkes Street, Fournier Street and Princelet Street and in particular the back of this property backs on to the gardens of the residential properties in Wilkes Street. If you grant such a licence (and in due course planning consent) the noise from people arriving and particularly leaving late at night, whether in states of drunkenness or not, smoking, drinking outside etc. will leave us unable to work in the evening and get a proper nights sleep as the hours of use are wholly excessive and, I understand, well outside the council's guidelines for this area.

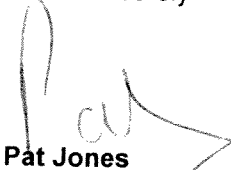
The premises concerned are small and are wholly unsuited to use as a bar or for entertainment events which would inevitably lead to patrons continuing their drinking/partying in the streets outside. This is one of the clearest cases yet where the licensing objectives will not be met.

If you are minded, notwithstanding my objection, to grant an alcohol licence then it should be with the following conditions which must be strictly monitored and enforced by your department:-

- 1 Alcohol should only be served in conjunction with food, i.e. as ancillary to the current permitted restaurant use, and there should be no off-sales
- 2 The hours of sale/supply of alcohol should be restricted and should be no later than 22.30 hours on any day.
- 3 There should be no live or recorded music and no grant of any separate entertainment licence.
- 4 All windows should be sealed so as not to allow the escape of any noise and suitable air-conditioning units installed.
- 5 An adequate number of toilet facilities should be installed.
- 6 There should be no use of any external area of the property.
- 7 Adequate door control should be exercised at all times from the Hanbury Street entry and exit point and patrons are to be escorted to the corner of Commercial Street in accordance with managerial controls to be agreed with the council and the residents.
- 8 No alcoholic or non-alcoholic beverages are to be taken outside the premises at any time. No smoking permitted outside the premises
- 9 The front door is to be kept closed to prevent noise breakout.

Can you please liaise with your planning department to ascertain the current planning position and apparent contravention of planning legislation.

Yours sincerely



Pat Jones

cc Moshin Ali, Alkesh Solanki, Derrick Harrington, Kathy Butler

Appendix 17

Kathy Butler

From: JULIETMCK@aol.com
Sent: 21 June 2008 17:52
To: Kathy Butler
Subject: Re Rosa Restaurant 12 Hanbury St - licensing application

Juliet McKoen
23 Wilkes Street
London E1 6QF
0207 247 7221
077 6461 6461

Dear Kathy Butler,

Re Licensing Act 2003 & Rosa Restaurant 12 Hanbury Street E1 6QB

Further to my emailed letter to you of 9th June 2008, I would like to add two further comments.

ONE

Rosa's Restaurant has two roof terraces at the back of their property (at 2nd & 3rd floor level), approximately 30/40 meters from my house which overlook my back yard and have a direct and very close up views (at the same floor levels) into both my bathroom and my bedroom. As such these roof terraces already considerably infringe on my privacy and my enjoyment of my own property. If either of these terraces were to be used as a public area for smoking, drinking, dining or listening to music it would constitute a serious nuisance & disturbance to both myself and my neighbours as we would have to put up with noise, mobile phone conversation, possibly music and the curious gazes of the public at close proximity into bedroom & bathroom areas of my own and my neighbours houses.

I would therefore ask that any licence you grant to Rosa Restaurant is only issued with the restriction that the roof terraces to the rear of the property at 12 Hanbury Street are not, in any circumstances or at any time, to be used as an area to which the public have any access whatsoever.

TWO

I understand that the license applied for covers the sale of alcohol off the premises. Whilst I am happy for a licence to be granted for the sale of alcohol on the premises within the time restrictions outlined in my previous email to you of 9/6/08 I most strenuously object to a licence being issued which would cover the sale of alcohol to be consumed off the premises. To issue such a license in a residential area would encourage noise and anti-social behaviour in the area and is wholly unnecessary as there is a Tesco Express and two off licences within a couple of minutes walk of Rosa's where people can buy alcohol to consume elsewhere should the wish to .

I therefore oppose approval of any license which covers the sale of alcohol for consumption off the premises

I would be grateful if you could acknowledge my email

Thankyou very much
Juliet McKoen

23 Wilkes Street
London E1 6QF
0207 247 7221
077 6461 6461

Kathy Butler

From: JULIETMCK@aol.com
Sent: 09 June 2008 16:00
To: Kathy Butler
Subject: Rosa's Restaurant - licensing application

From:
Juliet McKoen
23 Wilkes Street
London E1 6QF
0207 247 7221
077 6461 6461

Dear Kathy,

Re Licensing Act 2003 & Rosa Restaurant 12 Hanbury Street, E1 6QB

I live just round the corner from Rosa's Restaurant and have done since 1981. Their roof terrace overlooks the back of my house and their back yard gives out onto the yard space occupied my house - approximately 100 metres away.

This area has become increasingly noisy of late, with many people out on the streets til very late at night, often drunk and often very noisy at 1am, 2am, 3am - it is becoming impossible to get a good night's sleep.

As a local resident, I am writing to object to the live & recorded music licence extending to 1am on Friday and Saturday night. If the back door of their restaurant is open - I will almost certainly be able to hear any music being played at their premises. I would ask you to restrict it to 11.30pm of Fridays and Saturdays in line with the rest of the week.

I also most strenuously object to the allocation of an alcohol licence till 5am on Fridays and Saturdays. As noted above there is already a very significant problem with drunkenness on the streets throughout the night and yet another licensed premises will only exacerbate the problem.

Wilkes street and many of the other streets around here are residential streets and the residents are already very stressed by the problem of nighttime carousing on the streets - which is disrupting their sleep and making life an increasing misery.

Finally, I would like you to look into something for me. Rosa's restaurant has installed a roof terrace on the roof of the building. It already overlooks my house and my yard and is a significant intrusion on my privacy (for instance it overlooks my bathroom and I have to pull the blinds every time I want to go to the toilet!). Can you assure me that the roof terrace is not designed as an overspill or smoking area for the restaurant? Can you reassure me that it will not be wired up for sound and music. Can you reassure me that it is a private and residential area of the building and in no circumstances can be used for any sort of trade?

I look forward to hearing from you and would be grateful if you could acknowledge receipt of this email.

With many thanks
Juliet McKoen

Appendix 18

From: Sue Rowlands [mailto:sue@suerowlands.co.uk]
Sent: 21 June 2008 10:55
To: John Cruse
Subject: License for Rosa Restaurant.

25 Wilkes Street
London E1 6QF

Re License for Rosa Restaurant, 12 Hanbury Street, London E1 6QR

Dear John Cruse

I am writing to object to the above application. The hours requested for restaurant consumption of alcohol as well as an out sales until 5a.m on fridays and saturdays is totally unacceptable. As the team leader of licensing you will be aware that this area is already saturated with night time licensed venues which often result in noisy anti social behaviour that goes on into the early hours, this proposed license would only extend the disruption to the residents into day time.

The houses in Wilkes Street have a corridor of open space which extend up to Puma Court. Rosa Restaurant with its new extension and terraces adjoins this so a further concern is that noise and smells will be channelled along its length, and there seems to be little or no consideration for the residents on either side of the property.

I feel I have the right to a reasonable and peaceful home life which will be seriously eroded if this license is granted.

Your sincerely

Sue Rowlands

24/06/2008

Appendix 19

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 20

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 21

Drug Taking

General Advice

Members need to consider the evidence about the exact nature of the alleged problems. Is it being suggested that the premises are encouraging or turning a blind eye in relation to the problem? Are there proportionate measures that can be expected to address the matter, if Members determine there is a problem?

In particular, should CCTV be extended to cover all of the premises open to the public. Should a minimum number of registered door supervisors be maintained whenever the premises is open. How are drugs that are confiscated being disposed of? What checks are being made in less public areas such as toilets?

The applicant should be instituting measures advised by the Police

If Members believe this is a problem they should certainly insist that minors are not admitted to the premises.

If Members believe that there is a substantial problem of drug abuse and it cannot be proportionately address by licensing conditions they should refuse the application.

Members should also bear in mind other Police powers.

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
- CCTV
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Signage
- Seating plans

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

Guidance Issued under Section 182 of the Licensing Act 2003

The government recommends the model pool of conditions adopted by the licensing policy in relation to club safety (Annex E), and the multi-agency approach to “safer clubbing.”

Other Legislation

Anti-Social Behaviour Order Act 2003

This gives the Police the power to close premises where there is the supply of class A drugs and serious nuisance or disorder.

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.

Appendix 22

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 23

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 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 24

Noxious smells or light pollution

General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23 00 hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights.

Other Legislation

The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

Appendix 25

Noise Leakage from the Premises

General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example “Jazz Music Only” is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example “no music in the beer garden at any time and no music past 22 30 hrs” although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to public nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider the following: (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 be 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

Police Powers

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

Licensing Act 2003

Schedule 1 Part 2 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.

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."

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.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

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

It may be appropriate to require take-aways to provide litter bins. (2.40).

Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.

Appendix 26

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 27

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 4.2

Committee: Licensing Sub-Committee	Date:	Classification: Unclassified	Report No.	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Licensing Officer	Title: Licensing Act 2003 Application for a variation of the Premises Licence for Beefeater at the Tower, Ivory House, St. Katherine's Dock, London E1W 1LB Ward affected: St. Katherine's and Wapping
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1.0 Summary

Applicant: **The Beefeater of St. Katherine's Dock Limited**

Name and **Beefeater at the Tower**

Address of Premises: **Ivory House**
St. Katherine's Dock
London
E1W 1LB

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

- **To remove all existing conditions to allow the full effect of the Licensing Act 2003, to simplify the Licence and the times for licensable activities**
- **Extending the hours for the sale of Alcohol and Late Night Refreshment on Sunday**

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

Mohshin Ali
020 7364 5498

3.0 Background

- 3.1 This is an application to vary the premises licence for Beefeater at the Tower, Ivory House, St. Katherine's Dock, London E1W 1LB.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current standard timings are as follows:

Sale by retail of alcohol and late night refreshment:

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

The hours are restricted to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Regulated Entertainment - Music and Dancing (including Entertainment of the like kind):

- Monday to Sunday, until 00:00 hours

Non-standard timings

New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Hours premises are open to the public:

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

See **Appendix 1** for full details of the premises licence.

- 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:
- **To remove all existing conditions to allow the full effect of the Licensing Act 2003, to simplify the Licence and the times for licensable activities**

Although the applicant has described the nature of the variation as above, Members should note that that the application is also seeking the following:

- **Extending the hours for the sale of alcohol and Late Night Refreshment on Sunday**

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

Sale by retail of alcohol and Provision of regulated entertainment (Plays, Live music, recorded music, performances of dance, provision of facilities for making music and provision of facilities for dancing)

- Monday to Sunday, from 10:00 hours to 00:00 hours

Late Night Refreshment

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

Non-standard timings

The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.

Hours premises are open to the public:

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

Non-standard timings

The premises close 30 Minutes after the end of licensable activities where these are a non-standard time

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. 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 representations have been made by local residents.

- 5.11 Please see **Appendix 5** for the list of local residents making representations.
- 5.12 Please see **Appendices 6 to 12** for the representations of the local residents.
- 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 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 13** Licensing Officer comments on noise while the premise is in use
 - Appendix 14** Licensing Officer comments on access and egress Problems
 - Appendix 15** Planning
 - Appendix 16** 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 | List of local residents making representations |
| Appendices 6 to 12 | Representation of the local resident |
| Appendix 13 | Licensing Officer comments on noise while the premise is in use |
| Appendix 14 | Licensing Officer comments on access and egress Problems |
| Appendix 15 | Planning |
| Appendix 16 | Licensing Policy relating to hours of trading |

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

10324


(The Beefeater at the Tower)
 Ivory House
 St. Katherine's Dock
 East Smithfield
 London
 E1W 1BP

Licensable Activities authorised by the licence

The sale by retail of alcohol
 Regulated entertainment
 Late Night refreshment

See the attached licence for the licence conditions

Signed by

John Cruse 
 Team Leader Licensing

Date: 2 December 2005



Part A - Format of premises licence

Premises licence number

10324

Part 1 - Premises details

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

(The Beefeater at the Tower)
Ivory House
St Katherine's Dock

Post town

London

Post code

E1W 1BP

Telephone number

020 7480 5353

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
Regulated entertainment
Late Night refreshment

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol and late night refreshment:

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

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions re. "drinking up time" see Annex 1 Mandatory Conditions

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Entertainment Licence:

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 12 midnight.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

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

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

On and off supplies

Part 2

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

The Beefeater of St Katherines Dock Limited
Oliver House
27 East Barnet Road
Herts
EN4 8RN

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

3473118

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

Umberto Bernini
101 Westpole Avenue
Cockfosters
Barnet
EN4 0BA

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

Umberto Bernini (*personal licence details to be confirmed*)

Annex 1 - Mandatory conditions

The sale by retail of alcohol and late night refreshment:

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

On Sales

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

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

Off Sales

Alcohol shall not be sold in an open container or be consumed in the licensed premises
The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Children Certificate:

For Hours of 10am to 11pm Monday to Saturday and 12 noon to 10:30pm Sunday

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- (5) (a) He is in an area shown on the plan attached to the licence
 - (b) Meals and non-alcoholic beverages are available for sale for consumption in that area.
 - (c) He is in the company of a person aged 18 or over.
 - (d) He is there prior to 9 p.m.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Subject to the rules of the Council relating to the management of places of public entertainment and to the following additional conditions.

1. The hours of the licence are Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 12 midnight.
2. The maximum number of persons to be accommodated within these premises shall not exceed 340. (Note, subject to completion of works required by LFEPA, this may be increased to 420 persons).
3. An attendant shall be on duty in the cloakroom whilst it is in use.
4. All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-Section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

Annex 2 - Conditions consistent with the operating Schedule

None

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
15 Jul 2005



Part B - Premises licence summary

Premises licence number

10324

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(The Beefeater at the Tower)

Ivory House
St Katherine's Dock
East Smithfield

Post town

London

Post code

E1W 1BP

Telephone number

0207 480 5353

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale by retail of alcohol
Regulated Entertainment
Late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol and late night refreshment:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted

hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply

**See full licence for drinking up time
Entertainment Licence:**

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 12 midnight.

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

The Beefeater of St Katherines Dock Ltd
Oliver House
27 East Barnet
New Barnet
Herts EN4 8RN

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

On and off supplies

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

N/A

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

Umberto Bernini

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

No restrictions

Appendix 2

Insert name and address of relevant licensing authority and its reference number (optional)

The London Borough of Tower Hamlets,
 Trading Standards and Environmental
 Health, Licensing Section, Mulberry
 Place (AH), PO Box 55739
 5 Clove Crescent,
 London E14 1BY

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.

XWe THE BEEFEATER OF ST.KATHERINE'S DOCK LIMITED
 (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

10324

9 9 MAY 2008

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description Beefeater at the Tower, Ivory House, St.Katherine's Dock, London E1W 1LB	
Post town London	Post code E1W 1LB

Telephone number at premises (if any)

0207-4805353

Non-domestic rateable value of premises

£ 157,500.00

Part 2 - Applicant Details

Daytime contact telephone number

0207-4805353

E-mail address (optional)

[Empty box for E-mail address]

Current postal address if different from premises address

[Empty box for Current postal address]

Post Town

[Empty box for Post Town]

Postcode

[Empty box for Postcode]

Part 3 - Variation

Please tick Yes

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

If not do you want the variation to take effect from

Day		Month		Year	

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To remove all existing conditions to allow the full effect of the Licensing Act 2003, to simplify the Licence and the times for licensable activities.

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)

 /

Sale by retail of alcohol (if ticking yes, fill in box M)

 /

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon	10.00	00.00	Please give further details here (please read guidance note 3) Magicians, jugglers, strongman, minstrels, contortionist, jousting and similar activities	Both
Tue	10.00	00.00		
Wed	10.00	00.00	State any seasonal variations for performing plays (please read guidance note 4)	
Thur	10.00	00.00		
Fri	10.00	00.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.	
Sat	10.00	00.00		
Sun	10.00	00.00		

B

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

C

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

D

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

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 ✓ (please read guidance note 2)	Indoors <input type="checkbox"/> /	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3) Live music will be provided to patrons by singers, minstrels, live bands and similar		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	10.00	00.00			
Fri	10.00	00.00			
Sat	10.00	00.00		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) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.	
Sun	10.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors <input type="checkbox"/> /	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3) Amplified recorded music will be provided for patrons to dance to /listen to.		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00		State any seasonal variations for playing recorded music (please read guidance note 4)	
Thur	10.00	00.00			
Fri	10.00	00.00			
Sat	10.00	00.00		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) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.	
Sun	10.00	00.00			

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 / Outdoors Both
Day	Start	Finish	
Mon	10.00	00.00	
			Please give further details here (please read guidance note 3) Dancing is provided by performers for the entertainment of patrons and patrons are permitted to dance within the premises. Dancing is permitted anywhere within the licensed area.
Tue	10.00	00.00	
			State any seasonal variations for the performance of dance (please read guidance note 4)
Wed	10.00	00.00	
Thur	10.00	00.00	
			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) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.
Fri	10.00	00.00	
Sat	10.00	00.00	
Sun	10.00	00.00	

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 N/A		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2) Indoors Outdoors Both		
Mon					
			Please give further details here (please read guidance note 3)		
Tue					
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed					
Thur					
			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)		
Fri					
Sat					
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors <input type="checkbox"/> /
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	00.00	There is a music system and speakers for the production of amplified music.		
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	00.00	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	00.00	The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		
Sun	10.00	00.00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors <input type="checkbox"/> /
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon	10.00	00.00			
Tue	10.00	00.00	Please give further details here (please read guidance note 3)		
			Dancing is permitted anywhere within the licensed area.		
Wed	10.00	00.00			
Thur	10.00	00.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri	10.00	00.00			
Sat	10.00	00.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10.00	00.00	The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)			Indoors	
Day	Start	Finish				Outdoors	
						Both	/
Mon	23.00	00.00	Please give further details here (please read guidance note 3) Hot food and drinks for consumption on and off the premises.				
Tue	23.00	00.00					
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)				
Thur	23.00	00.00					
Fri	23.00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)				
Sat	23.00	00.00	The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.				
Sun	23.00	00.00					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	10.00	00.00		Both /
Tue	10.00	00.00		
Wed	10.00	00.00		
Thur	10.00	00.00		
Fri	10.00	00.00		
Sat	10.00	00.00		
Sun	10.00	00.00		
			State any seasonal variations for the supply of alcohol (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.	

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)

N/A

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) * - the following day
Day	Start	Finish	
Mon	10.00	00.30 *	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>The premises close 30 minutes after the end of licensable activities where these are a non-standard time.</p>
Tue	10.00	00.30 *	
Wed	10.00	00.30 *	
Thur	10.00	00.30 *	
Fri	10.00	00.30 *	
Sat	10.00	00.30 *	
Sun	10.00	00.30 *	

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

All existing conditions on the Licence can be removed.

Please tick ✓ Yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

Reasons why I have 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)

The premises operate as a Restaurant and Bar providing food and drink to patrons within the licensed area primarily trading in the evenings providing a medieval style banquet to patrons.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

No regulated entertainment is to be provided in the outside licensed area.

e) The protection of children from harm

Children under 16 years of age must be accompanied by adults on the premises.

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 (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 *Drysdale*

Date 8/05/08

Capacity Solicitors for the Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

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

Drydales
Cumberland House
24-28 Baxter Avenue
Southend-on-Sea

Post town

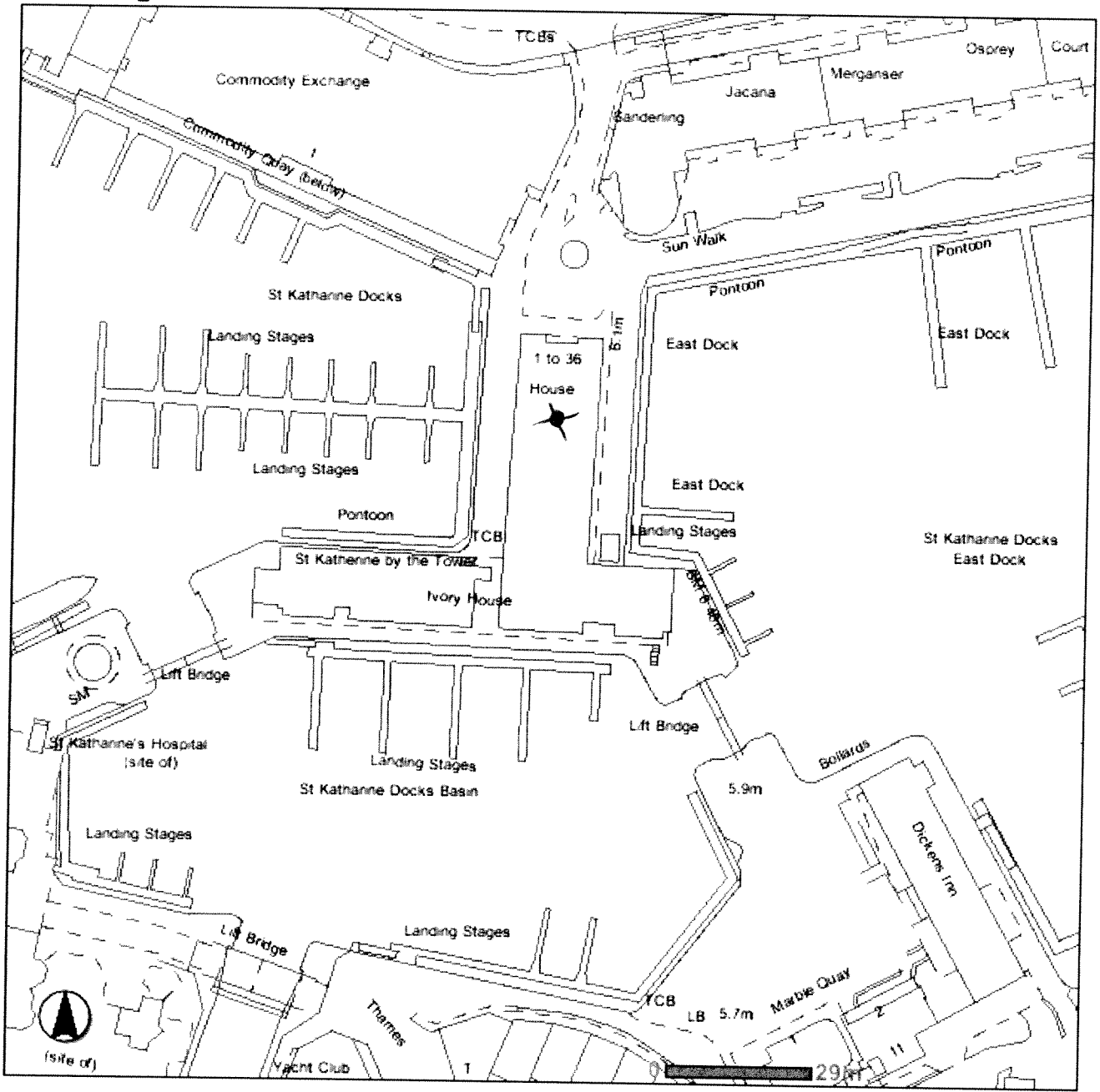
Post code SS2 6HZ

Telephone number (if any) 01702 423400

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

Appendix 3

Map



Scale 1:1250

Map of:

Beefeater

Notes:

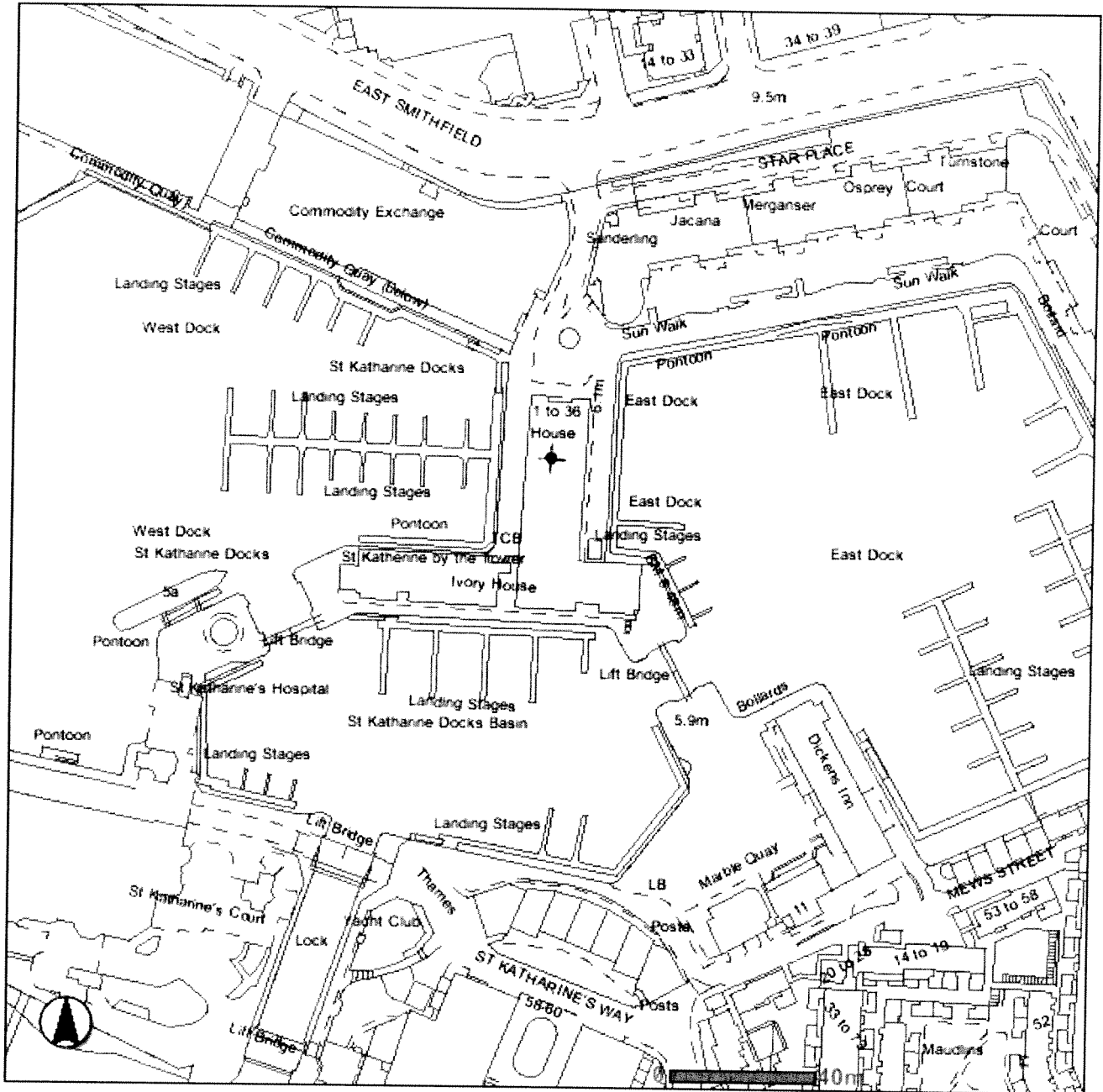
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Licence Number: LA100019288

Map



Scale 1:1750

Map of:

Beefeater

Notes:

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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

Name	Address 1	Address 2	Address 3	Postcode	Appendix
Graham Lloyd-Brunt	14, Ivory House	East Smithfield	London	E1W 1AT	6
Manu Rao	33, Ivory House	East Smithfield	London	E1W 1AT	7
Simon Smith	35, Ivory House	East Smithfield	London	E1W 1AT	8
Richard Ruttle	11, Ivory House	East Smithfield	London	E1W 1AT	9
David and Sheila Suchet	17, Ivory House	East Smithfield	London	E1W 1AT	10
Michael Wilshire	1, Ivory House	East Smithfield	London	E1W 1AT	11
Heather Corben	1, Ivory House	East Smithfield	London	E1W 1AT	12

Appendix 6

14 Ivory House
East Smithfield
London E1W 1AT

Work telephone 020 7760 4979

23 May 2008

John Cruse
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Dear Mr Cruse

**Beefeater at the Tower, Basement of Ivory House, St. Katherine Docks, London
E1W 1AT - Premises licence number 10324**

An application has been submitted to Tower Hamlets by the operators of the themed restaurant in the basement of Ivory House to remove all existing conditions from their premises licence and allow those premises to operate longer hours.

Were the application successful it would allow acting, live music, amplified recorded music, the production of amplified music, dancing and the consumption of food and alcohol to continue until midnight seven days a week and require that the public only vacate the premises by 0030 hours seven days a week.

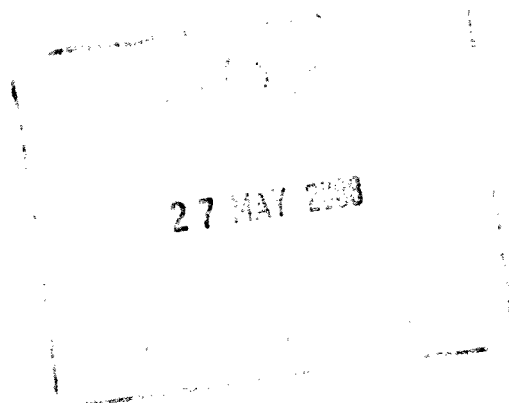
I wish to object to the application that has been submitted as it would be unreasonable for the existing conditions to the premises licence to be removed or varied because:

- Customers of these premises congregate outside the lobby entrance to Ivory House smoking when they have been consuming alcohol.
- Ivory House is a steel framed building and noise travels easily.

Yours sincerely



Graham Lloyd-Brunt



Appendix 7

May 27, 2008

Mr M. Rao
Flat 33, The Ivory House
East Smithfield
London
E1W 1AT

John Cruse
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

REF: Premises Licence Number: 10324

Mr Cruse,

I write in reference to the above quoted license number as it pertains to the Beefeater at the Tower ("Medieval Banquet") and their application to remove all existing conditions of their premises licence.

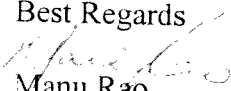
I write to voice my stringent objections to any changes to their existing licence as a resident of The Ivory House and one who is already suffering from the noise and general annoyance created by the premises and its guests.

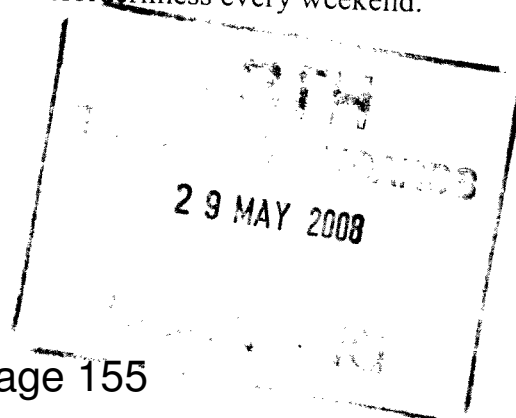
On the evenings they are open, we (which includes my partner and my 3 month old daughter) are subject to the loud carrying's on of the guests of the restaurant which at times are merely annoying and at other times becomes threatening when guests decide to fight after drinking themselves into a stupor. Further, my partner feels terribly threatened when she attempts to come in the front door of The Ivory House in the evenings as drunken guests cavort near the entrance and in their state can be quite intimidating. Further, the pile of cigarette butts found on Sunday mornings outside of our entrance has become quite tiresome.

I would urge you to deny any change to their premises licence and give some comfort to the residents of The Ivory House and other properties in the area that we will not be subject to loud music, loud visitors and general disorderliness every weekend.

I thank you in advance.

Best Regards


Manu Rao



Appendix 8

Flat 35
Ivory House
London
E1W 1AT

John Cruse
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clover Crescent
London E14 1BY

29 May 2008

Dear Mr Cruse

Licensing Act 2003/ Beefeater at the Tower, Ivory House E1W Licence no.10324

I would like to formally object to any change to the existing conditions to the premises licence at the above.

Ivory House is a successful mix of residential and commercial use. However, any change of use would be to the detriment of residents.

As a metal framed building, music already travels within the building. There is considerable noise when groups of guests leave the building and wait around for taxis to pick them up. Whilst there is a particular problem with large groups of guests sheltering in the overhang by the front door to the residential and office accommodation. This area is used as an informal smoking area. Guests (who have consumed large quantities of alcohol) congregate here and have been quite intimidating to my family trying to access our flat. They have even tried to gain access to the Ivory House Reception area. No security is provided by the Beefeater to control their guests.

The proposals will exacerbate these issues to unacceptable levels. It is not appropriate for a mixed commercial and residential unit to allow amplified music and alcohol consumption until 00.30 each day. This will mean that residents will not be able to sleep as the noise travels within the building whilst noise outside will last until at least 1.00 am each day as they wait to be collected. In addition, the staff of the premises will be clearing up until the early hours of the morning emptying bottles and refuse into the recycling bins again disturbing the residents.

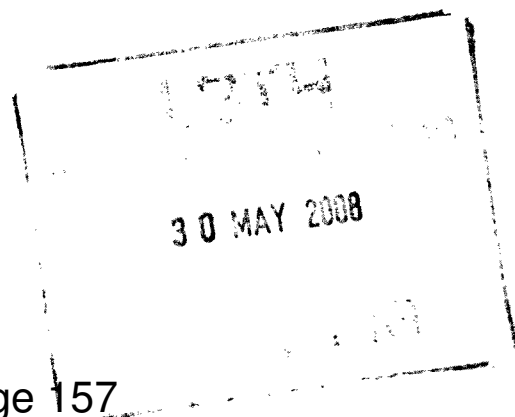
I believe that the proposals are such that it is unreasonable for them to be granted. It is already proposed to have further license premises adjacent to the Ivory House and this is a further unacceptable intrusion into the lives of residents.

Thank you for your help in this matter.

Yours sincerely



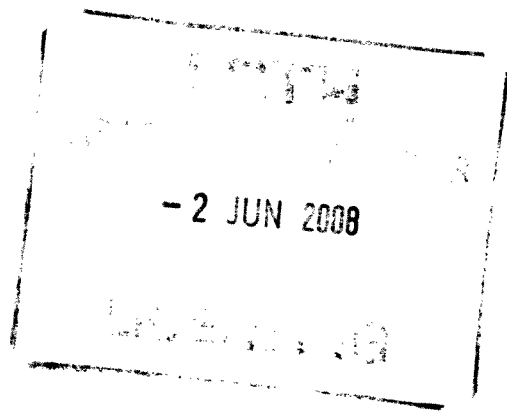
Simon Smith



Appendix 9

11 IVORY HOUSE
EAST SMITHFIELD
LONDON
E1W 1AT

29/05/2008



Dear Mr Cruise,

RE Beefeater at the Tower, Basement of Ivory House St Kathenes Doc

PREMISES LICENCE NUMBER 10324.

I understand that an application has been submitted to Tower Hamlets by the operators of the themed restaurant in the basement of the Ivory House to operate longer hours.

This establishment is already a nuisance with (relatively) late night music, shouting and at closing time a congregation of people talking shouting etc right underneath the apartments of the Ivory House. The noise is amplified by the nature of the building (steel frames) and it is very difficult to sleep while the restaurant is open.

For this reason, I submit that it would be unreasonable to the Ivory House residents for the existing conditions to the premises licence to be removed or varied. We should have some protection from late night retailers within the dock area as for many of us, its relative peace at night is one of the key reasons we moved here and pay significant services charges!

yours sincerely

Appendix 10

17 The Ivory House,
St Katharine Docks
London E1W 1AT

30th May 31, 2008

John Cruise,
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Pl,
PO Box 55739
London E14 1 by

Reference: Premises Licence Number 10324
Beefeater at the Tower EIW

Dear Mr. Cruise,

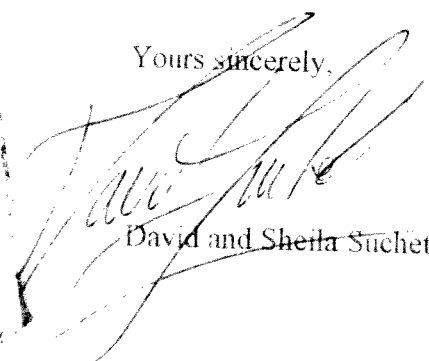
We are writing to you concerning the application submitted to Tower Hamlets by the operators of the Beefeater By the Tower themed restaurant. We would like to express our objections to this application.

St Katharine Docks has a large residential community and the restaurants that are being put in place seem to have sensitive use of the licensing hours etc. but because of the nature of the Beefeater at the Tower being a "themed" restaurant the clientele it attracts are often large groups that tend to drink heavily and loiter outside Ivory House when wanting to smoke etc. The result of this can already be very intrusive and noisy and creates a litter problem that Beefeater seem unable to address. Also once the restaurant has closed large groups often wait across the main entrance to Ivory House, while waiting to disperse and as residents in this building this can be very intimidating. To extend the licensing hours can only make this situation worse. The amplified music is already intrusive as Ivory House is steel framed and noise travels easily through its structure.

The existing conditions and restrictions for this particular type of restaurant in its particular location seem reasonable and do not justify any change.

We are not by any means wishing to stop people enjoying themselves but the proximity of the two entrances does create problems. We do hope you will take all the above comments into serious consideration when making your decision.

Yours sincerely,


David and Sheila Suchet



37M
EST.
- 3 JUN 2008

Appendix 11

Mohshin Ali

From: John Cruse
Sent: 04 June 2008 12:22
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

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

From: Michael Wilshire [mailto:wilshire@yahoo.com]
Sent: 03 June 2008 22:56
To: John Cruse
Subject: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

Dear Mr Cruse

Re: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

I am writing in relation to the application for an extension of the licence for the above premises, to which I wish to object. Based on the letter I have received from you, I understand that the application would remove all existing conditions from the current premises licence and allow those premises to operate for longer hours. This would, amongst other things, allow acting, live music, amplified recorded music, the production of amplified music and dancing. The consumption of food and alcohol would continue until midnight seven days a week, and would allow people to stay on the premises until 0030 am seven days a week. In addition, extensive provisions are being requested over the New Year period.

I am the owner of Flat 1, the Ivory House; which is one of a number of residential flats in the building. We previously made representations in relation to the proposed application by Zizzi for a premises licence and were able to agree reasonable conditions with the operator of those premises that will allow them to operate commercially, whilst we hope will protect the right of the residents in the building to a peaceful life. I strongly believe that similar conditions should be imposed on the Beefeater premises, as the arguments are very similar - and there is no justification for extending the licence in the way requested, which would inevitably lead to an unacceptable level of noise late into the night. In the past - and before the new limitations were agreed with Zizzi - we have experienced noise from licensed premises in the Ivory House, which has required us to involve the Environmental Noise Unit within Tower Hamlets. We are keen that reasonable licensing conditions be agreed in advance, so that this is unnecessary.

There is often late night noise already from the Beefeater restaurant, due to people congregating outside. This is partly due to the 'theme' nature of the restaurant, with its 'Mediaeval Banquet', which encourages large groups that descend en masse to the restaurant at the same time and who leave together, creating intrusive disturbance that can be heard from Flat 1, and which must be considerably worse for the flats immediately above. Any extension of the hours would greatly worsen this situation and would result in noise levels late into the night. Also, these people often smoke and talk loudly outside the restaurant after consuming considerable amounts of alcohol - and there is inevitably an additional risk of late night drunkenness in what is otherwise now a well managed mixed residential and commercial area.

There is also a problem of sound being transmitted through the fabric of the building. The sound is already audible outside the restaurant and any extension of this - in the form of more amplified music, live music, dancing or other entertainment, would inevitably increase this substantially. If coupled with the proposed extended hours, this would result in increased and major disturbance until late into the evening/night and early morning. The solid nature of the building's construction and design, and in particular the metal pillars

between floors transmit music or any other loud noise upwards through the residential flats above. Also, the vaulted brickwork appears to exacerbate the problem as it acts as a 'lens' that amplifies and focuses the sound. The building is listed which restricts the ability to make structural changes, such as soundproofing to the ceiling of the licensed premises..

The flats were recently redeveloped by the main site landlord (REIT Asset Management) and sold during 2005-2006. In view of the mixed use (and primarily residential) nature of the Ivory House, and the previous history described above, and the need for sleep / freedom from noise disturbance of the adults and children in the flats above and adjacent to the Beefeater restaurant, I believe that it is appropriate to take measures that reduce the likelihood of noise in future. I therefore request that conditions be imposed in the licence, similar to those that have been agreed for Zizzi's restaurant.

I wish if possible to attend any hearing on this application.

Yours sincerely,

Michael Wilshire

Appendix 12

Mohshin Ali

From: John Cruse
Sent: 04 June 2008 12:22
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

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

From: Heather Corben [mailto:Heather.Corben@sjberwin.com]
Sent: 03 June 2008 23:27
To: John Cruse
Subject: FW: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

Dear Mr Cruse

Re: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

I am writing in relation to the application for an extension of the licence for the above premises, to which I wish to object. Based on the letter I have seen from you, I understand that the application would remove all existing conditions from the current premises licence and allow those premises to operate for longer hours. This would, amongst other things, allow acting, live music, amplified recorded music, the production of amplified music and dancing. The consumption of food and alcohol would continue until midnight seven days a week, and would allow

people to stay on the premises until 0030 am seven days a week. In addition, extensive provisions are being requested over the New Year period.

I am the wife of the owner of Flat 1, the Ivory House, which is one of a

number of residential flats in the building. As well as adults, a number

of school age or younger children live at the Ivory House. We previously

made representations in relation to the proposed application by Zizzi for a premises licence and were able to agree reasonable conditions with

the operator of those premises that will allow them to operate commercially, whilst we hope will protect the right of the residents in the building to a peaceful life. I strongly believe that similar conditions should be imposed on the Beefeater premises, as the arguments

are very similar - and there is no justification for extending the licence in the way requested, which would inevitably lead to an unacceptable level of noise late into the night. In the past - and before the new limitations were agreed with Zizzi - we have experienced noise from licensed premises in the Ivory House, which has required us to involve the Environmental Noise Unit within Tower Hamlets. We are keen that reasonable licensing conditions be agreed in advance, so that this is unnecessary.

There is often late night noise already from the Beefeater restaurant, due to people congregating outside. This is partly due to the 'theme' nature of the restaurant, with its 'Mediaeval Banquet', which encourages large groups that descend en masse

to the restaurant at the same time and who leave together, creating intrusive disturbance that can be heard from Flat 1, and which must be considerably worse for the flats immediately above. Any extension of the hours would greatly worsen

this situation and would result in noise levels late into the night.

Also, these people often smoke and talk loudly outside the restaurant after consuming considerable amounts of alcohol - and there is inevitably an additional risk of late night drunkenness in what is otherwise now a well managed mixed residential and commercial area.

There is also a problem of sound being transmitted through the fabric of

the building. The sound is already audible outside the restaurant and any extension of this - in the form of more amplified music, live music,

dancing of other entertainment, would inevitably increase this substantially. If coupled with the proposed extended hours, this would result in increased and major disturbance until late into the evening/night and early morning. The solid nature of the building's construction and design, and in particular the metal pillars between floors transmit music or any other loud noise upwards through the residential flats above. Also, the vaulted brickwork appears to exacerbate the problem as it acts as a 'lens' that amplifies and focuses

the sound. The building is listed which restricts the ability to make structural changes, such as soundproofing to the ceiling of the licensed

premises..

The flats were recently redeveloped by the main site landlord (REIT Asset Management) and sold during 2005-2006. In view of the mixed use (and primarily residential) nature of the Ivory House, and the previous history described above, and the need for sleep / freedom from noise disturbance of the adults and children in the flats above and adjacent to the Beefeater restaurant, I believe that it is appropriate to take measures that reduce the likelihood of noise in future. I therefore request that conditions be imposed in the licence, similar to those that

have been agreed for Zizzi's restaurant.

I wish if possible to attend any hearing on this application.

Yours sincerely,

Heather Corben

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Appendix 13

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 14

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 15

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one 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 16

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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