



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 3 August 2010 at 6.30 p.m.

A G E N D A

VENUE

Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Carlo Gibbs	Bethnal Green North;
Councillor Zara Davis	Millwall;
Councillor Amy Whitelock	Mile End & Globe Town;

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:

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: simmi.yesmin@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 3 August 2010

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 a New Premises Licence for Café Pont, Block D, Unit 5, 14 Hertsmere Road, London E14 4AF (LSC 15/011)	15 - 56	Millwall;
4 .2 Application for a New Premises Licence for 108 Brick Lane, London, E1 6RL (LSC 16/011)	57 - 100	Spitalfields & Banglatown;
4 .3 Application for a New Premises Licence for 118-122 Brick Lane, London, E1 6RL (LSC 17/011)	101 - 148	Spitalfields & Banglatown;
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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:-

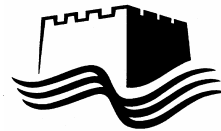
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 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.

This page is intentionally left blank

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	3 August 2010	Unclassified	LSC 15/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a new Premises Licence for Café Pont, Block D, Unit 5, 14 Hertsmere Road, E14 4AF
Originating Officer: Nick Kemp - Licensing Officer	Ward affected Millwall

1.0 Summary

Applicant: **Black Swan Leisure Ltd**

Name and
Address of Premises: **Block D, Unit 5,**
14 Hertsmere Road,
London E14 4AF

Licence sought: **Licensing Act 2003 variation**

Sale of alcohol
Provide regulated entertainment
(Recorded Music)

Objectors: **Local Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

020 7364 7446

3.0 **Background**

3.1 This is an application for a variation in a premises licence for:
Café Pont, Block D, Unit 5, 14 Hertsmere Road, E14 4AF

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

3.3 The applicant has described the nature of the application as:
(see page 7 of application form).

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

Sale of Alcohol (on and off sales)

Monday to Sunday 10:00 hours – 23:00 hours

The Provision of Regulated Entertainment:

For recorded music and anything like recorded music
Monday to Sunday 07:00 hours – 23:30 hours

Hours premises is open to the public:

Monday to Sunday 07:00 hours – 23:30 hours

3.5 A map showing the relevant premises is included as **Appendix 2.**

4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The 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, 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 All the representations in this report have been considered by the relevant officer (Licensing Services Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
Local Resident
See Appendices 3
- 5.8 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
- 5.9 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

5.10 The objections cover allegations of:

- Noise while the premise is in use
- Close proximity to residential properties

5.11 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 4** 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 the application

Appendix 2 Maps of the area

Appendix 3 Representations of Local resident

Appendix 4- Licensing Officer comments on noise while the premises are in use

This page is intentionally left blank

Appendix 1



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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) **Black Swan Leisure Ltd.**

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	
(CAFÉ PONT) BLOCK D, UNIT 5 14 HERTSMERE ROAD	
Post town LONDON	Post code E14 4AF

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

3) 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	Black Swan Leisure Ltd
Address	20 Halcyon Wharf 5 Wapping High Street London E1W 1LH
Registered number (where applicable)	6797781
Description of applicant (for example partnership, company, unincorporated association etc)	Limited Company
Telephone number, if any	07723 727 130
E-mail (optional)	ts@blackswanleisure.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	7	2	0	1	0

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

Day		Month		Year			

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

--

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

The site will be a continental style café bar offering food and drinks (alcohol and non-alcoholic) throughout the day and evening. Our target customers will be predominantly workers in the Canary Wharf/West India Quay area, who will use the site mainly for lunch and coffee through the day and after work drinks into the evening. The site is situated on West India Quay, with a number of other bars and restaurants of differing sizes. The other sites tend to be mainly chain operators with a number of national establishments, whereas our site will be independently run offering an extensive range of premium products designed to appeal to discerning customers. The site will be laid out to appeal to diners and non-diners alike, with a mix of high tables and stools, and diner-friendly tables and chairs. Customers will be allowed to dine anywhere throughout the premises, including the outside area.

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	yes	
Day	Start	Finish		Outdoors		
				Both		
Mon	07:00	23:30	<u>Please give further details here</u> (please read guidance note 3) Playing recorded background music to support the ambience of the bar café.			
Tue	07:00	23:30				
Wed	07:00	23:30		<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur	07:00	23:30				
Fri	07:00	23:30		<u>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</u> (please read guidance note 5)		
Sat	07:00	23:30				
Sun	07:00	23:00				

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing A television showing news channels and music channels through the day to be provided for customers entertainment.		
Day	Start	Finish			
Mon	0700	2330		Please give further details here (please read guidance note 3)	
Tue	0700	2330			
Wed	0700	2330	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	0700	2330			
Fri	0700	2330	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0700	2330			
Sun	0700	2300			

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

J

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

K

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	10:00	23:00	Please give further details here (please read guidance note 7)	Both	yes	
Tue	10:00	23:00				
Wed	10:00	23:00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	10:00	23:00				
Fri	10:00	23:00				
Sat	10:00	23:00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	11:00	22:30				
			On Good Friday and Christmas Day, from 1200 to 2230 On New Years Eve, from the end of permitted hours to the start of permitted hours on the following day			

Box M continues on the next page...

Box M continued

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

Name

Thomas Haworth

Address

20 Halycon Wharf
5 Wapping High Street
London

Postcode E1W 1LH

Personal Licence number(if known)

LAPA1292

Issuing licensing authority (if known)

Lancaster City Council

N

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

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:30	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>On New Year's Eve, from the end of permitted hours to the start of permitted hours on New Year's Day.</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	23:30	
Sat	07:00	23:30	
Sun	07:00	23:00	

P

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

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

We will run an upmarket, female-friendly establishment aimed at attracting a mostly professional clientele. No irresponsible drinks promotions will ever be run, and the style and set up of the venue will be conducive to a safe, welcoming atmosphere. Necessary crime prevention measures will be taken, such as installing c.c.t.v. and becoming part of the local bar watch scheme.

b) The prevention of crime and disorder

The site will have c.c.t.v. installed covering both inside and outside areas, including all entrances to the building. We will become members of the local bar watch scheme, which helps to reduce anti-social behaviour in and around licensed premises. Staff will be trained to spot somebody who is drunk and instructed not to serve them. Anybody who is clearly drunk will be asked to leave the premises, and anybody we suspect may cause any disruption or nuisance inside or outside the premises will immediately be reported to the police.

c) Public safety

No irresponsible drinks promotions (happy hours etc, including anything that promotes any form of binge drinking or anti-social behaviour) will be run. We will serve food and soft drinks throughout the day and evening, and will offer free tap water at all times. Ground floor access is available to the building and disabled toilet. We do not have a kitchen with gas supply, reducing potential fire hazards. Relevant health and safety notices will be clearly displayed for the attention of the staff. Fire exits will be clearly lit and marked, and fire extinguishers will be provided as detailed in the plans. All entrances will be free from obstruction at all times.

d) The prevention of public nuisance

The majority of the trade along West India Quay will be over lunchtimes and after work. This means that people will drift off at different times throughout the evening, so there will be no large number of people leaving at closing time on any evening, or at any other point during the day or night. Customers will be asked to leave quietly so as not to disturb local residents. The site will only serve alcohol until 11pm each day (10.30pm on a Sunday) so there will be no late night disturbance from the site.

e) The protection of children from harm

While we envisage a predominantly professional customer base, the Canary Wharf area is an interesting location for people to visit, and families do use other facilities in the area (such as the shops and cinema). Therefore, children accompanied by an adult will be permitted onto the premises up until 9pm each day, so long as they are seated away from the bar. No person under the age of 18 will ever be served alcohol or permitted to drink alcohol in the premises. Staff will be trained to challenge anybody suspected of being under the age of 21 to provide a recognised form of photographic identification to prove they are over 18 years of age and legally allowed to purchase or consume alcohol.

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

CHECKLIST:

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature



Date 20/05/10

Capacity

Director of Black Swan Leisure Ltd

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)

Thomas Haworth
20 Halcyon Wharf
5 Wapping High Street

Post town
London

Post code
E1W 1LH

Telephone number (if any)



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





LICENSING ACT 2003

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

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

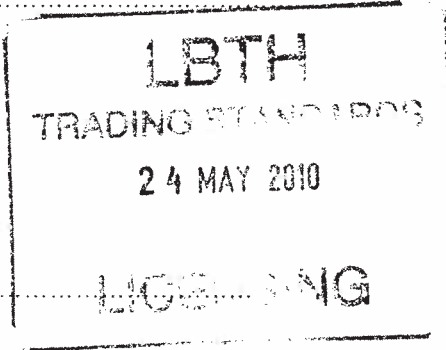
Consent of individual to being specified as premises supervisor

I Thomas Matthew Haworth
 [full name of prospective premises supervisor]

of.....

20 Halcyon Wharf
 5 Wapping High Street
 London
 E1W 1LH.....

.....
 [home address of prospective premises supervisor]



hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application.... for a new Premises Licence..... [type of application]

by Black Swan Leisure Limited..... [name of applicant]

relating to a premises licence [number of existing licence, if any]

for.....

(Café Pont)
 Unit 5
 14 Hertsmere Road
 London
 E14 4AF [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by Black Swan Leisure Limited..... [name of applicant]

concerning the supply of alcohol at

(Café Pont)
 14 Hertsmere Road
 London E14 4AF.....
 [name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LAPA1292.....

[insert personal licence number, if any]

Personal licence issuing authority

Lancaster City Council

Town Hall

Dalton Square

LA1 1PJ

01524 582033

[insert name and address and telephone number of personal licence issuing authority, if any]

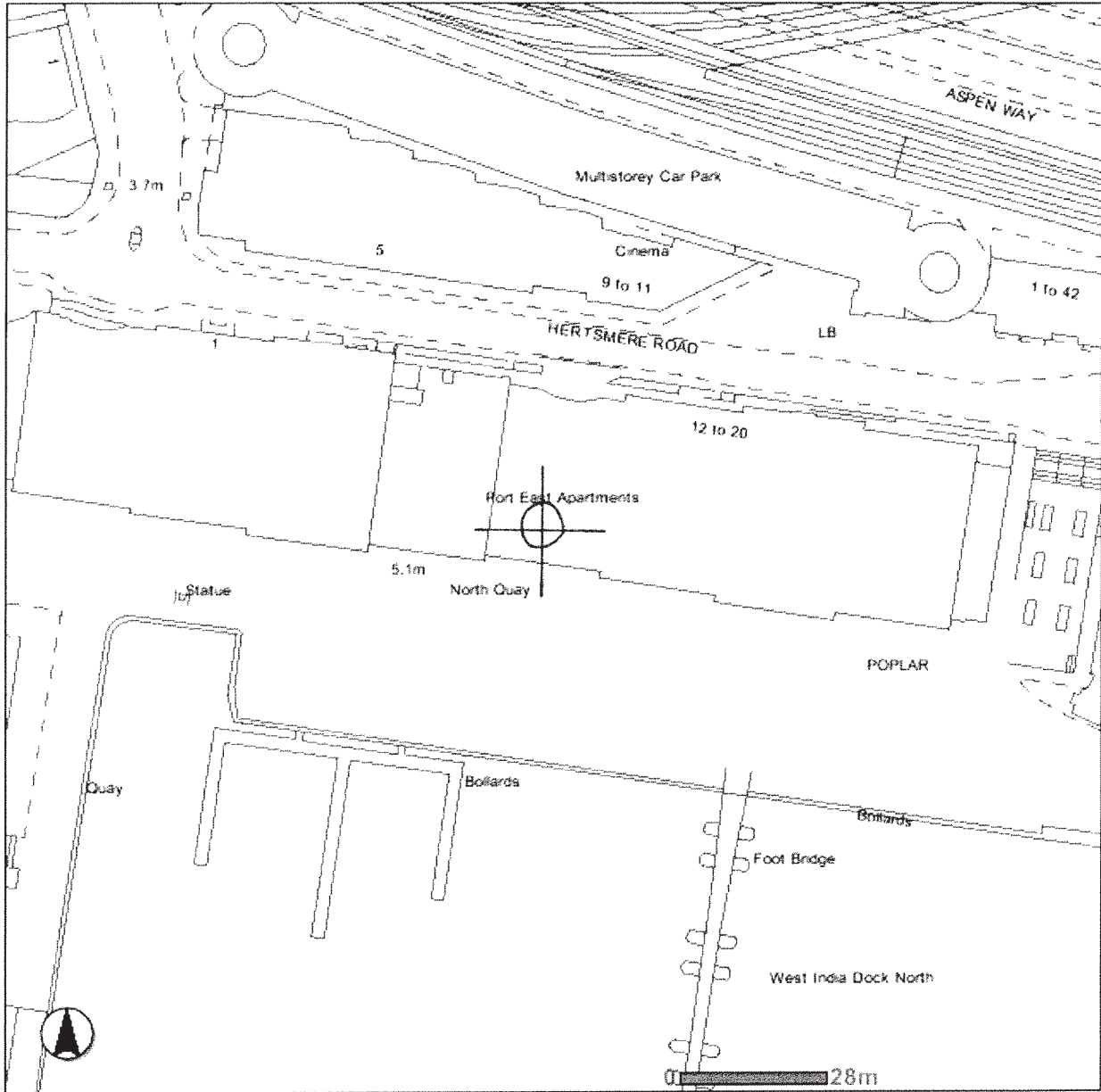
..... signed

Thomas Haworth.....name (please print)

.....20/05/10.....dated

Appendix 2

Map



Scale 1:1228

Map of:

Notes:

14 Hertsmere Road - large scale

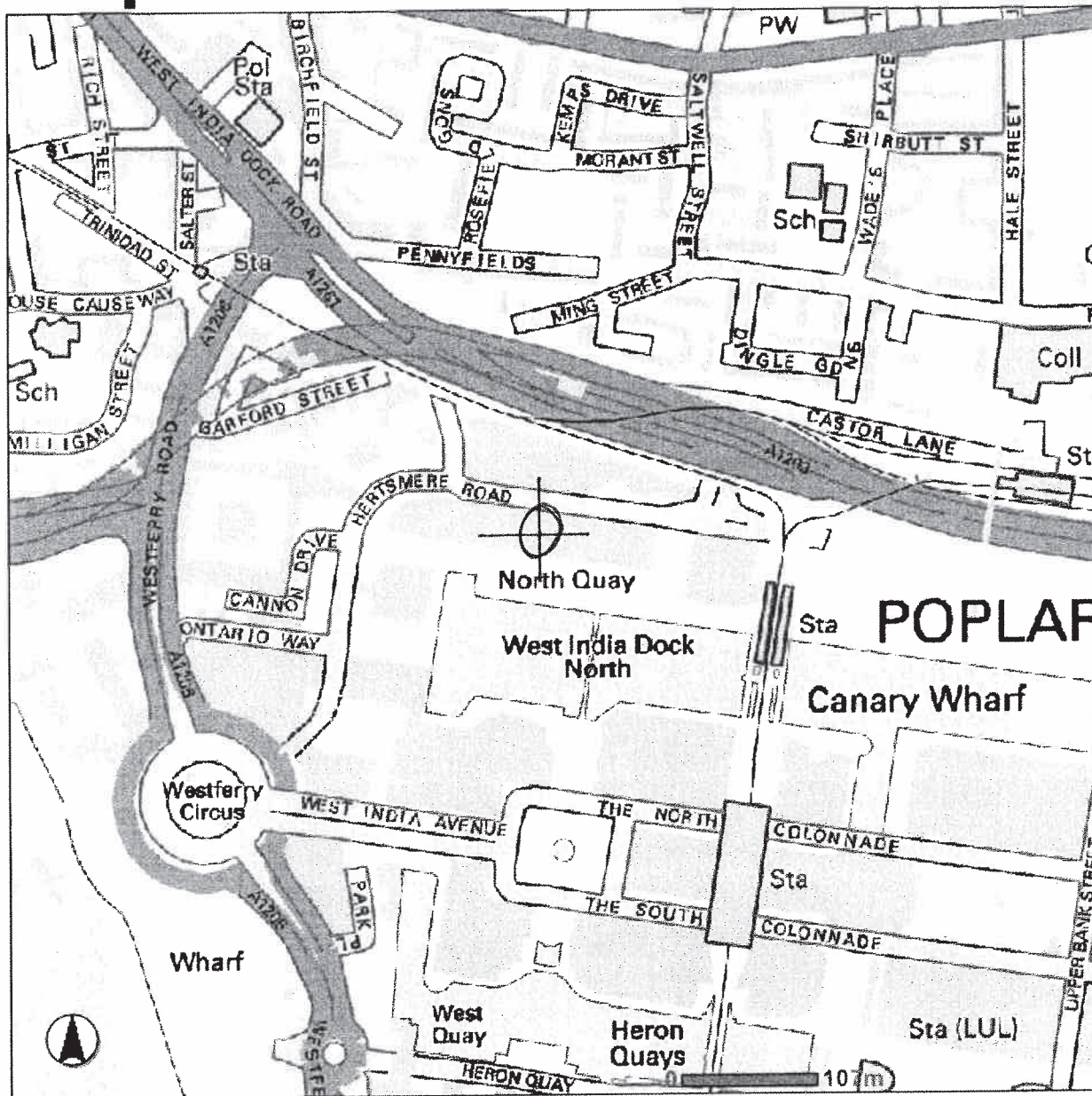
Produced 19 July 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:5000

Map of:

Notes:

14 Hertsmere Road - small scale

Produced 19 July 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3

D104 Port East Apartments
14 Hertsmere Road
London
E14 4AF

The Licensing Section
Tower Hamlets Council
PO Box 55739
Mulberry Place
5 Clove Crescent
E14 1BY

8th June, 2010

Reference: Block D, Unit 5, 14 Hertsmere Road, E14 4AF

Dear Sir

I note the above referenced application for an entertainment licence, and for the consumption of alcohol until later in the evening.

I am resident in the apartment directly above this unit and wish to register my strong opposition to this application.


West India Quay already has a number of such premises with the same licence details; another is simply not required and will contribute further to the high levels of noise pollution suffered by all residents within the development. This particular premise is a small unit and is not conducive to drinking inside, as can be observed in the Beluga Café directly opposite. It is likely therefore that most clientele will be making use of the outside space; space that has already been assumed by Bar 38. It can hardly be considered, therefore, that a further vendor is in the least bit necessary and adds to an already wide set of consumer options.

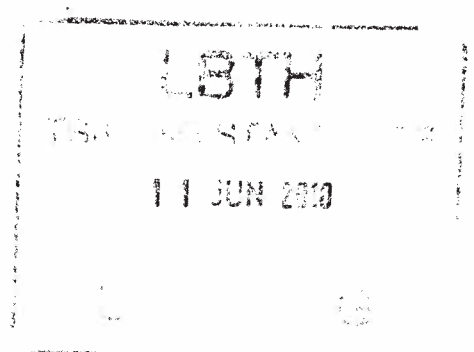
Indeed, from a commercial prospective, the bar in the opposite unit, Café Beluga, has closed and reopened over the course of the last year and a number of bars have been in this particular unit and also closed.

I appreciate the attempt by the Council to be strict with licences and their enforcement in this area. However, in practice I was able to walk straight past a sign inside Bar 38 informing "No drinking outside after 10.30pm" on a Friday evening at 11.00pm without challenge from any of the staff associated with this particular premises.

Another additional bar will not contribute in anyway to the drinking and eating options available to the consumer and will add further to the already not unnoticeable noise pollution.

Yours faithfully


Andrew Buchanan



Appendix 4

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

-
- Conditions controlling the use of explosives, pyrotechnics and fireworks
 - Conditions controlling the placing of refuse
 - Conditions controlling noxious smells
 - Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions 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.

Agenda Item 4.2

Committee:	Date:	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	3 August 2010	Unclassified	LSC 16/011	

Report of: Colin Perrins Head of Trading Standards and Environmental Health Commercial	Title: Licensing Act 2003
Originating Officer:	Application for the grant of a new the Premises Licence for 108 Brick Lane, London, E1 6RL.
Nick Kemp - Licensing Officer	Ward affected: Spitalfields & Banglatown

1.0 Summary

Applicant: **Prova London Limited**

Name and Address of Premises: **Preem, 108 Brick Lane, London, E1 6RL.**

Licence sought: **Licensing Act 2003**

- **The sale of alcohol by retail**
- **Regulated Entertainment – recorded music.**

Objectors: **Environmental Health**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		020 7364 7446

3.0 Background

- 3.1 This is an application for a new Premises Licence for:
108 Brick Lane, London, E1 6RL.

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

The applicant has described the nature of the application as:
This is an Indian restaurant. We will serve food and drinks.

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

Sale of Alcohol

Monday to Sunday 12:00 noon to 23:30 hours.

Regulated Entertainment

Monday to Sunday 12:00 noon to 23:30 hours.

Hours premises is open to the public:

Monday to Sunday 12:00 noon to 00:00 midnight.

- 3.2 A map showing the situation of premises in local area is included as
Appendix 2.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. 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.

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
 - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is, “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

10.0 Appendices

Appendix 1 A copy of the application

Appendix 2 Maps of the area

Appendix 3 Representations of Environmental Protection

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

Appendix 5 Licensing Officer comments on egress problems

Appendix 1



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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) PROVA London Limited.

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<p>PREEM 108 Brick Lane.</p> <div style="text-align: right; border: 1px solid black; padding: 5px;"> <p>LBTH TRAINING STANDARDS 24 MAY 2010</p> </div>	
Post town <u>London</u>	Post code <u>E16RL</u>

Telephone number at premises (if any)

Non-domestic rateable value of premises £

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick Yes

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
---	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
-----------	----------------------	----------	----------------------

Daytime contact telephone number	<input type="text"/>
----------------------------------	----------------------

E-mail address (optional)	<input type="text"/>
---------------------------	----------------------

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
---	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
-----------	----------------------	----------	----------------------

Daytime contact telephone number	<input type="text"/>
----------------------------------	----------------------

E-mail address (optional)	<input type="text"/>
---------------------------	----------------------

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	Prava London Limited.
Address	108 Brick Lane London E1 6RL
Registered number (where applicable)	7226132
Description of applicant (for example partnership, company, unincorporated association etc)	AS A Limited company.
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	06	2010

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

Day	Month	Year

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

--

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

This is a Indian Restaurant. We will serve the food and drinks.

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	12:00	24:00	Please give further details here (please read guidance note 3) Indian Music	Both	
Tue	12:00	24:00			
Wed	12:00	24:00		State any seasonal variations for playing recorded music (please read guidance note 4)	
Thur	12:00	24:00			
Fri	12:00	24:00		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)	
Sat	12:00	24:00			
Sun	12:00	24:00			

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 <input type="checkbox"/> (please read guidance note 2)	Indoors Outdoors Both
Day	Start	Finish		
Mon			Please give further details here (please read guidance	
Tue				
Wed				
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)	
Fri				
Sat			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)	
Sun				

H

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

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 [X] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4) State any seasonal variations for the facilities for making music (please read guidance note 4) Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

J

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

K

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	12:00	24:00	Please give further details here (please read guidance note 7)	Both	✓	
Tue	12:00	24:00				
Wed	12:00	24:00		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	12:00	24:00				
Fri	12:00	24:00				
Sat	12:00	24:00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12:00	24:00				

Box M continues on the next page...

Box M continued

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

Name

A.M Hussain

Address

124 Brick Lane
London

Postcode E1 6RL

Personal Licence number(if known)

9959

Issuing licensing authority (if known)

Toxteth houselet.

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)

Recorded Music specially for children.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12:50	24:50	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	12:00	24:00	
Wed	12:00	24:00	
Thur	12:50	24:00	
Fri	12:00	24:00	
Sat	12:00	24:00	
Sun	12:00	24:00	

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)

Above 18 years children are only allowed, we will have a security.

b) The prevention of crime and disorder

There should not be any crime happening but if there is, we will try to solve it on our own and if we can not put to stop we will ask to help either the local authority or local police. We will put CCTV in the premises to prevent the crime.

c) Public safety

We will try to fulfill all the requirements, we allow under age children at restaurant until midnight with their parents and till 10pm on their own.

d) The prevention of public nuisance

We advise will be the customer to leave the restaurant quietly.

e) The protection of children from harm

We allow children till midnight with adults and till 10 pm on their own. We are trained for first aid. We also have public liability insurance for unprepared events. We also provided licensed training for our customers.

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

CHECKLIST:

Please tick yes

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

~~Signature~~

Date

21/05/10

Capacity

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)

A.M. Hussain
122 Brick Lane.

Post town London

Post code E1 6RL

Telephone number (if any)

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

~~.....~~



LICENSING ACT 2003

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

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

Consent of individual to being specified as premises supervisor

I, A. M. Hussain
[full name of prospective premises supervisor]

of 124 Brick Lane
London E1 6RL
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for premises licence [type of application]

by PROVA London Limited [name of applicant]

relating to a premises licence NA [number of existing licence, if any]

for 124 Brick Lane
London E1 6RL
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by PROVA London Limited [name of applicant]

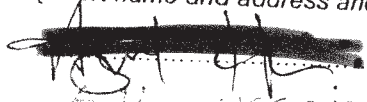
concerning the supply of alcohol at Monday to Sunday Time 10:00 to 24:00
124 Brick Lane London E1 6RL
[name and address of premises to which application relates]

BTH
24 MAY 2010

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 0050
.....
[insert personal licence number, if any]

Personal licence issuing authority TOWERS POWER
.....
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed
TOWERS POWER name (please print)
21-05-2010 dated

Appendix 2

Map



Scale 1:2500

Map of:

Notes:

108 Brick Lane - small scale

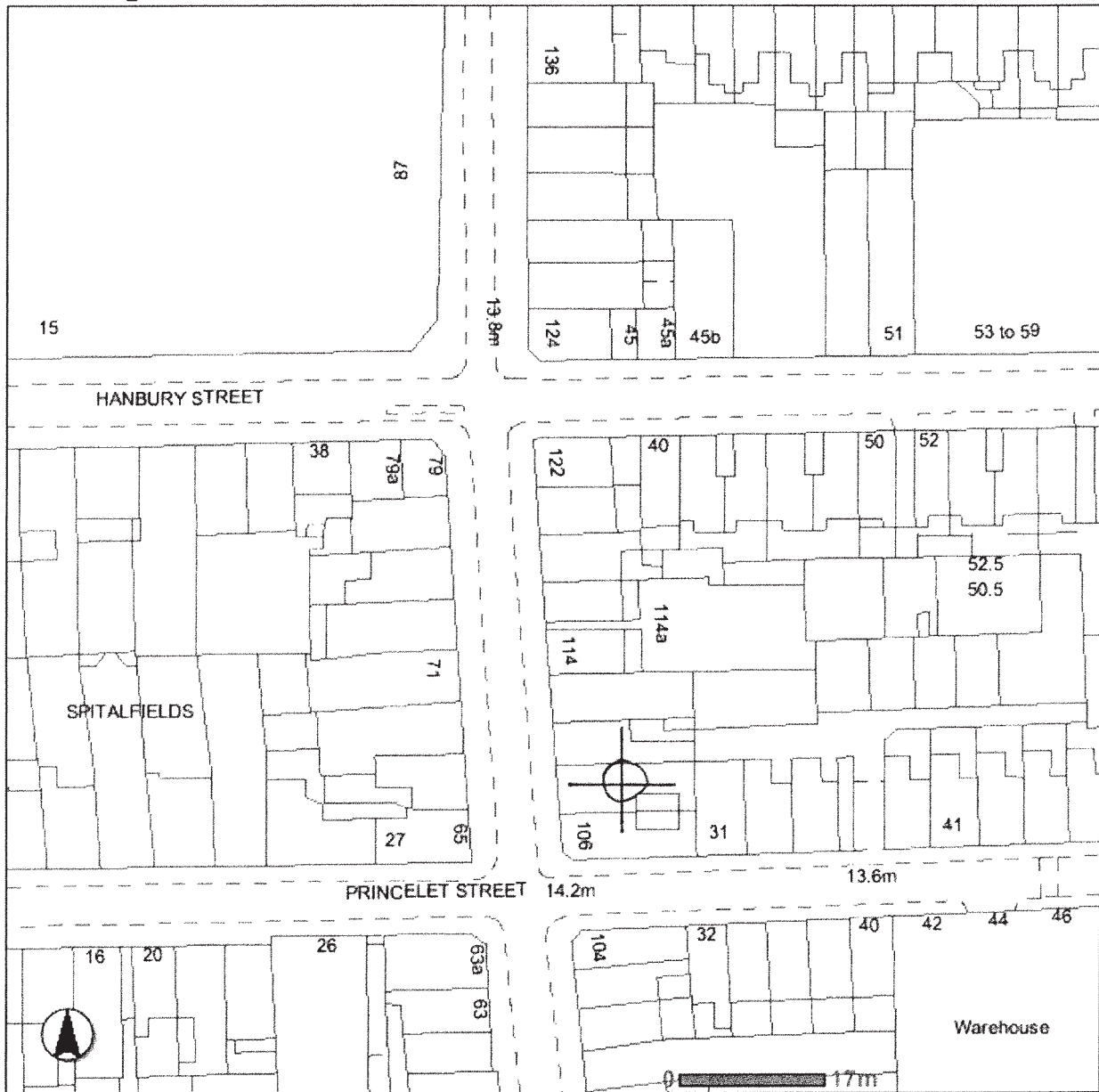
Produced 19 July 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:750

Map of:

Notes:

108 Brick Lane - large scale

Produced 19 July 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3

Nick Kemp

From: Derrick Harrington
Sent: 26 May 2010 13:46
To: Kathy Driver
Cc: Iain Pendrigh; Alan.Cruickshank@met.pnn.police.uk; Alkesh Solanki; Paul Johnson; Jacqueline Randall
Subject: Re: APPLICATION FOR A NEW PREMISES LICENSE-THE PREEM RESTAURANT, 108,BRICK LANE, E1

Kathy

**Re: THE LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENSE
THE PREEM RESTAURANT, 108,BRICK LANE, E1 6RL**

I have just recently received an application for a new Premises License from Mr A M Hussain in respect of the above premises.

Having examined it carefully, I regret to advise that I have literally no alternative but to OBJECT to this application for the following reasons:

- (1) Regrettably, the application form is both incomplete and inaccurate. The applicant proposes that these premises will remain open to the public from 12.00 noon to midnight seven days a week. The proposed hours of opening are not unreasonable however but he also proposes to sell alcohol for consumption on the premises for exactly the same hours with no time allowed (usually 30 minutes) for "drinking up time". This is totally unacceptable.
- (2) The managerial controls proposed to address and deal effectively with the four main licensing objectives and, in particular, the prevention of public nuisance, are totally inadequate. Despite spending over two hours with the applicant over 12 months ago when I very carefully discussed with him the necessary and practical managerial controls that should be adopted, the applicant has simply stated that he will advise customers to leave the premises quietly. No other details or information/controls are provided.
- (3) The applicant has not applied for a late night refreshment license despite the fact that he intends to sell both food and drink for consumption on the premises after 23.00 hours.

In view of the above, I regret that I have to OBJECT to this application.

D C Harrington
Principal Environmental Health
Officer
26th May, 2010

Appendix 4

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions 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 5

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)

Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	3 August 2010	Unclassified	LSC 17/011	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a new Premises Licence for 118-122 Brick Lane, London, E1 6RL.
Originating Officer: Nick Kemp Licensing Officer	Ward affected: Spitalfields & Banglatown

1.0 Summary

Applicant: **Pushpita UK Limited**
Name and
Address of Premises: **118-122 Brick Lane, London, E1 6RL.**

Licence sought: **Licensing Act 2003**
Sale of alcohol by retail
Provide regulated entertainment
Late Night Refreshment

Objectors: **Local Residents**
Metropolitan Police
Planning Enforcement
Environmental Protection

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

020 7364 7446

3.0 **Background**

- 3.1 This is an application for a new premises licence for 118 – 122 Brick Lane, London, E1 6RL.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the nature of the application as: “This is an Indian restaurant. We will serve the food and drinks”.
- 3.4 The hours that have been applied for are as follows:-

Sale of Alcohol (on and off sales)

Monday to Sunday 12:00 noon – 02:00 hours the following day.

The Provision of Regulated Entertainment:

Recorded music

Monday to Sunday 12:00 noon – 02:00 hours the following day.

Late Night Refreshment

Monday to Sunday 23:00 hours – 02:00 hours the following day.

Hours premises is open to the public:

Monday to Sunday 12:00 noon – 02:00 hours the following day.

Note:- Members may wish to note that in relation to the sale of alcohol 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.

- 3.5 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The 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 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.

5.2 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

- Local Residents
- Metropolitan Police
- Planning Enforcement
- Environmental Protection

See Appendices 6 - 29

5.3 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

5.4 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

5.5 The objections cover allegations of

- Anti social behaviour from patrons leaving the premises
- Disturbance from patrons leaving the premises on foot
- Close proximity to residential properties

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

6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).

- ❖ Routine conditions about drink promotions are not permitted but can be imposed in 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 31 - 354** 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	Maps of the area
Appendix 3	Representations from the Police
Appendix 4	Representations from Planning Enforcement
Appendix 5	Representations from Environmental Protection
Appendix 6	List of representations of Local residents
Appendix 7	Representation from Alan Williams
Appendix 8	Representation from Carolyn Fuest
Appendix 9	Representation from Chris Dyson & Sarah Dyson
Appendix 10	Representation from Richard Wingate
Appendix 11	Representation from Sam Williams
Appendix 12	Representation from E-Sin Soong
Appendix 13	Representation from Fay Cattini
Appendix 14	Representation from Glen Mifsud & Selina Mifsud
Appendix 15	Representation from Jane Curtis
Appendix 16	Representation from Jenny Maslin
Appendix 17	Representation from John Critchley & Sandy Critchley
Appendix 18	Representation from Julia Stegeman
Appendix 19	Representation from Juliet McKoen
Appendix 20	Representation from Keith Bowler
Appendix 21	Representation from Lez Brotherston
Appendix 22	Representation from Martin Gallagher
Appendix 23	Representation from Matthew Piper
Appendix 24	Representation from Megan Williams & Roberto Massari
Appendix 25	Representation from Pascale Lacroix & Roy Adams
Appendix 26	Representation from Patrica Jones
Appendix 27	Representation from Philip Vracas
Appendix 28	Representation from Shila Whitaker
Appendix 29	Representation from Elana Overs
Appendix 30	Representation from Nemisk Patel
Appendix 31	Licensing Officers comments on anti social behaviour when leaving the premises
Appendix 32	Licensing Officers comments on problems in access and egress
Appendix 33	Licensing Officers comments on Hours of trade

This page is intentionally left blank

Appendix 1



LICENSING ACT 2003

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

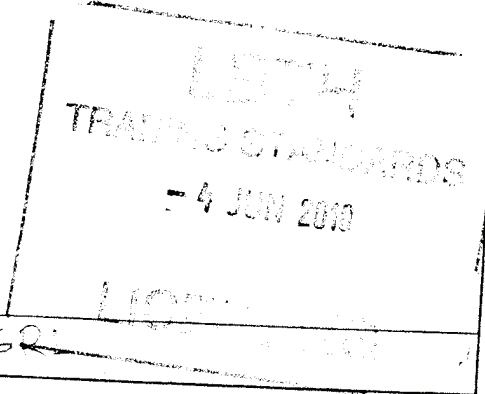
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep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

I/We (Insert name(s) of applicant) Pushpita UK Limited

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	
<u>118, 120 and 122 Boick Lane,</u>	
Post town <u>London</u>	Post code <u>E1 6Q</u>



Telephone number at premises (if any)

02072478466

Non-domestic rateable value of premises

£ 26000.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	pushpita UK Limited
Address	118, 120 and 122 Brick Lane
Registered number (where applicable)	6861503
Description of applicant (for example partnership, company, unincorporated association etc)	As a limited company
Telephone number, if any	02072473469
E-mail (optional)	azmalmeest@yahoo.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
21	05	2010

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

Day	Month	Year

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

--

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

This is a Indian Restaurant we will serve the food and drinks.

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12:00 PM	12:00 AM			
Tue	12:00 PM	02:00 AM			
Wed	12:00 PM	02:00 AM			
Thur	12:00 PM	02:00 AM			
Fri	12:00 PM	02:00 AM			
Sat	12:00 PM	02:00 AM			
Sun	12:00 PM	02:00 AM			
State any seasonal variations for playing recorded music (please read guidance note 4)					
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)			Indoor Music Christmas EVE New Year EVE Good Friday		

G

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

H

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

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

J

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

K

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

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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	2300	0200	Please give further details here (please read guidance	Both		
Tue	2300	0200				
Wed	2300	0200		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0200				
Fri	2300	0200		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	2300	0200				
Sun	2300	0200				

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon	12:50 PM	02:50 AM	Please give further details here (please read guidance	Both	<input checked="" type="checkbox"/>	
Tue	12:50 PM	02:50 AM				
Wed	12:50 PM	02:50 AM		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	12:50 PM	02:50 AM				
Fri	12:50 PM	02:50 AM		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:50 PM	02:50 AM				
Sun	12:50 PM	02:50 AM				

Box M continues on the next page...

Box M continued

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

Name

A.M. Hussain

Address

124 Brick Lane
London

Postcode E1 6RL

Personal Licence number(if known)

9969

Issuing licensing authority (if known)

Tower hamlet.

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)

Recorded Music Specially Individ.

0

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12:50 pm	02:50 am	
Tue	12:50 pm	02:50 am	
Wed	12:50 pm	02:50 am	
Thur	12:50 pm	02:50 am	
Fri	12:50 pm	02:50 am	
Sat	12:50 pm	02:00 am	
Sun	12:50 pm	02:00 am	

Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)

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)

Above 15 years children are only allowed.
We allow children with parents.

b) The prevention of crime and disorder

There should not be any crime happening
but to those is we will communicate with
local police immediately, put CCTV in the
premises to record the incidents.

c) Public safety

We will have required measures for
all safety precautions for public safety.

d) The prevention of public nuisance

The advice to the customer will be to
leave the restaurant quietly.

e) The protection of children from harm

We allow children till midnight with adults
not on their own in any situation. We are
trained for first aid. We also have public
liability insurance for unprovoked events. We
also provide licensed alcohol for our customers.

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

Farhana Akbar

Date

21-05-2016

Capacity

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)

A.M. Hussain

124 Borek Lane

Post town

London

Post code

E16 2R

Telephone number (if any)

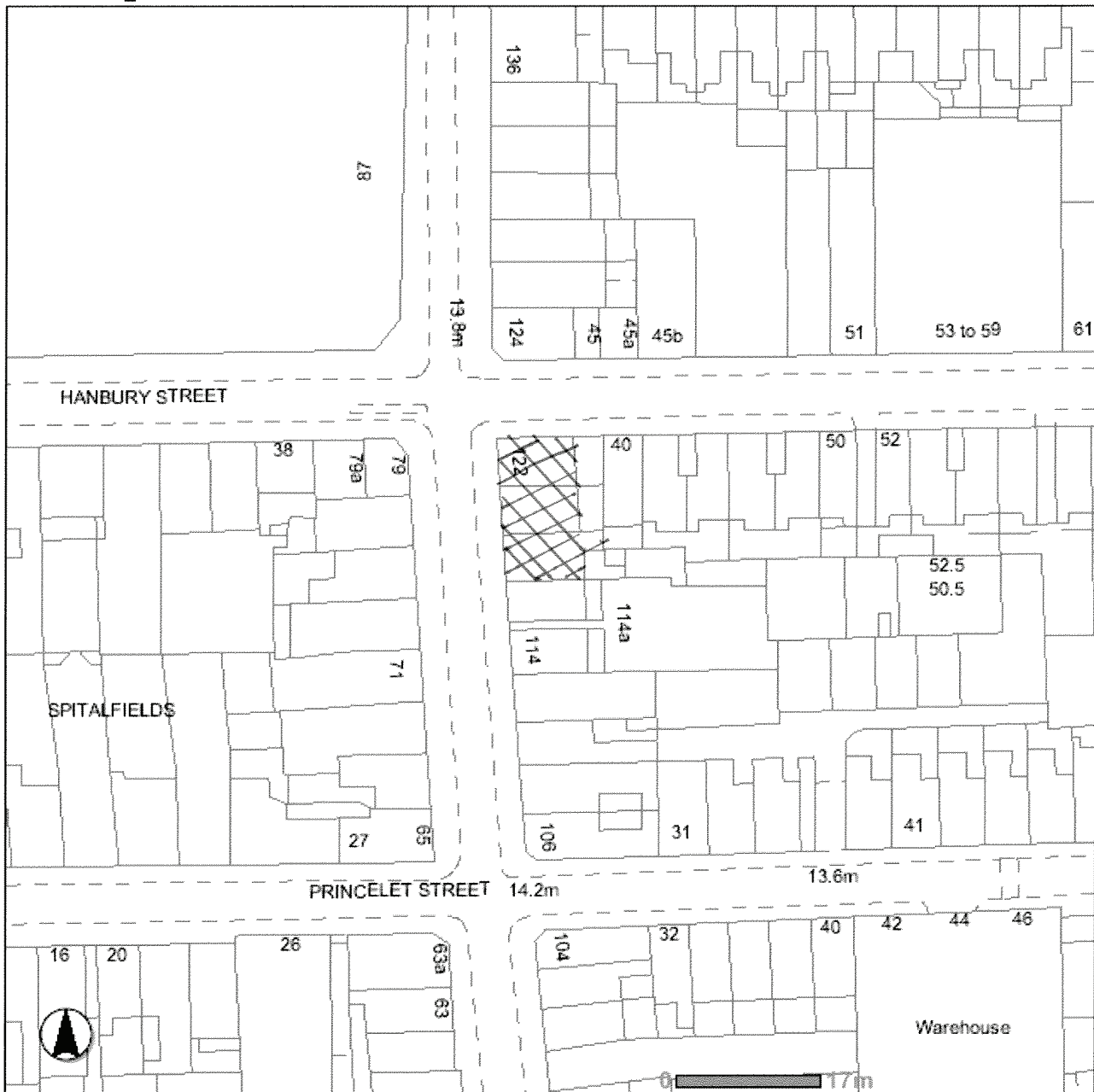
07961050400

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

azmalhussain@talker.co.uk

Appendix 2

Map



Scale 1:750

Map of:

Notes:

118-122 Brick Lane - large scale

Produced 19 July 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:2500

Map of:

Notes:

118-122 Brick Lane - small scale

Produced 19 July 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3



Working together for a safer London

TERRITORIAL POLICING

HT - Tower Hamlets Borough

Ms Randall

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

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

25th June 2010

Dear Ms Randall

Re: Premises Licence application
118 Brick Lane, E1 6RL

I write with reference to the above application, which was received in this office on the 2nd June 2010

Please accept this letter as notification that the police, as a responsible authority, are objecting to this application on the grounds that if granted in full, two out of the four licensing objectives will not be met; namely

Prevention of crime and disorder
Prevention of public nuisance.

Brick Lane is already a very busy area, one which would be suitable for a saturation policy. Although the night time economy is important it has to be balanced between the needs of the local businesses and those of the local residents.

I believe that the hours applied for are excessive. The hours exceed the vast majority of other restaurants' hours in Brick Lane. If the licence was to be granted, I believe there would be a number of other restaurants that would apply for similar hours. This would have a detrimental effect on the lives of the local population.

Although the overall figures in regard to crime cannot be placed against any individual premise, I believe the increased opening hours and the increased number of licensed premises has led to an increase of crime, with their customers becoming victims.

The police and their partners in LBTH have conducted joint enforcement operations targeting Brick Lane and the surrounding streets which have been very successful. Brick Lane prior to the December 2009 operation was described as:

- A long-term hot spot for crime with one of the highest crime densities in the borough.

Following Operation Autumn that lasted between the 3rd December 2009 and the 20th December 2009, the following statistics showed

The majority of offences are shown to have occurred along Brick Lane itself. The majority of offences during the operation occurred during expected peaks for this area, which is between Friday and Sunday, 2000-0400 hours.

During the period of the operation last year there were 38 arrests. This year, there were slightly fewer arrests at 34. However, this is likely to be attributable to the low levels of serious incidents that were experienced in the location at the time of the operation. These arrests resulted in 12 charges, including those for ABH, Public Order, Affray, Shoplifting and Possession of Drugs offences. In addition there were 19 cannabis warnings during the operation. There were also over 400 stops, which is an increase of 25% on the operation from last year.

Further to the above, between the 23rd July to the 30th August 2009 a Dispersal Zone was introduced in Brick Lane and its surrounding streets. It operated between 1800 to 0200. The aim of this policy is to disperse groups of two or more, where their presence or behaviour has resulted in or likely to result, in a member of public being harassed, intimidated, alarmed or distressed.

Fifty-eight crimes were reported: an increase from the previous year of 34 crimes. However a number of these crimes could be described as "police generated".

During the dispersal order there was 7 ABH's compared to 4, five weeks prior to the order.

Drug possession increased from 11 to 14. However drug supply decreased from 3 to 1. Theft person decreased from 8 to 5 and other theft (handbags etc) fell from 24 to 16. There was no displacement of crimes to surrounding wards during this period.

Over the last year, I believe the police and its local authority partners have worked together to improve the lives of the local residents. I cannot see by granting this application it would be of benefit to the local community. I ask the committee to reject this application.

If however the committee is to grant the application, I would like them to consider the following:

Times

1. All licensable activities

Mon - Sun 1200 - 2330

Opening Hours

Mon - Sun 1200 - midnight.

Christmas and New Year to be applied for by means of a TEN (or agreed hours of licensable activities until 0030, closing at 0100)

Conditions

1. Install / maintain CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority,

Alan Cruickshank PC 189HT

Appendix 4



To Licensing Department
From Planning Enforcement
Contact Cain Duncan
Extension 3975
Date 24/06/10
Our Ref. ENF/09/00121
Your Ref.
Subject Licensing Objection

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel **020 7364 3975**
Fax **020 7364 5415**
e-mail cain.duncan@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Objection to Premises License, 118-122 Brick Lane

The Planning Department wishes to object to the granting of a Premises License at 118-122 Brick Lane on the basis that the opening hours and the hours by which alcohol can be served are excessive. Approving these hours will result in a greater degree of noise and disturbance to persons living in the area, later into the night than what is already occurring.

As an aside from this, 118 Brick Lane does not have planning permission to operate as a restaurant and 120-122 Brick Lane has planning restrictions on the hours by which the premises can be open, these hours are:

- 9am – midnight, Monday to Saturday
- 10am – 11pm, Sundays and Public Holidays

Mr Hussain had an application refused for the extension of these hours in 2000 and was warned in writing in 2006 and 2009 about his continuous breaching of these hours. Despite this Mr Hussain has continued to operate in breach of his approved planning hours and when approached by Planning Enforcement Officers has been less than co-operative.

The applicant has also continued to operate past 11pm and supply alcohol despite his Premises License expiring on the 7th April 2010 and a warning letter being sent from the Licensing Authority on the 4th May 2010.

The disregard the applicant has had to both planning and licensing laws means the Local Planning Authority has serious concerns about the willingness of the applicant to meet any conditions imposed on the Premises License or keep to any hours of operation granted.

Public Nuisance

Brick Lane is very much a mixed use area that has a large residential population as well as a range of bars and restaurants that contribute to a thriving and in some instances out of control night time economy. Over the last 10 years the nature of the area has changed considerably with the influx of numerous restaurants, bars and clubs. With the influx of these types of uses has come an influx of people and Brick Lanes reputation as a place to eat and go out has become famous for Londoners and tourists alike. No one wishes to see the unique culture of

Brick Lane eroded but there needs to be a balance between night time activities and the right to a period of peace and quiet for the many residents who live in the area.

The Planning Enforcement Team has conducted a number of visits down Brick Lane, including in the early hours of the morning. There is a large amount of activity on the streets, especially up until 1am, when many of the bars at Truman's Brewery close. After this time (assuming no temporary events are occurring at any of the Truman Brewery venues) activity tends to die down as people drift away from the area or to other late night venues in the city.

Allowing the opening of this venue to 2am will result in noise and disturbances to residents later into the evening than what currently occurs, especially as people leave the venue and walk through residential streets in high spirits, shouting and laughing.

There is already a serious issue in Brick Lane with the cumulative effect of having so many bars and restaurants in a small area, on a narrow road. Visits by officers have witnessed numerous issues with people fighting on the streets, urinating, shouting, drinking and generally being anti-social.

I would refer to the Council's Licensing Policy which states the following:

More scrutiny should be given to premises operating past midnight on Friday and Saturdays, past 11.30pm on Mondays to Thursdays and past 10.30pm on Sundays. In particular the following points should be taken into consideration.

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

The location of the premises is in an area where residential properties are likely to be adversely affected by noise from patrons leaving the venue.

No information had been given on how the applicant intends to address the issue of patrons leaving the venue in the early hours of the morning and what measures will be taken to manage clients and control noise as they disperse away from the venue. There is little in the way of public transport at this time of night, in the immediate vicinity of the venue and patrons would be required to walk through residential streets to Aldgate, Liverpool Street, or Bethnal Green Road.

The continued granting of Premises Licences for new premises and for longer hours has now reached a point where the area is completely overwhelmed with people on Friday and Saturday evenings. Approving this Premises License for this venue will cause a public nuisance for people living in the area far later into the night. The current situation is hardly tolerable let alone allowing another premise in this area to operate until 2am.

Conclusion

Planning Enforcement **do not** support the application by Pushpita Ltd to supply alcohol at 118-122 Brick Lane until 2am as this will cause a serious public nuisance to surrounding residential occupiers later into the evening than what currently occurs. Brick Lane has reached a point where the late night economy is drawing uncontrollably large volumes of people to the area, late at night (especially on weekends) and this is causing a serious late night noise and disturbance issue to residents who live in the area. The granting of this Premises License will not maintain a balance between commercial activities and residential amenity, in an area where this is clearly required.

As an aside, the hours being applied for cannot legally be implemented as the premises does not have planning permission nor is planning permission likely to be granted.

The Local Planning Authority would support the application if the hours of operation were restricted to 12 midnight, in accordance with the applicant's planning permission.

Cain Duncan
Planning Enforcement Officer

Appendix 5

Nick Kemp

From: Derrick Harrington
Sent: 24 June 2010 15:29
To: Jacqueline Randall
Cc: Iain Pendrigh; Mohshin Ali; Nick Kemp; Kathy Driver
Subject: Re: APPLICATION FOR A NEW PREMISES LICENSE-118,BRICK LANE, E1

Jacqui

**Re: THE LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENSE
118,BRICK LANE, E1**

I have carefully examined the application dated the 21st May 2010 submitted by Pushpita UK Ltd in respect of the above premises.

After careful examination of the application, I regret that I have no alternative but to OBJECT to this application for the following reasons:

- (1) The hours of opening to the public are stipulated to be (i.e.) from 12 noon to 02.00 hours seven days a week.
The proposed hours of opening are therefore, both excessive and unreasonable in my professional opinion.
- (2) The hours proposed for the sale of alcohol for consumption on the premises are exactly the same as the proposed opening hours with no 30 minutes "drinking up time" allowed for by patrons which is unworkable. This is both unrealistic and unacceptable.
- (3) Section L of the application form relating to the application for a Late Night Refreshment License has been left blank by the applicant and not filled in at all even though the applicant intends for the premises to remain open until 02.00 hrs seven days a week.
- (4) The managerial controls referred to in how the applicant intends to address the serious issues relating to the Prevention of Public Nuisance have not been properly addressed and are totally inadequate.

In light of the above, I have no alternative but to OBJECT to the granting of a new Premises License in this instance.

D C Harrington
Principal Environmental Health
Officer
June, 2010

This page is intentionally left blank