

LICENSING SUB COMMITTEE

Tuesday, 11 February 2014 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

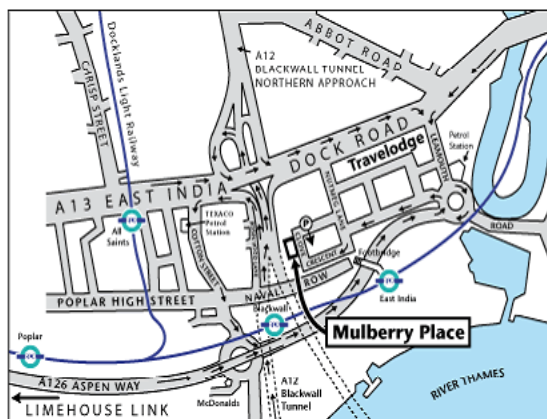
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QR code for smart phone users.

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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 Monitoring Officer.

2. RULES OF PROCEDURE (Pages 5 - 16)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 17 - 40)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 12th & 19th December 2013 & 14th January 2014.

		PAGE NUMBER	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION			
4 .1	Application for a New Premises Licence London Cocktail Club, Unit 12, Avant Garde, 32-42 Bethnal Green Road, London, E1 6HZ	41 - 106	Weavers
4 .2	Application for a New Premises Licence for Preem, Ground Floor & Basement, 118-122 Brick Lane, London E1 6RL	107 - 202	Spitalfields & Banglatown
5.	ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
 - 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 deemed as determined by default.

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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 grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

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

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 12 DECEMBER 2013

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Kathy Driver – (Principal Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services, Chief Executive's)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Guy Ladenburg - Counsel
PC Alan Cruickshank - Metropolitan Police
PC Mark Perry - Metropolitan Police
Insp. Kevin Weeden - Metropolitan Police
Sally McGillcrist - Solicitor

Objectors In Attendance:

Jeremy Philips - Counsel
Tom Edwards - Licensing Consultant
David Pollard - Premises Licence Holder
Algars Saveljers - Director
Gulliano Pistoni - Director
Rebecca Shaw - Rainbow Hamlets
Laura Kerrigan - Local Resident
Thomas Howard - Local Resident

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee meetings held on:

- 29th October 2013
- 6th November 2013 (2pm & 5pm)
- 12th November 2013
- 20th November 2013

were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION**5.1 Application to Review the Premises Licence for Joiners Arms, 116 - 118 Hackney Road, London E2 7QL**

At the start of the meeting, Kathy Driver, Principal Licensing Officer informed Members that the objectors had raised concerns about the review process, she explained that the review process was followed, notices had been put up, review advertised accordingly and noted on the webpage with contact details of Licensing Services as there was currently no facility on the webpage to maintain the full register. Ms Driver mentioned that it was fairly limited as to what could be put on the blue notices however asserted that all requirements had been met.

Mr Jeremy Philips, Counsel for the Premise Licence Holder, stated that the notice as drafted was defective and had the potential to make the proceedings invalid. He stated that the notice did not set out the grounds of the review but only the licensing objective which could imply many things.

Mr Guy Ladenburg, Counsel for the Metropolitan Police, did not agree that the notice was defective and believed that a failure of mandatory notice did not render a hearing. He explained that the notice was an opportunity for residents to support the review and there was no reason why the proceedings become nullified or void. It was noted that there was a large number of people supporting the premises and no one supporting the review.

Having sought legal advice from Mr Paul Greeno, Senior Advocate, Members conferred on this matter and agreed to continue with the hearing.

At the request of the Chair, Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Joiners Arms, 116-118 Hackney, London E2 7QL. It was noted that the review had been triggered by the Metropolitan Police and there had been representations made in support of the premises.

At the request of the Chair, Mr Guy Ladenburg, Counsel for the Metropolitan Police explained that the review of Joiners Arms, had been triggered by the Police, although it was a much loved and cherished institution, there were serious concerns of crime and disorder. It was noted that the pub was very busy, and had very late opening hours and was vulnerable for drinkers to come when other premises had closed.

He explained that incidents of crime and disorder over the past 18 months had led to the review, he then referred to the incidents detailed on pages 56 - 66 of the agenda.

Mr Ladenburg stated that the Premise Licence Holder had listened to advice about installing CCTV cameras, and changing glassware to polycarbonate glass and had agreed to these conditions to some degree. He explained that the main issue was to do with the late hours of the premises, which attracted more inebriated people to the premises.

He requested members to reduce closing hours to 12 midnight on week days and 00.30 on weekends and suggested conditions for CCTV cameras, ID scanners, SIA door staff, and no entry or re-entry conditions.

Members then heard from Mr Jeremy Philips, Counsel for Joiners Arms, he stated that he understood the responsibility of the police, however the review shouldn't have been brought. He stated that incidents of crime and disorder mentioned by the police did not reflect the hundreds of people in support of the premises who feel safe when they come to the premises. He asked Members to look at individual events and take notice of the steps taken by staff and management. He explained that the incidents referred to was down to the behaviour of public and not staff.

Mr Philips highlighted the prevention measures now in place to prevent theft, have dedicated SIA door staff, CCTV cameras in operation, signage displayed around the premises, a clock room service now available and there was nothing more that could be done.

He highlighted the reputation of Joiners Arms and its international reputation it had amongst the Lesbian, Gay, Bisexual and Transgender (LGBT) community, how they feel safe and welcomed. He highlighted that there were also a number of incidents that were not occurring because Joiners Arms was providing a safe area for its customers.

Mr Philips concluded that in order to protect its customers, all glasses have been changed to polycarbonate glasses and happy to have this as a condition, would also employ SIA door staff, and operate and maintain CCTV cameras within the premises. He stated that an introduction of ID scanners would be an additional and unsustainable cost and would do it in the future but would not prefer this as a condition, as foreign customers may feel sensitive about having information stored in a database and also some customers of the LGBT community may not want their information known. He lastly referred to letters sent in support of the premises and asked Members to note and consider them.

Members then heard from Ms Rebecca Shaw, Laura Kerrigan and Thomas Howard, supporters of the premises who expressed similar concerns about the changes to the Joiners Arms would have on the LGBT community, how it was a safe haven for people, the concerns of having ID scanners. They also shared positive experiences they have had at the premises.

In response to Members questions the following was noted;

- That the maximum capacity of the premises was for 115 people at any one time.
- That during a typical night approximately 400 customers would frequent the premises
- That the police relation with the premises has not been as good as it was during the Olympic period
- That there have always been issues of theft, however the introduction of CCTV cameras has been helping to locate valuables or see what's happened.
- That Joiners Arms crime rates were higher then other premises in the area as other premises have introduced ID scanners
- That specific crime statistics for Joiners Arms and other venues in the area were not available
- That the level of crime had declined over the past few days
- That the reduction in hours and additional conditions would reduce the crime and disorder as later hours attracted more people to the premises
- It was noted that the Patron Saints Days were not clearly defined in the conditions of the current licence.

Members retired to consider their decision at 7.55pm and reconvened at 8.20pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the review application in part by adding new conditions and amending existing conditions in order to address the concerns raised in relation to the licensing objective of “the prevention of crime and disorder”.

Members noted that advice had been given by the Police which had been followed by the Premises Licence Holder. Members believed that the application for a review was premature and it was clear from the recent number of incidents that there had been a reduction from 2 reported incidents a month to one a month in the space of a couple of months and that further improvements had been made in a very short period.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Joiners Arms 116-118 Hackney Road, London E2 7QL be **GRANTED in part**, with conditions.

Amendments to Conditions on Annex 2

1. There is to be no Adult Entertainment in the premises
2. Warning signs in relation to drugs are to be placed in conspicuous parts of the premises
3. There are to be signs at all exits asking customers to leave quietly.
4. No children are to be allowed in the bar area at any time.
5. The rear outside area of the premises is not to be used for any licensable activity.
6. Condition 6 is to be deleted.

New Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.

3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
4. Non standard hours restricted to specify Patrons Saints Days (St David, St Andrew, St George & St Patrick Day only).
5. Registered SIA door staff are to be present on the premises at all times on the following days and times until closing time;

Days	No of SIA Staff	Times	Total SIA Staff
Monday	1	22:00 hours	1
Tuesday & Wednesday	1	22:00 hours	2
	+1	23:00 hours	
Thursday	2	22:00 hours	4
	+ 2	23:00 hours	
Friday & Saturday	2	22:00 hours	6
	+ 3	23:00 hours	
	+ 1	01:00 hours	
Sunday	1	22:00 hours	3
	+ 2	23:00 hours	

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.30 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 19 DECEMBER 2013

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ann Jackson (Chair)

Councillor Rajib Ahmed
Councillor David Edgar

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Michael McCabe – (Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Jason Zeloof - (Stables Gallery)
Jack Spiegler - (Bottle Shop & Tap Room)
Nigel Owen - (Bottle Shop & Tap Room)
Morgan Hamilton – Griffin - (Holborn Workshop)
Roberto Plati - (Bar Salento)

Objectors In Attendance:

PC Mark Perry - (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Peter Golds for whom Councillor Rajib Ahmed substituted for.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee meetings held on 26th & 27th November 2013 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for a New Premises Licence for The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London, E1 6LZ

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London E1 6LZ. It was noted that an objections had been received from two local residents, one of whom had since then withdrawn their objection.

At the request of the Chair, Mr Jason Zeloof, Applicant briefly explained the purpose of the licence and highlighted that it would not be used as a bar, it would be to accompany events and exhibitions which would take place at the gallery.

He explained that there would be no off sales and therefore there would be no one drinking on the street. He then referred Members to his proposed conditions which would help promote the licensing objectives.

It was noted that the concern raised by the objector was solely on noise breakout, he stated that there had been a site visit made by Environmental Health Officers who had no objection to the application, he also explained that a store room would be built which would have extra insulation and this was noted in the acoustic report. Mr Zeloof concluded by saying that no responsible authorities had objected to the application and one of the two objectors had withdrawn their objection.

Mr Ali, at this point informed Members that the premises was within the saturation special cumulative impact area, however it was noted that when this application was made the policy was not in effect and therefore does not apply in this application.

The objector was not present at the meeting so therefore Members noted and considered their written objection contained in the agenda.

In response to questions the following was noted;

- That CCTV cameras would be kept for 31 days and took images of the internal area and the entrance and did not capture the highway.
- That the storeroom had planning permission and with the extra insulation it would be 1db better in restricting noise emanating from the premise.

- That smokers would be on Commercial Road, there would be no off sales and patrons would not be allowed to take drinks outside the premises
- That the conditions proposed would deal with all the concerns that the objector had.
- That the doors of the storeroom would not be in constant use.

Members retired to consider their decision at 7.05pm and reconvened at 7.15pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to the applicant and considered and noted the written representation made by the local resident and decided to grant the applicant with conditions. Members believed that conditions imposed would alleviate the concerns of the local resident and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Stables Gallery, Lower Ground Floor, 106 Commercial Street, London E1 6LZ be **GRANTED** with conditions.

Sale of Alcohol (On sales)

Monday to Sunday from 11:00hrs to 22:00hrs

Regulated entertainment (Films):

Monday to Sunday from 11:00hrs to 23:00hrs

Regulated entertainment (Plays):

Monday to Sunday from 11:00hrs to 22:30hrs

Regulated entertainment (Indoor Sport):

Monday to Sunday from 11:00hrs to 22:00hrs

Regulated entertainment (Recorded Music):

Monday to Sunday from 11:00hrs to 23:00hrs

Regulated entertainment (Dance):

Monday to Sunday from 11:00hrs to 22:30hrs

Hours premises are open to the public:

Monday to Sunday from 10:00hrs to 23:00hrs

Conditions

1. The Designated Premises Supervisor or a Personal Licence Holder or nominated person will be on the Premises at all times while open for trade.
2. Adequate and appropriate first aid equipment will be available in the Premises.
3. A fire risk assessment will be maintained and reviewed as necessary.
4. An event specific risk assessment shall be prepared in respect of every event in the Premises.
5. Emergency lighting, illuminated emergency exit signs, fire fighting equipment and emergency exit doors will be regularly checked to ensure they function correctly.
6. When disabled people are present adequate arrangements will be made to enable their safe evacuation in the event of an emergency. In the event of an emergency any disabled people in the Premises will be made aware of the evacuation arrangements.
7. Clear and legible notices will be displayed at the exit to the Premises requesting customers to respect local residents and to leave the Premises and the area quietly.
8. The Premises will adopt a policy under which any person attempting to purchase alcohol who appears to be under 21 will be asked for photographic ID as proof of their age.
9. For any event in the Premises where there is to be the sale of alcohol, children under 16 years of age will not be allowed to enter the Premises without being accompanied by an adult of 18 years of age or older.
10. During events where alcohol is to be sold in the Premises, SIA accredited security guards will be positioned at the entrance to the Premises monitoring the entrance and exit of people.
11. Any spillages of food or drink in the Premises will be cleaned up as soon as they are noticed by staff.
12. There shall be no off-sales of alcohol.

- 13.Noise emanating from the Premises shall not be audible at the nearest affected residential façade.
- 14.Noise emanating from the Premises shall not cause a public and/or statutory noise nuisance to the nearest affected business/commercial premises.
- 15.Recorded music may not be played in the Premises in excess of an overall volume of 82dBA.
- 16.CCTV camera system covering both internal and entrance to the premises is to be installed.
- 17.The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
- 18.At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

5.2 Application for a New Premises Licence for Bottle Shop and Tap Room, Arch 251 Paradise Row, London, E2 9LE

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for Bottle Shop and Tap Room, Arch 251 Paradise Row, London E2 9LE. It was noted that an objection had been received from a local resident, whom was unable to attend the meeting however sent in a written statement for Members to note.

At the request of the Chair, Mr Nigel Owen, Applicant, briefly explained that the premises would be an American tap room and bottle shop selling premium quality beer. He stated that he had 10 years of experience and was interested in the upcoming beer scene.

Members then heard from Mr Jack Speigler, Licensing Representative who asked Members to note that there had been no representation made by the responsible authorities; he explained that the applicants could directly control the external area and monitor any noise nuisance. It was noted that there was an issue with the sound barrier due to Network Rail, as its meters away from the premises, however the Applicant was in conversation with Network Rail about noise issues and insulation.

He stated this premises was new, there was no previous history and they would be occupying a vacant unit and revitalise an old place. He said that management were very responsible and offered conditions to help alleviate the concerns of the local resident.

In response to questions it was noted;

- That there would be no drinking outside the venue after 10pm,
- That the capacity of the premises was for 50 people.
- That the smokers area would be a designated area with a shelter
- That no music would be played outside the premises
- That CCTV conditions had been proposed as an extra layer of protection.

Members retired to consider their decision at 7.40pm and reconvened at 7.50pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence and add conditions in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

The Sub Committee noted both comments and representations from the applicant and noted and considered the written representation from the objector. Members did not think it was appropriate or proportionate to reject the application as Members felt that a condition to restrict patrons from taking open drinks outside the premise after 22:00 hours would reduce the noise nuisance that would occur if patrons were to drink outside later into the night. This would help address the concerns raised by the objector and allow the applicant to also trade to later hours.

Members also advised the applicant to consider placing a shelter next to the premise to allow smokers to be in one designated area as far away as possible from the resident's dwelling.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new Premises Licence for, Bottle Shop and Tap Room, Arch 251 Paradise Row, London E2 9LE be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday to Saturday from 10:00hrs to 00:00hrs (midnight)

Sunday from 12:00hrs to 23:00hrs

The Provision of Late Night Refreshment (indoors):

Monday to Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of recorded music (indoors):

Monday to Saturday from 10:00hrs to 00:00hrs (midnight)

Sunday from 12:00hrs to 23:00hrs

Hours premises is open to the public:

Monday to Saturday from 10:00hrs to 00:30hrs (the following day)

Sunday from 12:00hrs to 23:30hrs

Conditions

1. CCTV camera system covering both internal and external to the premise is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
4. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the premises where alcohol is sold and supplied.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following;
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service

6. Clear signage is to be displayed prominently and maintained at all exists of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
7. Refuse, including bottles is to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
8. No customer drinking in the Premises external area after 10pm;
9. No noise from regulated entertainment shall be audible at any affected façade at a level that causes a public nuisance.
10. No more than 10 smokers allowed to smoke in the external areas after 10pm.

5.3 Application for a New Premises Licence for The Holborn Workshop, 493 Hackney Road, London, E2 9ED

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for The Holborn Workshop, 493 Hackney Road, London E2 9ED. It was noted that an objection had been received from a local resident.

At the request of the Chair, Mr Morgan Hamilton-Griffin explained that this was a café, shop and deli. There would be an off licence service, packaged as gifts to takeaway. There would be premium alcohol sold as an ancillary to the products sold at the cafe.

He further explained that there would be drink tasting events, the premises had a capacity for 40 people, it was located on Hackney Road which was a very busy road, he explained that he had tried to contact the objector but had no luck he then referred Members to the conditions proposed on page 210 of the agenda.

In response to questions it was noted that there would be no dancing at the premises, the off sale of alcohol would be packaged as gifts and containers would not be opened at the premises, there would be no amplified music

Members retired to consider their decision at 8pm and reconvened at 8.15pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence in part and add conditions in order to address the concerns raised in relation to the licensing objectives of “the prevention of public nuisance” and “the prevention of crime and disorder”.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, The Holborn Workshop, 493 Hackney Road, London E2 9ED be **GRANTED in part**, with conditions.

Sale of Alcohol (on and off sale)

Sunday to Thursday from 08:00hrs to 20:45hrs

Friday to Saturday from 08:00hrs to 22:45hrs

The Provision of Regulated Entertainment in the form of live music (indoors):

Saturday from 19:00hrs to 22:00hrs

Hours premises is open to the public:

Sunday to Thursday from 08:00hrs to 21:00hrs

Friday to Saturday from 08:00hrs to 23:00hrs

Condition

1. No music noise or patron noise will be audible at any affected residential facade;
2. Any music must not be amplified
3. No more than 5 smokers outside at any one time;
4. No drinks to be taken outside the premises after 8pm.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Mr Michael McCabe, stated that he had been to the premises on occasions. However, had not discussed this application prior to the hearing.

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a Temporary Event

Notice for Bar Salento, 3 Clove Crescent, London E14 2BB. It was noted that an objection had been received from the Police.

At the request of the Chair, Mr Dean Tindall, Security Management explained that he had been employed by the Applicant Mr Roberto Plati to take care and manage the security at the premises, he explained that there were security plans in place with, signing in procedures, monitoring numbers in and out of the premise, etc.

Members then heard from Mr Plati who explained that the TEN application was for a New Years Eve party for three family groups for a dinner and dance.

At the request of the Chair, PC Mark Perry, Metropolitan Police explained that having spoken to Mr Ian Wareing, Environmental Health about extending hours, Mr Plati was advised to do a risk assessment 3 weeks in advance of an event which had not been done. He then referred to his statement and detailed an incident which took place outside the premises, he highlighted that the premises was open outside its trading hours, there were 30 people taking part in a fight and a flick knife was found on the floor after the crowd had dispersed. He then mentioned that the Mr Plati showed little remorse when the Police Officers went to visit the premises the next day.

PC Perry then concluded that they should reduce the time to 02:00 hours as 04:00 hours was too excessive and have no external DJ playing at the party as it could lead to a promoted DJ event.

In response to questions from Members it was noted;

That there had been 4/5 other TEN applications and there had been no complaints

That a family member would be playing the music via a lap top and there would be no external DJ playing at the premises.

That it was for a New Years Eve party for 3 families and their friends

That there would be a ticket entry system so no one could just walk in from the street

That they wanted a 4am licence as they now have security measures in place to deal with any issues

That there would be a dispersal policy in place to help minimise the disruption when people would be leaving.

That the venue capacity was 160 people

PC Mark Perry questioned why a ticket entry system would be required if it was for a private family event.

Members retired to consider their decision at 8.45pm and reconvened at 9.00pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence. Members believed that the security measures in place and with the agreement that no promoted DJ would be used for the event would address the concerns raised by the Police. Members also suggested some in formatives in order to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee via majority decision –

RESOLVED

That the application for a Temporary Event Notice, Bar Salento, 3 Clove Crescent, London E14 2BB be **GRANTED**.

The Provision for Sale of Alcohol/ Regulated Entertainment & Late Night Refreshments

Wednesday 1st January 2014 from 01:00 to 04:00 hours

In formatives

1. No promoted/external DJ to be used for the event
2. 3 SIA door staff to be on duty until closing time.

The meeting ended at 9.15 p.m.

Chair, Councillor Ann Jackson
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 14 JANUARY 2014

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson
Councillor Joshua Peck

Officers Present:

Kathy Driver	- (Principal Licensing Officer)
Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Paul Greeno	- (Senior Advocate, Legal Services, Chief Executive's)
John McCrohan	- (Trading Standards & Licensing Manager)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

PC Mark Perry	- (Metropolitan Police)
Selina Misfud	- (Resident)

Objectors In Attendance:

Anthony Edwards	- (Legal Representative)
Abdul Wahid	- (Premise Licence Holder)
Kobir Ahmed	- (A&Y Wines)
Mahbub Rahman	- (A&Y Wines)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for A & Y Wines, 116 Brick Lane, London, E1 6RL

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a review of the premises licence for A&Y Wines, 116 Brick Lane, London E1 6RL. It was noted that the Licensing Authority had triggered the review and that Police and local residents were also supporting the review.

At the request of the Chair, Mr John McCrohan, Trading Standards & Licensing Manager gave a brief history of the premises, and referred to his representation contained in the agenda on pages 30-40, highlighting the following points;

- On 15 April 2011, two bottles of counterfeit Jacob's Creek wine were seized from the premises.
- During a test purchase visit it was observed that a member of staff was giving out plastic cups when requested by customers.
- That people were congregating outside the premises till early hours of the morning on a regular basis, consuming alcohol and drinking from plastic cups.
- That the test purchase showed that the premise was facilitating the immediate consumption of the alcohol in the public areas in and around Brick Lane.
- That the CCTV footage produced as supplementary evidence proved that there were constant groups of people standing outside the premise.
- That on occasions alcohol had been sold to intoxicated persons and the concern that the Hopetown Hostel was in close proximity to the premises.
- That the lack of management control of the business, was lead to believe that there was a risk that sales of alcohol would be made to vulnerable adults, leading to public nuisance.
- That the premises had links to another off licence in Brick Lane which was know to cause public nuisance and crime and disorder.

Mr McCrohan concluded that the Licensing Authority had serious concerns regarding the general management of the premises and in particular because of the nature of the area and concerns about crime and disorder, protection of children from harm and public nuisance. The Licensing Authority needed to have confidence that licensed premises in the Brick Lane area were managed in way to ensure the Licensing Objectives were met. He urged Members to revoke the license and if Members were not minded to revoke the licence he requested the committee use its powers to impose a suspension of the licence for a time for which the committee deemed appropriate and in order to

improve the management of the premises he asked for the terminal hours to be changed and reduced to 11pm and further conditions to be added to the licence.

Members then heard from PC Mark Perry, Metropolitan Police who referred to his representation on page 63. He stated that Tower Hamlets was second to West End in terms of ASB calls to Police in London. He explained that people would frequent the off licences to pre load before going into bars and clubs. He then referred to the incidents that occurred at the premises and the weapon found behind the counter. He also mentioned that during a recent visit it was noted that the refusal/incident book had not been maintained and had no entry since November 2012. PC Perry concluded that the Police endorsed the Licensing Authority's recommendation to request for a revocation of the licence.

Members then head from Ms Selina Misfud, representing local residents in the area, she raised concerns regarding the anti-social behaviour, loss of amenity, public nuisance and disorder in the area. She also stated that the premise was opening beyond its terminal hour and that plastic cups were provided to customer to encourage drinking in the area.

Members then heard from Mr Anthony Edwards, Legal Representative for the Premises Licence Holder, he stated that there had been an enormous amount of unfairness in this review application. During his submission the following points were noted;

- That there was no evidence of residents from hostels frequenting the premises. As there were many more off licences closer to the hostel than the premises.
- That there have been no complaints of noise nuisance since the present management have been in place which was for the past 10 years.
- That there was no evidence to suggest that the shop had been operating outside its opening hours.
- That there could not be any music played at the premises as there was no music system at the premises.
- That selling or providing plastic cups was not a breach of the licence as there was no condition to not sell plastic cups.
- That the area was a no drinking zone, and that there were no signs up in the area.
- That staff cannot control people outside the premises and that were a matter for the Police.
- That due to the financial climate it would be detrimental to the business if hours were reduced.
- That there had been no mention that the premises had a successful test purchase done recently.
- It was accepted that the refusal book was not kept up to date but was now being recorded on a regular basis.

- It was also accepted that plastic cups had been provided to customers previously but this was not unlawful and when spoken to about this by the Police they had stopped.
- That the member of staff who had been arrested by the police during the incident was released without charge and apologized to.

Mr Edwards concluded that Robi's off Licence, 106 Brick Lane had nothing to do with the premises and if hours were reduced then this would financially impact on the business.

In response to Members' questions it was noted;

- That CCTV footage requested by the Police was received and there was no evidence to suggest that the premises had been open outside its terminal hours and that a Personal Licence Holder had been seen to be on the premise at all times.
- That there was some confusion as to where the weapon was found?
- That the member of staff had been realised as mistaken identity.
- That reference to the hostel in close proximity to the premises was a generalised complaint.

Members retired to consider their decision at 7.15pm and reconvened at 7.45pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the review application in part by adding new conditions to address the concerns raised in relation to the licensing objective of "the prevention of crime and disorder" and "the prevention of public nuisance".

Members listened carefully to representations made by both parties, and accepted the representation made by Mr Edwards, that there were a number of issues that were not relevant to the specific premises. The Chair stated that the CCTV footage had been reviewed and Members had concern over the number of people congregating outside the premises over such a long period of time. Members did consider the options for revocation and reduction in hours however believed that this was not appropriate or proportionate in this instance and believed that the conditions would address the concerns raised by the Applicant and those supporting the review.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, A&Y Wines, 116 Brick Lane, London E1 6RL be **GRANTED in part**, with conditions.

Conditions

1. The premises will not sell any beer, lager or cider that exceeds the strength of 5.6% abv and no sale of single cans.
2. The premises will not supply or sell drinking containers such as plastic cups.
3. During a sale of alcohol, the premises will not open any container the alcohol is contained in.
4. Alcohol purchased at the premise should not be consumed immediately outside the premises.
5. One registered SIA door staff to be present on the premises on Fridays & Saturdays at all times from 23:00 hours until closing time. A record of logging in and logging out times and SIA badge numbers shall be kept.

4.2 Application for a New Premises Licence at The Restaurant, Unit 1, 19-29 Redchurch Street, London, E2 7DJ

The consideration of this item was adjourned at the request of the Applicant and has been scheduled for the Licensing Sub Committee on 04 March 2014.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 February 2014	Unclassified	LSC 63/134	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a New Premises Licence London Cocktail Club, Unit 12, Avant Garde, 32-42 Bethnal Green Road, London, E1 6HZ
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: **London Cocktail Club Ltd.**
Name and **London Cocktail Club**
Address of Premises: **Unit 12, Avant Garde**
32-42 Bethnal Green Road
London
E1 6HZ

Licence sought: **Licensing Act 2003**
Extending the hours for the sale of alcohol
Late Night Refreshment
Provide regulated entertainment

Objectors: **Local Residents**
Metropolitan Police

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

Andrew Heron
020 7364 2665

3.0 Background

3.1 This is an application for a premises licence for London Cocktail Club, Unit 12, Avant Garde, 32-42 Bethnal Green Road, London, E1 6HZ.

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

3.3 The applicant has described the nature of the application as:

- Extending the hours for the sale of alcohol
- Extending late night refreshment
- Extending regulated entertainment

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

Sale of Alcohol (on sales only)

- Monday to Wednesday from 16:30hrs to 02:00hrs (the following day)
- Thursday to Saturday from 16:30hrs to 03:00hrs (the following day)
- Sunday from 16:30hrs to 24:00hrs (midnight)

The Provision of Late Night Refreshment (indoors):

- Monday to Wednesday from 23:00hrs to 02:00hrs (the following day)
- Thursday to Saturday from 23:00hrs to 02:00hrs (the following day)

The Provision of Regulated Entertainment in the form of Films (indoors), Live Music (indoors) and Recorded Music (indoors):

- Monday to Wednesday from 16:30hrs to 02:00hrs (the following day)
- Wednesday to Saturday from 16:30hrs to 03:00hrs (the following day)
- Sunday from 16:30hrs to 24:00hrs (midnight)

Hours premises is open to the public:

- Monday to Wednesday from 10:00hrs to 02:00hrs (the following day)
- Thursday to Saturday from 10:00hrs to 03:00hrs (the following day)
- Sunday from 10:00hrs to 23:00hrs

There are further non-standard times applied for:

- When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence;
- Bank Holiday Sundays – 16:30hrs to 02:00hrs (the following day)
- New Year's Eve – from the end of trade on New Year's Eve to the start of trade on New Year's Day

- 3.5 Where the hours of selling alcohol and or late night refreshment and the premises being open to the public overlap the following comment should be added

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.

- 3.6 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 1st November 2013.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.

- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely

means something that will probably happen, i.e. on balance more likely than not.

- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents
 - Metropolitan Police (including a supporting statement)
- See Appendices 4-8**
- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.11 The objections cover allegations of
- Anti-social behaviour from patrons leaving the premises
 - Drug taking
 - Noise while the premise is in use

- Disturbance from patrons leaving the premises on foot
- Close proximity to residential properties
- Unusual Drinking Hours
- The Tower Hamlets Cumulative Impact Zone

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

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

6.0 Licensing Officer Comments

6.1 The following is intended 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 medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ 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 (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)
- ∇ 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 (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstance (10.38). 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 conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 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 9-15** 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** Copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 4** Representations of Local resident Matthew Day
- Appendix 5** Representations of Local resident Jonathan Fitch
- Appendix 6** Representations of Local resident Brendon Pinch
- Appendix 7** Representations of Local resident Gabriele Popp
- Appendix 8** Representations of Metropolitan PC Alan Cruickshank with supporting statement from PC Colin Reed
- Appendix 9** Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
- Appendix 10** Licensing Officer comments on Drug Taking
- Appendix 11** Licensing Officer comments on Noise While the Premise is in Use
- Appendix 12** Licensing Officer comments on Access and Egress Problems
- Appendix 13** Licensing Officer comments on Unusual Drinking Hours
- Appendix 14** Licensing Officer comments on Licensing Policy Relating to Hours of Trading
- Appendix 15** Licensing Officer comments Special Cumulative Impact Policy for the Brick Lane Area

Appendix 1

£100 -
receipt:
235554

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 London Cocktail Club Limited

(Insert name(s) of applicant)

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

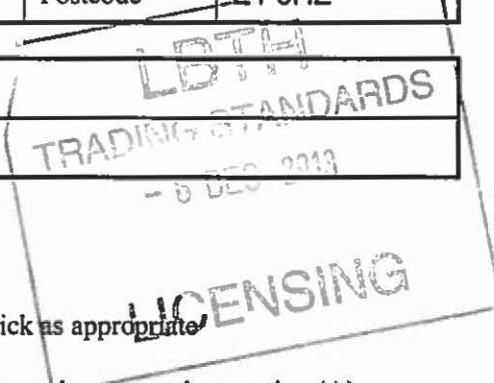
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
LONDON COCKTAIL CLUB, UNIT 12, AVANT GARDE, 32-42 BETHNAL GREEN ROAD	

Post town	LONDON	Postcode	E1-6HZ
-----------	--------	----------	--------

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£ not issued
---	--------------



Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name London Cocktail Club Limited
Address 15 Windmill Street Brill Aylesbury HP18 9SZ c/ LT Law, 18 Soho Square London W1D 3QL
Registered number (where applicable) 07438012
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) c/ [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	01	2014

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

DD	MM	YYYY

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

Cocktail Lounge

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

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
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 the 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 films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	16.30	02.00	Please give further details here (please read guidance note 3) No cinema style showing of films DVD screens only		
Tue	16.30	02.00			
Wed	16.30	02.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	16.30	03.00			
Fri	16.30	03.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence. Bank Holiday Sundays- 16.30- 02.00 the following day NYE- from the end of trade on NYE to the start of trade on NYD		
Sat	16.30	03.00			
Sun	16.30	24.00			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	16.30	02.00			
Tue	16.30	02.00			
Wed	16.30	02.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	16.30	03.00			
Fri	16.30	03.00	<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	16.30	03.00	When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence.		
Sun	16.30	24.00	Bank Holiday Sundays- 16.30- 02.00 the following day NYE- from the end of trade on NYE to the start of trade on NYD		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	16.30	02.00			
Tue	16.30	02.00			
Wed	16.30	02.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	16.30	03.00			
Fri	16.30	03.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence. Bank Holiday Sundays- 16.30- 02.00 the following day NYE- from the end of trade on NYE to the start of trade on NYD		
Sat	16.30	03.00			
Sun	16.30	24.00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	02.00	<u>Please give further details here</u> (please read guidance note 3) Hot food and drinks will be available		
Tue	23.00	02.00			
Wed	23.00	02.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	03.00			
Fri	23.00	03.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23.00	03.00	When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence. Bank Holiday Sundays- 23.00- 02.00 the following day NYE- from 23.00 on NYE to 05.00 on NYD		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	16.30	02.00			
Tue	16.30	02.00			
Wed	16.30	02.00			
Thur	16.30	03.00	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) When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence. Bank Holiday Sundays- 16.30- 02.00 the following day NYE- from the end of trade on NYE to the start of trade on NYD		
Fri	16.30	03.00			
Sat	16.30	03.00			
Sun	16.30	24.00			

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

Name John James Goodman	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	

Issuing licensing authority (if known)

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	02.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	10.00	02.00	
Wed	10.00	02.00	
Thur	10.00	03.00	
Fri	10.00	03.00	
Sat	10.00	03.00	
Sun	10.00	23.00	

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

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

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
7. No servicing to take place before 8am and after 11pm.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
11. There shall be no off sales permitted
12. There shall be a designated member of staff who is able to advise other staff on child protection matters
13. Any person permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them
14. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that

no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

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

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

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

17. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

Checklist:


Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	5 December 2013
Capacity	Solicitor for applicant

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

Signature	
Date	
Capacity	

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

Lana Tricker
LT Law
18 Soho Square

Post town	London	Postcode	W1D 3QL
-----------	--------	----------	---------

Telephone number (if any)	■■■■■■■■■■
---------------------------	------------

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

■■■■■■■■■■

Notes for Guidance

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

Appendix 2

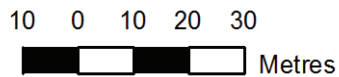


Avant Garde

Map 1



Scale 1:1669



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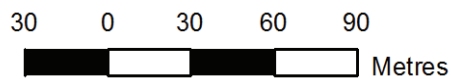


Avant Garde

Map 2



Scale 1:3338



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Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult

for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 13 December 2013 11:55
To: Andrew Heron
Subject: FW: License application 32-42 Bethnal Green Road

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

From: Matthew Day [REDACTED]
Sent: 12 December 2013 21:09
To: Licensing
Subject: License application 32-42 Bethnal Green Road

To Whom It May Concern

I write to object to the grant of:

- (a) recorded music, live music, film and retail sale of alcohol licence; and
- (b) late night refreshment

in response to the application received by the authority on 5th December 2013 for the following address:

London Cocktail Club
Unit 12
Avant Garde
32-42 Bethnal Green Road
London
E1 6HZ

The address is within the newly designated saturation zone. There is therefore a rebuttable presumption against granting this license, which involves the supply of alcohol. The applicants offer no reason why their plans are so exceptional that they should override the presumption against granting such a license. In fact, they propose to supply alcohol until 3am in the morning, which in my experience and that of many other local residents causes the most public nuisance and petty crime and disorder (public urinating, vomiting, noise, drug-dealing, damage to property etc).

My objections are therefore on grounds of the cumulative effect on all four licensing objectives, i.e. the rationale for the saturation zone recently adopted by the Council, and additionally on the grounds of an especially serious impact on the public nuisance and crime and disorder objectives due to the proposed hours.

I would also stress that this application is being made before the full occupation of the Avant Garde development on Sclater Street/ Bethnal Green Road and without canvassing the opinion of the many residents who will occupy that development and obviously be affected by a premises licensed until 3:00am.

Yours faithfully,

Matthew Day
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 5

Andrew Heron

From: Mohshin Ali on behalf of Licensing
Sent: 13 December 2013 11:55
To: Andrew Heron
Subject: FW: New late night licence application: Unit 12, Avant Garde.

From: Jonathan Fitch [REDACTED]
Sent: 12 December 2013 20:53
To: Licensing
Subject: New late night licence application: Unit 12, Avant Garde.

Dear Sirs -

I write to object to the grant of:

- (a) recorded music, live music, film and retail sale of alcohol licence; and
- (b) late night refreshment

in response to the application received by the authority on 5th December 2013 for the following address:

London Cocktail Club
Unit 12
Avant Garde
32-42 Bethnal Green Road
London
E1 6HZ

The address is within the newly designated saturation zone. There is therefore a rebuttable presumption against granting this license, which involves the supply of alcohol. The applicants offer no reason why their plans are so exceptional that they should override the presumption against granting such a license. In fact, they propose to supply alcohol until 3am in the morning, which in my experience and that of many other local residents causes the most public nuisance and petty crime and disorder (public urinating, vomiting, noise, drug-dealing, damage to property etc).

My objections are therefore on grounds of the cumulative effect on all four licensing objectives, i.e. the rationale for the saturation zone recently adopted by the Council, and additionally on the grounds of an especially serious impact on the public nuisance and crime and disorder objectives due to the proposed hours.

I am copying this e-mail to my local residents association and neighbourhood policing team.

Yours faithfully,

Jonathan Fitch
[REDACTED]

Appendix 6

Andrew Heron

From: Brendon Pinch [REDACTED]
Sent: 12 December 2013 19:09
To: Licensing
Cc: Andrew Heron
Subject: New late night licence application: Unit 12, Avant Garde.

Dear Sirs -

I write to object to the grant of:

(a) recorded music, live music, film and retail sale of alcohol licence; and

(b) late night refreshment

in response to the application received by the authority on 5th December 2013 for the following address:

London Cocktail Club
Unit 12
Avant Garde
32-42 Bethnal Green Road
London
E1 6HZ

The address is within the newly designated saturation zone. There is therefore a rebuttable presumption against granting this license, which involves the supply of alcohol. The applicants offer no reason why their plans are so exceptional that they should override the presumption against granting such a license. In fact, they propose to supply alcohol until 3am in the morning, which in my experience and that of many other local residents causes the most public nuisance and petty crime and disorder (public urinating, vomiting, noise, drug-dealing, damage to property etc).

My objections are therefore on grounds of the cumulative effect on all four licensing objectives, i.e. the rationale for the saturation zone recently adopted by the Council, and additionally on the grounds of an especially serious impact on the public nuisance and crime and disorder objectives due to the proposed hours.

I am copying this e-mail to my local residents association and neighbourhood policing team.

Kind regards

Brendon Pinch
[REDACTED]
[REDACTED]

Appendix 7

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 16 December 2013 09:32
To: Andrew Heron
Subject: FW: London Cocktail Club

Andrew,
One of yours.
Alex.

From: Gabriele Popp [REDACTED]
Sent: 13 December 2013 17:53
To: Licensing
Subject: London Cocktail Club

Dear Sirs -

I write to object to the grant of:

(a) recorded music, live music, film and retail sale of alcohol licence; and
(b) late night refreshment

in response to the application received by the authority on 5th December 2013 for the following address:

London Cocktail Club
Unit 12
Avant Garde
32-42 Bethnal Green Road
London
E1 6HZ

The address is within the newly designated saturation zone. There is therefore a rebuttable presumption against granting this license, which involves the supply of alcohol. The applicants offer no reason why their plans are so exceptional that they should override the presumption against granting such a license. In fact, they propose to supply alcohol until [3am](#) in the morning, which in my experience and that of many other local residents causes the most public nuisance and petty crime and disorder (public urinating, vomiting, noise, drug-dealing, damage to property etc).

My objections are therefore on grounds of the cumulative effect on all four licensing objectives, i.e. the rationale for the saturation zone recently adopted by the Council, and additionally on the grounds of an especially serious impact on the public nuisance and crime and disorder objectives due to the proposed hours.

Yours faithfully,
G Popp

[REDACTED]

Appendix 8

John McCrohan
London Borough of Tower Hamlets
Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

**Limehouse Police Station,
27, West India Dock Road,
London,
E14 8EZ**

Office: [REDACTED]
Mobile: [REDACTED]

Email: [REDACTED]

Your ref:

19th December 2013

Dear Mr McCrohan,

Re: Application for a Premises Licence
London Cocktail Club, Unit 12 ,Avant Garde
32-34 Bethnal Green Rd, E1 6HZ

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for the following hours in relation to alcohol:

Monday - Wednesday: 1630 - 0200

Thursday - Saturday: : 1630 - 0300

Sunday : 1630 - 2400

Late night refreshments reflect the above hours but not on the Sunday where there are no late refreshments

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; **unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.**

This part of Bethnal Green Road falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems at the top end of the CIZ. There will be a heavy concentration of people leaving from this new venue.

The availability of alcohol until 0200 - 0300 will mean more people staying for longer within the CIZ, with the potential for ASB and violence.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours.

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls i. to the above peak hours.

Further to this, two negative effects of the “Night Time Economy” are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: Lo. do. Ambula. ce Service call outs to bi. ge dri. ki. g

Ward	No of I. cide. ts 2011/12	No of I. cide. ts 2012/13	% Cha. ge over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admissio. Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue?

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

More people in the CIZ will increase the likelihood for ASB and disorder. I therefore ask the committee to refuse this application as it falls within the CIZ. I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that they consider removing the non standard timings.

Summer hours are already busy for the police and an extra hour every day I believe is just a technical procedure to increase their hours during a busy period. A committee may look at applied for hours of 0300 - 0400 as excessive.

Again, police resources are stretched on Bank Holidays and NYE and I would ask the committee to refuse these.

I would also ask the committee to reduce the licensing and late night refreshment hours by a half hour, to allow a "drinking up" time

Conditions.

1. A drugs policy to be agreed with the Tower Hamlets Police Licensing Unit.
2. Two SIA staff to be employed from 2100 until closing on a Thursday - Saturday
3. F696 to be completed if there are outside promoters or DJs

Alan Cruickshank PC 189HT

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Colln REED**..... URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Sergeant**.....

This statement (consisting of: ... **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: 20/12/13

Tick if witness evidence is visually recorded (supply witness details on rear)

I am completing this statement in response to the application for a licence, for the premises of London Cocktail Club, Unit 12 ,Avant Garde, 32-34 Bethnal Green Rd, E1 6HZ.

I am the above named person and have worked for the Metropolitan Police Service for twelve years. For the last five years I have been posted to Tower Hamlets Borough, and have worked on frontline response team, custody, and currently I am in charge of the Weavers Ward Neighbourhood Policing Team which encompasses the area in which this licence application has been made.

As part of my neighbourhood duties we are required to cooperate with local residents and housing organisations, and every three months we have a panel meeting with a cross section of representatives of both. A regular complaint from local residents are the effects caused by nearby licensed venues, namely shouting from people leaving premises, urination in the street, vehicles causing noise nuisance. As a community officer my team and I are committed to trying to improve the area, and are doing our very best to reduce begging, thefts, robberies and drug misuse, all crimes which are attracted to areas that have active night time economies. The area surrounding is also a highly populated area, with both local authority and private housing nearby.

As an officer that regular patrols this zone, my concerns are that the area is already full to bursting. The area where this venue is situated is extremely busy with mini cabs often causing traffic congestion. The venue is also close to residential premises. Vision is often very limited to see clearly what is going on, especially at night, and we rely heavily on CCTV to try and locate and track incidents as they occur. Venues that have late licenses are a magnet for people, and historically this is where fights and disturbances are located due to the high density of people being present, and persons being under the influence of drink and/or drugs.

In summary, any additional licensed premises will increase activity in an area that is already very saturated. In order to try and deal with the issues in Brick Lane Tower Hamlets Police already have to develop strategies, to try and reduce crime with resources that could be used elsewhere. The area now has the honour of being second only to Westminster for the highest ASB area in the whole of London, and I am confident any additional late opening licenses will simply add more fuel to this reputation.

Signature:

Signature witnessed by:

Appendix 9

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 10

Drug Taking

General Advice

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

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

The applicant should be instituting measures advised by the Police

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

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

Members should also bear in mind other Police powers.

Licensing Policy

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

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

- Methods of management communication
- Use of registered Door Supervisors
- CCTV
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Signage
- Seating plans

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Other Legislation

Anti-Social Behaviour Order Act 2003

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

Crime and Disorder Act 1998

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

Appendix 11

Noise While the Premise is in Use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 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 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 (1.19)

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 12

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The 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 (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder .

Appendix 13

Appendix 13

Unusual Drinking Hours (i.e. extensions of hours for unspecified days)

Association of Chief Police Officers

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

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

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

Appendix 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

Monday to Thursday	06:00 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

Appendix 15

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

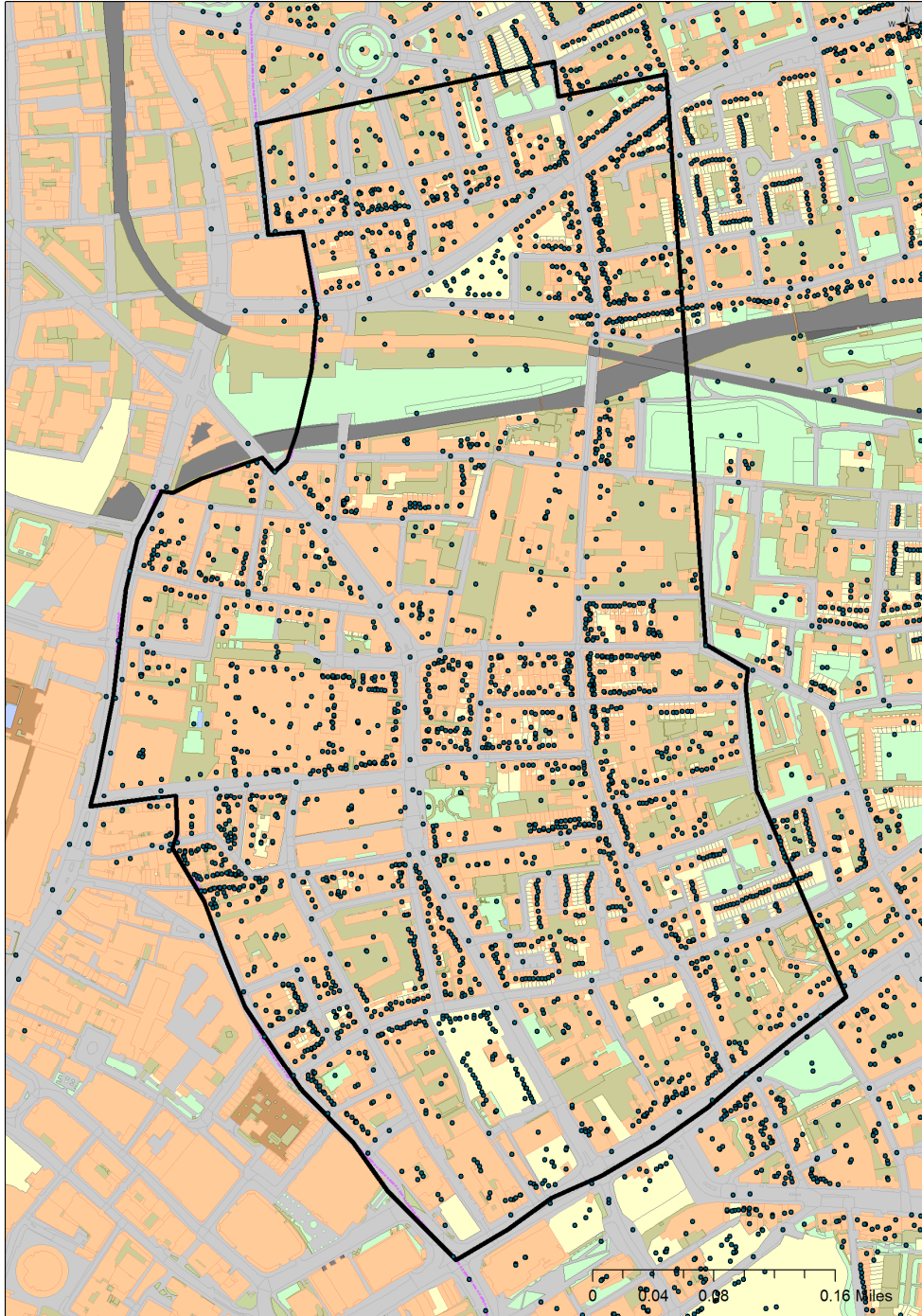
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 February 2014	Unclassified	LSC 63/134	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Azmal M Hussain**
Name and **Preem**
Address of Premises: **118 - 122 Brick Lane**
London
E1 6RL

Licence sought: **Licensing Act 2003**

- The sale by retail of alcohol
- The provisional of regulated entertainment (recorded music)
- The provisional of Late Night Refreshment

Representation: **Local Residents**
Metropolitan Police
Trading Standards
Licensing Authority (Responsible Authority)

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL.
- 3.2 Although this is a new premises licence for the Ground Floor and Basement, there is currently an existing licence for the Ground Floor. A copy of the existing licence is enclosed as **Appendix 1**.

The current hours are as follows:

Sale of Alcohol

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

The Provision of Regulated Entertainment - (Recorded music only)

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

Hours premises are open to the public

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

- 3.3 A copy of the new application is enclosed as **Appendix 2**.
- 3.4 In the plan of the basement, a “kitchen” and “preparation and washing area” is shown. Members may wish to seek clarification how the basement will be used for the licensable activities.
- 3.5 The hours that have been applied for are as follows:-

Sale of Alcohol – On and off sales

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

The Provision of Regulated Entertainment - Indoors **(Recorded music only)**

- Monday to Sunday, from 12:00 hrs to 03:00 hrs the following days

The Provision of late night refreshment – Indoors and outdoors

- Monday to Sunday, from 23:00 hrs to 03:00 hrs the following days

Hours premises are open to the public

Monday to Sunday, from 12:00 hrs to 03:00 hrs the following days

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

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 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 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Licensing Authority, Metropolitan Police, Trading Standards and Local Residents/Residents Association.
- 5.9 Please see **Appendix 5** for the representation of the Licensing Authority acting as a Responsible Authority.
- 5.10 Please see **Appendix 6** for the representation of Met Police.
- 5.11 Please see **Appendix 7** for the representation of Trading Standards.
- 5.12 Please see **Appendix 8** for a list of local residents/ residents association making a representation.
- 5.13 Please see **Appendices 9 - 18** for the actual representations of the local residents / residents association
- 5.14 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
- 5.15 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
- 5.16 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.17 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

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

6.0 Licensing Officer Comments

6.1 The following is intended 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 medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ 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 (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ 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 (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). 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 conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 19 -22** 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 08:00hrs 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 existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Maps of the area
Appendix 4	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 5	Representations of Licensing Authority
Appendix 6	Representations of Met Police
Appendix 7	Representation of Trading Standards.
Appendix 8	List of residents/ residents association making representations
Appendices 9 - 18	Representations
Appendix 19	Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises
Appendix 20	Licensing Officer comments on Access and Egress problems
Appendix 21	Licensing Officer comments on Licensing Policy relating to hours of trading
Appendix 22	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

Appendix 1

(Preem)

118 -122 Brick Lane
London
E1 6RL

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 3rd August 2010

- Licence amended on 11th January 2011
- Licence varied following the licensing sub-committee hearing of 21st July 2011
- Licence amended following the licensing sub-committee review hearing of 6th October 2011



Part A - Format of premises licence

Premises licence number

15901

Part 1 - Premises details

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

(Preem)
118-122 Brick Lane

Post town
London

Post code
E1 6LR

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

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

The Provision of Regulated Entertainment - (Recorded music only)

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

The opening hours of the premises

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

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

On and off sales

Part 2

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

Mr Azmal Hussain

[REDACTED]

[REDACTED]

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

N/A

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

Mr Azmal Hussain

[REDACTED]

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

Licence No: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

at a time where there is no designated premises supervisor in respect of the premises licence, or

at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(iii) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that;
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. Any customers under the age of 18 years must be accompanied by a person over the age of 18 years.

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

1. No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service, and the agreed level be made available to the public on request.
2. To ensure, as far as reasonably practical, that patrons who enter and exit the premises especially late at night will act quietly and considerately at all times by ensuring prominent and clearly legible notices to be displayed at all exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
3. The premise is required to have CCTV cameras installed, covering the premises internally and externally.

4. That the CCTV system should incorporate a recording facility and any recording should be retained and stored in a suitable and secure manner for a minimum of 31 days. A system should be in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
5. No food or drink will be allowed to be consumed outside the premises.
6. There will be no early morning (before 08:00 hours) or late night (after 19:00 hours) deliveries of food and drink to the premises. No bottles or refuse will be placed outside the premises after 21:00 hours.

(Conditions added after Review Hearing on 11th January 2011)

7. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
8. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.

(Condition added after Review Hearing on 6th October 2011)

9. A CCTV camera to be installed so that it captures images of persons entering the premise via the front entrance.

Annex 4 - Plans

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

22nd June 2010

[The licences area is the ground floor of 118 & 120-122 referred to in the plan marked: Job No. 210610/118~122 BL-E1. Drawing No. **A1(02)** 001 Rev. 01.

The basement area is NOT licensed, however, a plan of the basement is included in the file: Job No. 210610/118~122 BL-E1. Drawing No. **A1(01)** 001 Rev. 01 refers, in order to show the access between 118 & 120-122 via the basement which is relevant to the managerial control of the premises].



Part B - Premises licence summary

Premises licence number

15901

Premises details

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

(Preem)
118-122 Brick Lane

Post town
London

Post code
E1 6LR

Telephone number
020 7247 3469

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The Provision of Regulated Entertainment
(Recorded music only)

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Mr Azmal Hussain



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

On and off sales

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

N/A

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

Mr Azmal Hussain

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

No restrictions

Appendix 2



■ required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Preem	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Azmal M.
* Family name	Hussain
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	[REDACTED]

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name

* VAT number

* Legal status

* Your position in the business

Home country

If your business is registered, use its registered name.

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

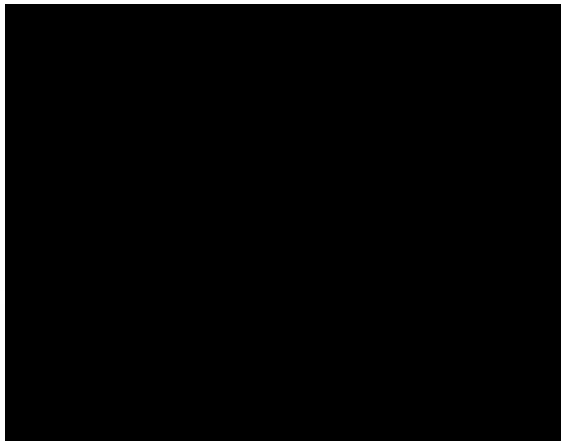
The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

- * Building number or name
- * Street
- District
- * City or town
- County or administrative area
- * Postcode
- * Country



Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Preem 118-122"/>
Street	<input type="text" value="Brick Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E1 6RL"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="66,000"/>

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

Section 4 of 19**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Azmal M.

Family name

Hussain

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

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

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
	<input type="button" value="Add another applicant"/>

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

Restaurant

Continued from previous page...

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

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

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

Continued from previous page...

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes

No

Section 13 of 19

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

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The provision of hot food and drink for consumption on the premises and for take away sales for consumption off the premises

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

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

Continued from previous page...

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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

None

Continued from previous page...

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Continued from previous page...

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

All new mandatory conditions relevant to specific premises.

b) The prevention of crime and disorder

CCTV covering the inside and outside of the premises shall be installed. It shall be capable of taking a head and shoulders shot of persons entering the shop and of storing images for a period of at least 31 days. The CCTV shall be in operation during all the hours that the premises are open to the public. A member of staff capable of downloading images for Police or Authorised Council Officers shall be on duty at all times the premises are open to the public.

No person will be employed to solicit for custom or be permitted to solicit for custom in any public place within a 500 metre radius of the premises.

Clear signage is to be placed in the restaurants window stating that the premises supports the Council's 'No Touting Policy'.

Photo identification badges must be worn by staff at all times and surrendered to an Officer of the Responsible Authority upon request.

c) Public safety

At all times ensure that at least two trained security staff will be on duty within the premises with one on door control to maintain good order and public safety.

The management will offer customers complimentary teas or coffees after a meal to positively promote leaving the premises in an orderly manner and to not cause any problems relating to anti-social behaviour.

d) The prevention of public nuisance

No regulated entertainment is to be provided except low key background music only. A noise limiter is to be installed, the settings (maximum music noise levels generated) of which are to be set and agreed beforehand with the Environmental Protection Service.

To ensure, as far as reasonably practical, that patrons that enter and exit the premises, especially late at night will act quietly and considerately at all times. No anti-social behaviour (shouting and screaming) or other forms of anti-social behaviour will be tolerated.

No food or drink to be allowed to be consumed immediately outside the premises in the street.

Patrons will be encouraged to leave the premises quietly and considerately especially late at night. A dedicated taxi or mini cab service will be made available and offered to assist patrons on leaving the premises quietly as required. They will be asked to wait at the table until a taxi or other transport arrives in order to discourage patrons from standing and talking

Continued from previous page...

loudly outside the premises late at night/in early hours of the morning.

There will be no deliveries of food or drink to the premises between the hours of 19:00 hrs and 08:00 hrs each day. That is NO night time deliveries.

No bottles or refuse will be placed outside the premises into the street after 21:00 hours.

Notices will be displayed inside the premises reminding patrons of the need to respect their neighbours and local residents and to leave the premises quietly.

After the premises closes at night, members of staff shall clean up the premises quietly and considerately and leave the premises in a similar manner.

No members of the public or staff will be allowed to congregate outside the premises late at night but will be encouraged to leave the premises in a considerate manner.

e) The protection of children from harm

No nudity or semi nudity permitted.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Continued from previous page...

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

[REDACTED] ANTHONY O'CONNELL

* Capacity

Duty authorised agent - A & R CONVEYANCE

Date (dd/mm/yyyy)

6-12-2013

Add another signatory

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

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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



midi LTD

Planning
Architecture
Interior
Construction

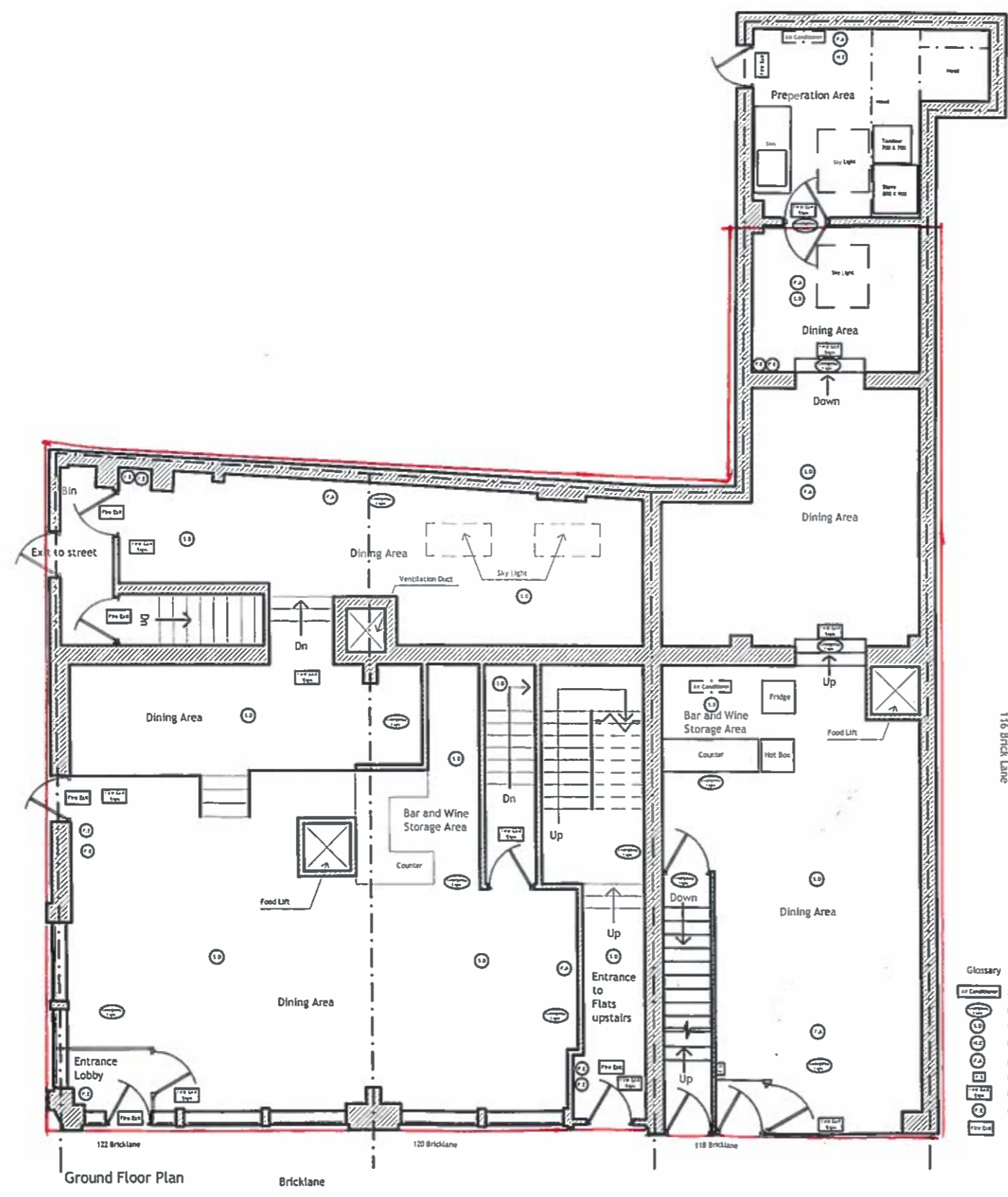
Client
Mr A. Hussain
Project
Restaurant
Location
118,120,122 Brick Lane, E1

Job No.
210610/118~122 BL_E1
Dwg No.
A1(02)001
Rev.
01

Title
Ground Floor Plan

Date
21/06/10
Drawn
MM/MS
Check
MM
Status
Submission
Scale
1:100 @ A3

Contact
07786244205
Email
info@m-i-d-i.co.uk
Web
www.m-i-d-i.co.uk

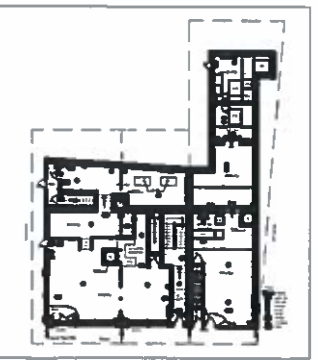


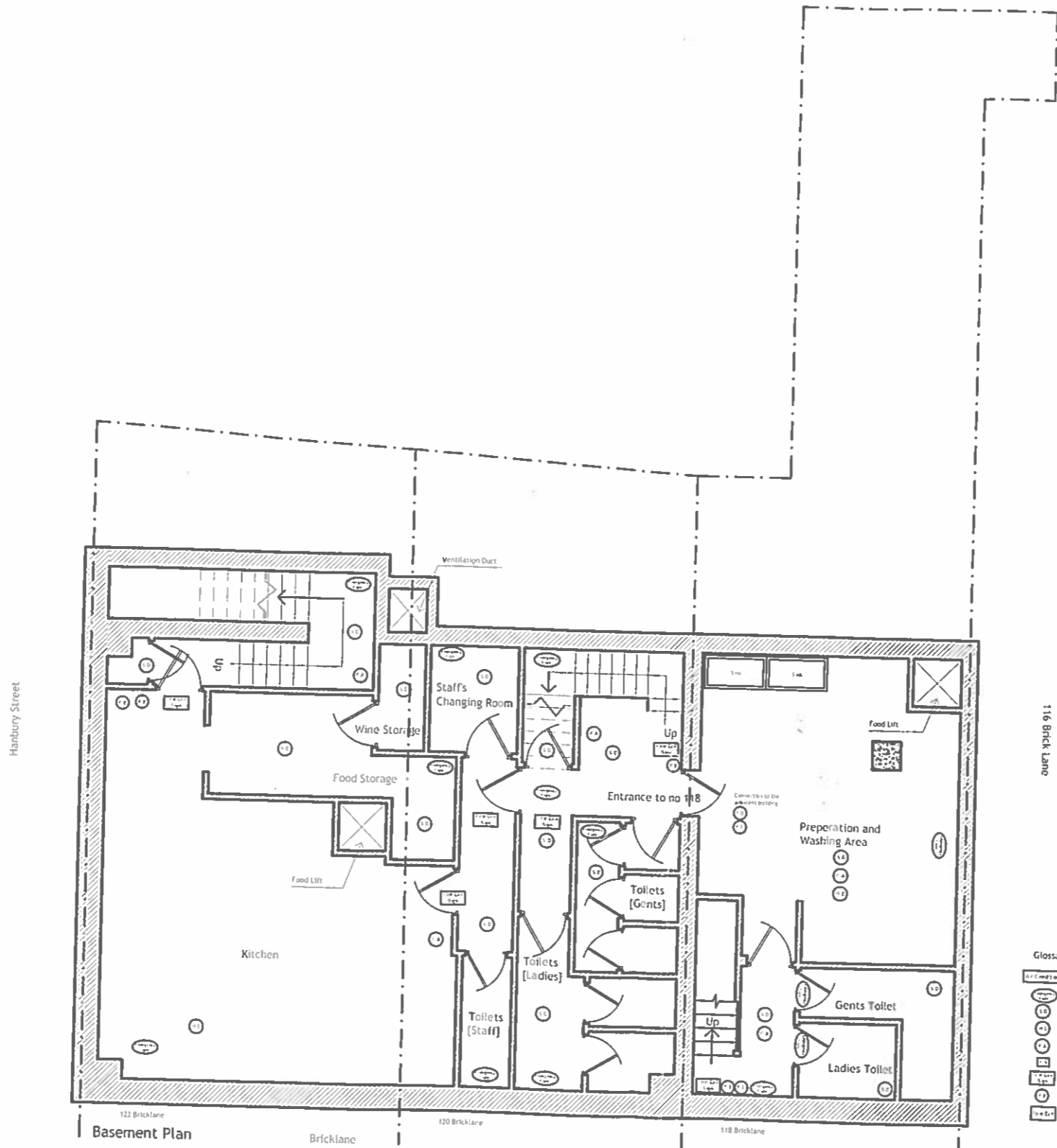
Glossary

	Air Conditioner
	Emergency Light
	Smoke Detector
	Heat Detector
	Fire Alarm
	Fire Switch
	Fire Exit Sign
	Fire Extinguishers
	Fire Exit

LBTH
TRADING STANDARDS
10 DEC 2013
LICENSING

Notes:
- Please check the site for any further information
- Dimensions are measured to nearest possible
- Accurate measure can be fractional difference
- The units used in the measurement is mm
- The term sqm stands for square metre
- Production of any part or full of the drawing will require the permission of the company
- Copyright reserved for MIDI : Design & Build Ltd





Glossary

	Air Conditioner
	Emergency Light
	Smoke Detector
	Heat Detector
	Fire Alarm
	Fire Switch
	Fire Exit Sign
	Fire Extinguisher
	Fire Exit

Client
 Mr A. Hussain
Project
 Restaurant
Location
 118,120,122 Brick Lane, E1

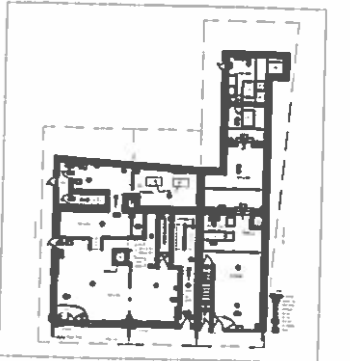
Job No.
 210610/118~122 BL_E1
Dwg No.
 A1(01)001
Rev.
 01

Title
 Basement Floor Plan

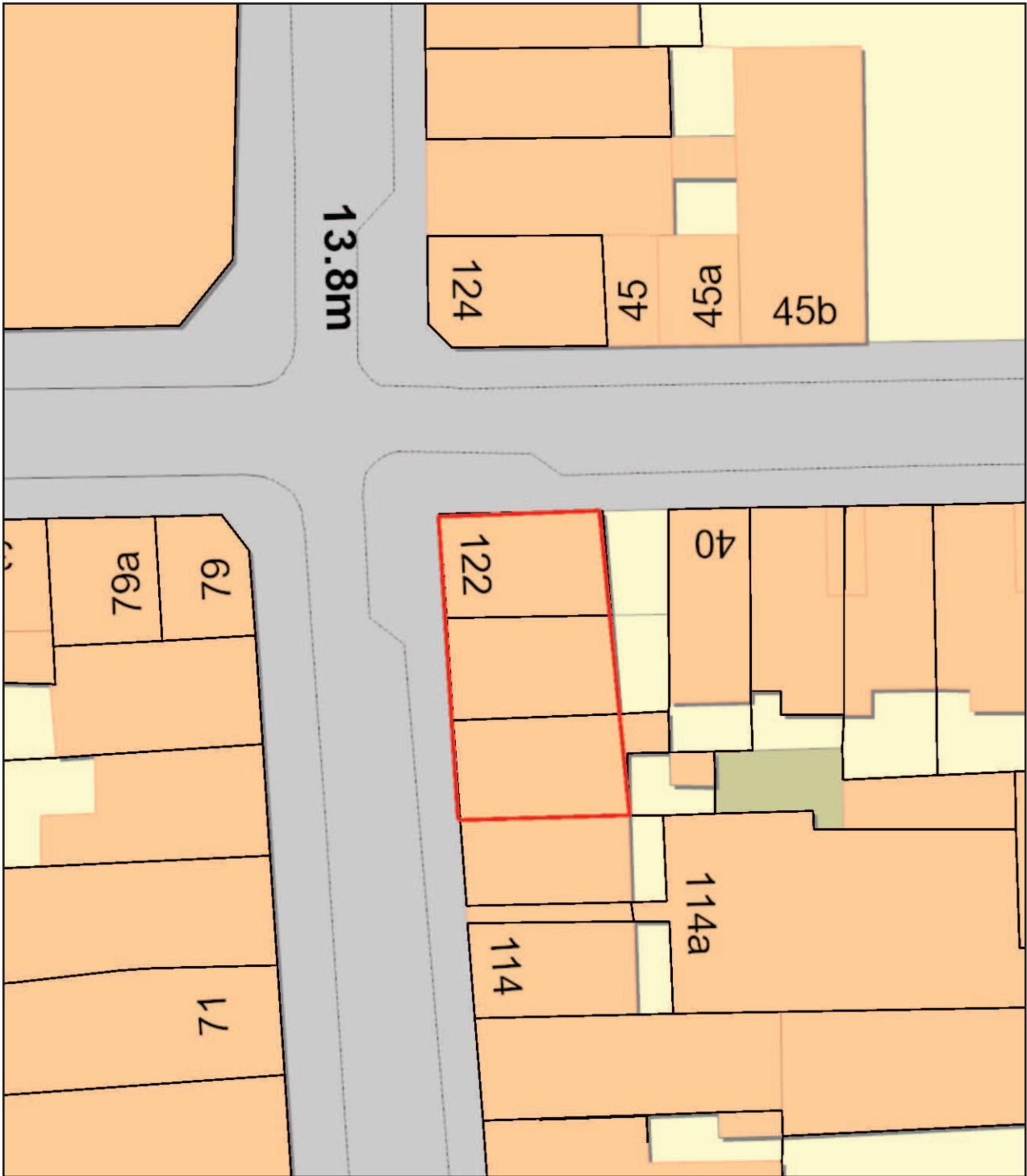
Date
 21/06/10
Drawn
 MM/MS
Check
 MM
Status
 Submission
Scale
 1:100 @ A3

Contact
 07786244205
Email
 info@m-i-d-i.co.uk
Web
 www.m-i-d-i.co.uk

Notes:
 - Please check the site for any further information
 - Dimensions are measured to nearest possible
 - Accurate measure can be fractional 1/2 mm
 - The units used in the measurement is mm
 - The term sqm stands for square metre
 - Production of any part or full of the drawing will require the permission of the company
 - Copyright reserved for MIDI : Design & Build Ltd



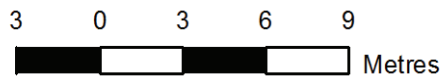
Appendix 3



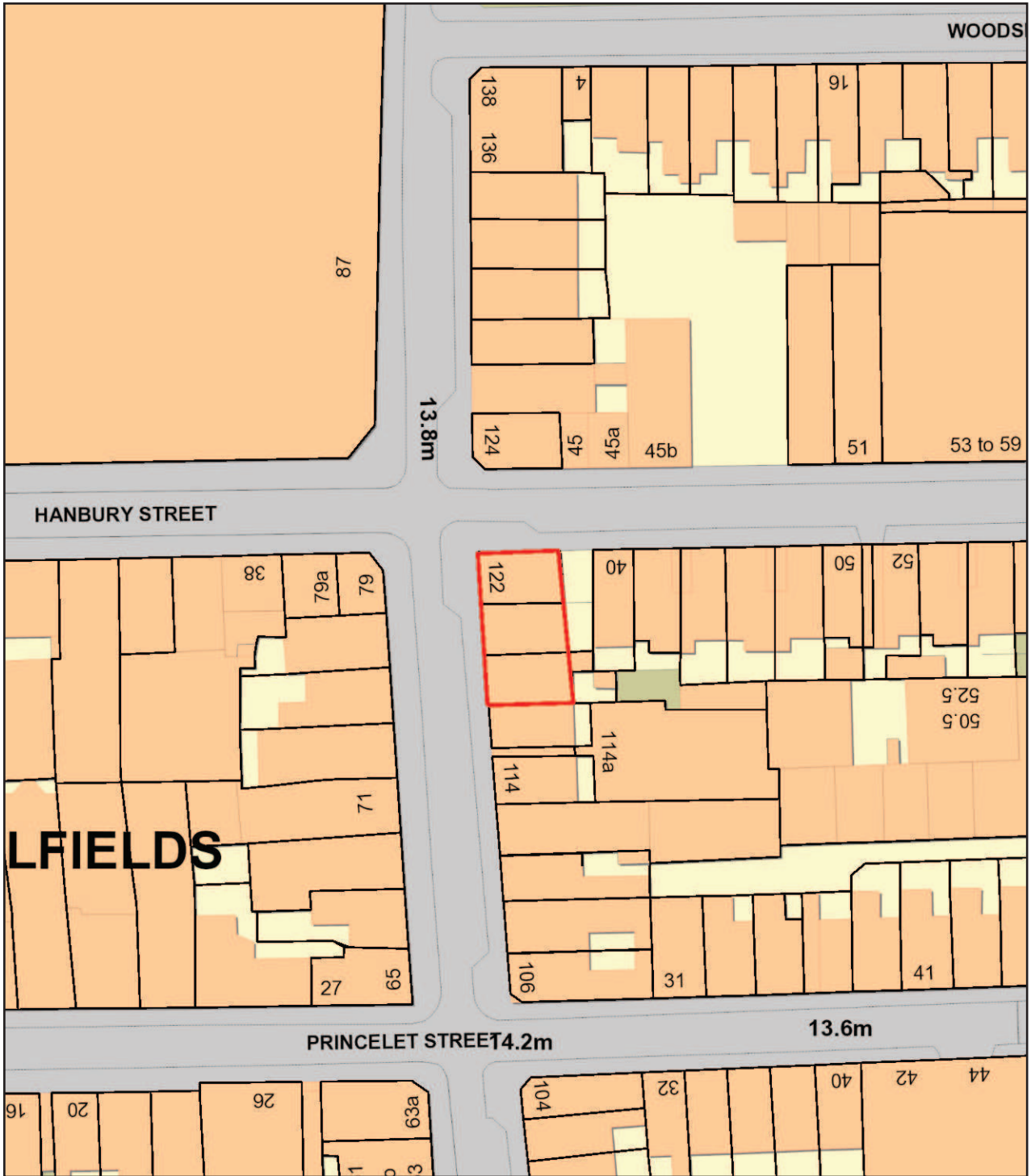
118-122 Brick Lane Map 1



Scale 1:334



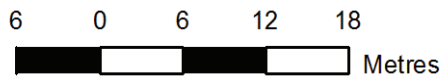
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118-122 Brick Lane Map 2



Scale 1:668



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Appendix 4

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the

recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 5

Mohshin Ali

From: Andrew Heron
Sent: 19 December 2013 15:31
To: Mohshin Ali
Cc: [REDACTED]
Subject: Brick Lane 118-122 - Application for a new premises licence
Attachments: BrickLane118-122.2013.LARep.AH.pdf

Dear Mr Ali and Mr O'Connell,

Please find attached a representation against the application.

Regards,

Andrew Heron
Licensing Officer

Licensing Section
London Borough of Tower Hamlets
Mulberry Place (TC)
6th Floor Mulberry Place
5 Clove Crescent
London, E14 2BG
Tel: 020 7364 2665
Fax: 020 7364 6935
www.towerhamlets.gov.uk

Communities, Localities & Culture
Safer Communities

Head of Consumer and Business Regulations
David Tolley

LBTH Licensing Authority

Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel **020 7364 2665**
Fax **020 7364 0863**
Enquiries to **Andrew Heron**
Email **andrew.heron@towerhamlets.gov.uk**

19th December 2013

www.towerhamlets.gov.uk

My reference: TSS/LIC/73686

Your reference:

Dear Sir / Madam,

Licensing Act 2003

**Re: New Premises Licence Application – Preem, Ground Floor and
Basement, 118-122 Brick Lane, London, E1 6RL**

I am writing in relation to the above application. The Licensing Authority is now a Responsible Authority in terms of the Licensing Act 2003. I am therefore writing to make representation against this application on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

The owner of the premises is Mr Azmal Mert Hussain, a gentleman well known to me and my colleagues in both Trading Standards and Licensing. Unfortunately, this knowledge is not because Mr Hussain is a responsible member of the business community, but rather that more time is spent dealing with various offences on his premises than with any other restaurateur in the Brick Lane area.

There is an existing premises licence at 118-122 Brick Lane, for which Mr Hussain is the premises licence holder and Designated Premises Supervisor. The hours granted for licensable activities are as follows:

Sale of Alcohol:

- Monday to Saturday from 12:00hrs to 23:00hrs
- Sunday from 12:00hrs to 22:30hrs

The Provision of Regulated Entertainment (Recorded music only)

- Monday to Saturday from 12:00hrs to 23:00hrs

- Sunday from 12:00hrs to 22:30hrs

Therefore this application effectively extends the period during which alcohol can be sold, the length of recorded music and adds late night refreshment until 3am every day. This Authority already receives complaints that the premises already opens until 3am without the appropriate licence.

Touting is a significant issue in the Brick Lane area and a common public nuisance. Every time I walk past 118-122 Brick Lane, I see gentlemen that I know to be employees of Mr Hussain standing by the door. I have regularly seen them approach passers-by who were not looking for a meal. I have witnessed this at all premises owned by Mr Hussain. Mr Hussain was keen to sign up to the Tower Hamlets Anti-Touting Code of Practice, which included having an anti-touting condition placed on each premises licence. Despite this, touting has continued at all premises, which can only reflect Mr Hussain's disingenuous regard for the scheme.

Complaints in relation to 118-122 Brick Lane

19.12.2013	Complaint that cheap lager is being passed off as Cobra branded lager
25.02.2013	Complaint of the premises selling alcohol during its suspension period
22.02.2013	Complaint of the premises opening until 3am, serving hot food and drinks
30.01.2013	Complaint of touting
30.01.2013	Second complaint about touting
01.11.2012	PC Mark Taylor witness customers in the restaurant eating food and drinking glasses of beer at 01:25am
02.08.2012	Complaint of touting
11.07.2012	Complaint of touting
14.06.2012	Complaint of touting
13.06.2012	Complaint of touting
12.06.2012	Complaint of touting
08.05.2012	Complaint of touting
05.04.2012	Complaint of touting
30.03.2012	Complaint of touting
22.03.2012	Complaint of touting
23.03.2012	Complaint of touting

In September 2012, Tower Hamlets Trading Standards reviewed the premises licence as a result of continued touting. The licence was suspended from 6th February 2013 to 5th March 2013. The premises was found to be serving alcohol during that period, for which a warning letter was issued by Trading Standards.

Mr Hussain applied to extend the hours of the licence, including the sale of alcohol in February 2013. This was refused by the Tower Hamlets Licensing Sub Committee.

In January 2013 Mr Hussain received a fine of £1000 from Thames Magistrates Court as a result of touting offences at the premises.

Mr Hussain also owns 108 Brick Lane and 124-126 Brick Lane (on the opposite side of the road from this application). Again, we get regular complaints in relation to touting and opening beyond hours. I regularly witness Mr Hussain's employees at these premises approaching members of the public, contrary to the principles of the Tower Hamlet Anti-Touting Code of Practice and contrary to his licensing conditions. These other premises have also received prosecutions and suspensions from the Sub Committee as a result of Licensing Act breaches. I believe that Mr Hussain regards these fines and suspensions simply as part of his business' financial overheads. As a result of the above, I believe that Mr Hussain has total disregard of many of his legal obligations under the Licensing Act 2003.

Lastly, on 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone.

The effect of this CIP is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates

(where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ.

The Licensing Authority is therefore making representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CMZ. If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

In consideration of all the above, including the presence of the premises within the CIZ, the history or criminality at the premises and Mr Hussain's repeated demonstration of legislative ignorance, I ask the Committee to reject the application in full.

Yours sincerely,

A black rectangular redaction box covering the signature of Andrew Heron.

Andrew Heron
Licensing Officer

Appendix 6

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 02 January 2014 11:27
To: Mohshin Ali
Subject: FW: Preem, 118BL
Attachments: Preem 118BL objection (Dec 13).doc

Mohshin,
For you.
Alex.

From: Alan.D.Cruickshank@met.pnn.police.uk [<mailto:Alan.D.Cruickshank@met.pnn.police.uk>]
Sent: 30 December 2013 12:50
To: Licensing
Subject: Preem, 118BL

Dear Licensing

Please accept my representation re: the above new licence application.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)
Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

John McCrohan
London Borough of Tower Hamlets
Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

**Limehouse Police Station,
27, West India Dock Road,
London,
E14 8EZ**

Office: **020 7275 4950/4911**

Mobile: [REDACTED]

Email: Alan.Cruickshank@met.police.uk

Your ref:

30th December 2013

Dear Mr McCrohan,

Re: Application for a Premises Licence

Preem, 118-122 Brick Lane, E1 6RL

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for the following hours in relation to alcohol:

Monday - Saturday : 1200 - 2330

Sunday : 1200 - 2230

Late night refreshments:

Monday - Sunday : 2300 - 0300

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

This venue falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems in Brick Lane.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours.

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. The applicant is a well known figure in Brick Lane and there is already tension in Brick Lane between restaurants, which has led to fighting between their staff / "touts".

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls into the above peak hours.

Further to this, two negative effects of the “Night Time Economy” are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards. They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue?

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

I have requested a statement from the local policing team in relation to their concerns over this application.

Late night refreshments have been applied for until 0300. Although the alcohol hours will mostly stop at 2330, it is likely that most people who attend after 2330 will request alcohol. How will the applicant deal with this demand?

By remaining open until 0300 , it is likely that a good percentage of their customers will be under the influence of alcohol. The applicant states that the public will not be allowed to congregate outside and “will be encouraged to leave the premises in a considerate manner”. How will this be done?

More people in the CIZ at these late hours will increase the likelihood for ASB and disorder. I therefore ask the committee to refuse this application as it falls within the CIZ.

I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence then I would ask that all licensable activities finish at 2230 and have a half hour “drinking up” time, closing at 2300

Conditions.

If the licence is to be granted past 2300, to ensure that “No anti-social behaviour (shouting and screaming) or other forms of anti-social behaviour will be tolerated”

Two SIA staff to be employed from 2300 until closing, all week.

Alan Cruickshank PC 189HT

Appendix 7

Mohshin Ali

From: Ian Moseley
Sent: 18 December 2013 11:47
To: Alex Lisowski; Licensing
Subject: Representations ref application for 118-122 Brick Lane
Attachments: 118brickreps.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Alex

Please find attached a scanned copy.

Will you be sending this to the applicant or should I do it directly?

Ian Moseley
Trading Standards
020 7364 6840

For information on Trading Standards in Tower Hamlets please see
www.tradingstandards.gov.uk/towerhamlets

London Borough of Tower Hamlets

**Preem
"Ground & Basement", 118-122 Brick Lane, London**

Ref Application for the Review of the Premises Licence under Section 51 of the
Licensing Act 2003

London Borough of Tower Hamlets – Trading Standards Service

REPRESENTATIONS

1. The Trading Standards Service, as the Local Weights and Measures Authority is designated a 'responsible authority' for the purposes of the Act and it making representations in relation to the prevention of public nuisance and the prevention of crime and disorder.
2. The Trading Standards Service is aware that, although this is an application for a new license, there is an existing licence covering the ground floor only and this has been subject to two previous reviews by Trading Standards, relating in the main to concerns over touting from the premises. The first in May 2011 resulted in a suspension of licence for 2 weeks and the second, in August 2012, in a suspension for 4 weeks, taking place from 6/2/2013 to 5/3/2013. During this period there was a sale of alcohol in breach of the suspension, for which a warning letter was issued.
3. The applicant, Mr Azmal Mert Hussain has been involved in the ownership and management of other premises in the Brick Lane area. In the case of Prithi, 124-126 Brick Lane, these premises have also been reviewed by Trading Standards with regard to touting from the premises. In the case of 108 Brick Lane (Preem FC) Mr Hussain was prosecuted for unlicensed sales of late night refreshment. During the investigation the premises were found displaying fake versions of the blue notice relating to licence applications. In the case of premises at 45-47 Hanbury Street records

indicate that an illegal Shisha bar, since demolished, was in operation and unlicensed sales of alcohol and LNR took place on the premises.

4. In the opinion of the Trading Standards Service, managerial control at the premises is not adequate. The erection of an illegal extension, the use of fake blue notices and sales of alcohol during a suspension indicate a disregard for legal requirements. The extension of capacity and hours compared to the existing licence represents a risk of additional strain on the management resulting in further breaches of the law and an increase in public nuisance in the area.
5. In view of these concerns the Trading Standards Service respectfully requests that Members refuse the application.



Ian David Moseley

**Senior Trading Standards Officer
London Borough of Tower Hamlets**

Appendix 8

Name	Address1	Address2	Address3	Appendix
Nicholas Hodsdon	[REDACTED]	London	[REDACTED]	9
Conor McLernon	[REDACTED]	London	[REDACTED]	10
Mark Lancaster	[REDACTED]	London	[REDACTED]	11
Jon Shapiro	[REDACTED]	London	[REDACTED]	12
James Imrie	[REDACTED]	London	[REDACTED]	13
Matthew Piper (SCG)	[REDACTED]	London	[REDACTED]	14
Spitalfields Society (S Crithley)	[REDACTED]	London	[REDACTED]	15
Caroyn Fuest	[REDACTED]	London	[REDACTED]	16
Pat Jones	[REDACTED]	London	[REDACTED]	17
Dick Tyler	[REDACTED]	London	[REDACTED]	18

Appendix 9

Mohshin Ali

From: Nicholas Hodsdon [REDACTED]
Sent: 18 December 2013 14:00
To: Licensing
Subject: Preem license extension objection

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir/madam

I would like to object in strong terms to the below license applications:

1. Preem FC, 108 Brick Lane, E1 6RL
applying for:
-sale of alcohol: 12:00-23:30 Mon-Sat, 12:00-22:30 Sun
-regulated entertainment: 12:00-03:00 Mon-Sun
-late night refreshment: 12:00-03:00 Mon-Sun

2. Preem, 118-122 Brick Lane, E1 6RL
applying for sale of alcohol, regulated entertainment and late night refreshment, 12:00-03:00 Mon-Sun

The sale of alcohol late in to the night on Brick Lane has caused serious problems with anti social behaviour, intimidation and noise, and a detrimental impact on the local environment for residents through littering and public urination/vomiting. The council clearly accepts this to be a major problem, as evidenced by the recent adoption of a saturation policy in the area. Entertainments would only add to the existing late night noise problems caused by rowdy behaviour so is also unacceptable.

I would add that the licensees must be well known to various departments of the council and the police for their flouting of existing license conditions, including the extraordinarily brazen operation of an entirely unlicensed and illegal open air bar on the premises, which are almost adjacent to our property, over the summer. Allowing this application would legitimise this behaviour and surely increase future problems.

Yours sincerely,

Nicholas Hodsdon
[REDACTED]

Appendix 10

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 23 December 2013 16:27
To: Mohshin Ali
Subject: FW: Objection to licensing application for Preem, 118-122 Brick Lane

Follow Up Flag: Follow up
Flag Status: Flagged

Mohshin,

One of yours.
Alex.

From: [REDACTED]
Sent: 22 December 2013 21:55
To: Licensing
Subject: Objection to licensing application for Preem, 118-122 Brick Lane

Dear Sir/ Madam,

I am the resident at [REDACTED] and I write to you to object to the licensing application for Preem at 118-122 Brick Lane.

I feel this establishment stands out as one of the most problematic for the night time economy around Brick Lane.

I have routinely seen the restaurant opened beyond its agreed closing time, with touts constantly shouting and obstructing the pavement for business. This severely damages the quality of local amenity for nearby residents.

I understand that the restaurant has been investigated many times by the Licensing team, particularly in terms of sticking to its licensed hours, and touting.

Given that these premises lie both within the Cumulative Impact Zone, and within the zone covered by the Saturation Policy, it would be ridiculous to approve this application. Given the views of the police, I feel there is a willingness to get Brick Lane's night time economy under control.

The illegal shisha bar at the back of this location operated all the way throughout the summer, and was not brought under control despite the lack of license. The proprietor has shown that he is perfectly happy to destroy the peace and quiet of the area with loud music into the night already.

Accepting this license request would send a terrible message.

My concerns are as follows:

1. the proposed licensing application is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area
2. the proposed licence is likely to diminish the right of local residents to safe and pleasant enjoyment of the neighbourhood.
3. there is an impact on public safety, in terms of drunken members of the public being in the area long into the night.
4. likewise there is an impact in terms of crime and disorder. This premises has been linked to many previous problems and this request, if approved would certainly not help.

5. the premises as already operated is as a public nuisance, regularly staying open after its licensed hours, which I note are outside the core hours as defined by the Saturation policy.

The area is developing into an attractive upscale destination in accordance with these guidelines. On Hanbury Street opposite Ely's Yard, two exclusive shoe shops have recently opened, an upscale clothing boutique and a number of stylish coffee bars.

This upscaling is lucrative, and makes the area easier to Police and easier for LBTH to administer.

A cursory internet search shows 110 restaurants and bars in the area immediately surrounding Brick Lane.

What is needed is more of the upscale, boutique shops and cafes that are springing up on the streets surrounding the market and in Hanbury Street. YMC, MAC, Gresson, Keep Zero Gravity, Nude, Blitz, Love in a Cup, Doppio Coffee.

These are all desirable businesses that add both to the economy and the attractiveness of the area. What we don't need are more restaurants open until 3am.

Rights of local residents to quiet enjoyment

As a member of the Woodseer and Hanbury Residents Association, we are aware that existing alcohol licences in the area are not properly enforced (for example, the illegal shisha bar on Hanbury Street at number 47 remained open, and serving alcohol, even though it has no licence) and the "responsible drinking borough" isn't upheld (the pavement surrounding Ely's Yard is regularly used as a late night hangout for drinking)

What we need is more good business for the area; what we don't need are any more late night drinking dens. Can I ask you to please:

1. decline this application for an alcohol licence on the basis that it is not consistent with the Management Guidelines for the Brick Lane and Fournier Street Conservation Area;
2. properly enforce the conditions of current alcohol licences in the neighbourhood;
3. encourage the police to enforce the "responsible drinking borough".

Kind Regards,
C McLernon,

Appendix 11

Mohshin Ali

From: Andrew Heron
Sent: 19 December 2013 12:22
To: Mohshin Ali
Subject: FW: Ref TSS/LIC/073686, Preem Restaurant 118-122 Brick Lane

Yours...

From: Mark Lancaster [REDACTED]
Sent: 19 December 2013 12:20
To: Andrew Heron
Subject: Ref TSS/LIC/073686, Preem Restaurant 118-122 Brick Lane

Dear Andrew Heron

I am writing to object to the above referenced licence application. I understand that in outline the proposal is as follows;

Supply of Alcohol: from Monday to Saturday from 12:00hrs to 23:30hrs, Sunday to 22:30hrs – both on and off premises

Late Night Refreshment: from Monday to Sunday from 23:00hrs to 03:00hrs – both indoors and outdoors

Regulated entertainment: from Monday to Sunday from 12:00hrs to 03:00hrs

My wife and I live opposite this restaurant and have noticed on many occasions it is open until 3 or even 4 o'clock in the morning already. The touting by this restaurant is probably the worst on Brick Lane, with four to five (or more) touts placed along the length of the frontage. These touts not only approach people walking by but shout across the road and disturb people walking on the other side of the road with absolutely no interest in going in to the restaurant.

The proposals above I believe would be harmful to the prevention of crime and disorder and to causing of public nuisance. The owner of this restaurant flouts all the regulations at present imposed on him. This would mean that whenever the other off licences are closed on Brick Lane Preem would be able to serve alcohol. Because these premises flout the current regulations it seems likely that he would serve young people, people who are already drunk and people who are vulnerable, such as the homeless with alcohol.

It is often forgotten that Brick Lane and the surrounding streets are also a residential area. We are frequently disturbed by street drinkers, who shout, swear become aggressive with passers by, urinate in the street, sometimes fight and create other Anti- Social behaviour. This would be worsened by the ready availability of alcohol from these premises. Regulated entertainment until 3am would also create noise and disturbance making it impossible for local people to get a good night's sleep

Revellers making their way home from these premises well into the night would also create even more antisocial behaviour and noise as they went home.

For all the above reasons and more I believe the granting of this licence application would be detrimental to the prevention of crime and disorder, to the prevention of public nuisance, to the protection of children from harm and to public safety and that the application should be refused.

Sincerely

Mark Lancaster



Appendix 12

Mohshin Ali

From: Andrew Heron
Sent: 19 December 2013 15:06
To: Mohshin Ali
Subject: FW: Alcohol Licence Application by "Preem Restaurant", 118-122 Brick Lane, E1

From: Jon Shapiro [REDACTED]
Sent: 19 December 2013 15:05
To: Licensing
Cc: [REDACTED]
Subject: RE: Alcohol Licence Application by "Preem Restaurant", 118-122 Brick Lane, E1

Dear Sir or Madam,

I believe that Preem Restaurant at **118-122 Brick Lane** has applied for a licence to sell alcohol **until 03.00 AM** Given that these premises are in the Brick Lane area "Cumulative Impact Zone" I believe any such application to extend their licensing hours to such an hour of the morning is **outrageous** and should be refused by the LBTH Licensing Committee.

These premises are in Brick Lane, an area long-recognised by the Metropolitan Police as being the number one policing problem in Tower Hamlets. I do not believe that any premises in the Cumulative Impact Zone should be allowed to extend their licence hours which would almost inevitably contribute to worsening the problems already encountered by the Police.

In particular I believe that these premises on no account should be allowed any extension of their existing licence as I am told by local residents that they already flout their existing hours and stay open later than permitted.

I consider that this application would heavily impact:

- Crime and disorder
- Public nuisance
- Public safety

(three out of the four grounds for rejecting such applications) and on these grounds I would like to take this opportunity to request any Licensing Hearing to completely reject this application **on the grounds of endangering crime and disorder, public nuisance and public safety.**

ASB in the Brick Lane area, fuelled by alcohol, is already well known with endless reports by local residents of drunken behaviour, street urination, screaming and shouting, litter and vandalism and aggressive and intimidating behaviour. This application, which potentially would exacerbate an already intolerable situation should be refused by the Licensing Committee.

I am raising this objection (if I may) in three capacities;

- 1) As a resident of Spitalfields
- 2) As Chair of the Spitalfields & Banglatown Police Ward Panel
- 3) As Chair of SPIRE (the ASB Working Group) – an umbrella organisation representing over 600 households in the Brick Lane area who are members of the six major local community groups.

Please would you acknowledge receipt of this email.

Yours faithfully,
Jon Shapiro.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 13

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 02 January 2014 11:17
To: Mohshin Ali
Subject: FW: Recent Licensing Applications in the Brick Lane Area

Follow Up Flag: Follow up
Flag Status: Completed

Mohshin,
One of yours.
Alex.

From: James Imrie Gmail [REDACTED]
Sent: 27 December 2013 10:48
To: Licensing
Cc: [REDACTED]
Subject: RE: Recent Licensing Applications in the Brick Lane Area

Dear Sir/ Madam,

As a local resident of the Spitalfields area I would like to OBJECTS to the application for a variation of a premises licence at "[Preem Restaurant](#)" at 118-122 Brick Lane, E1

The application for 03:00 hour closing time seven days a week is excessive and inappropriate in an area already identified as being blighted by a culture of excessive alcohol consumption and the public nuisance and disturbance which this consumption entails.

Many people visiting the restaurants, bars and clubs of Commercial Street, Brick Lane, Spitalfields Market and the Old Truman Brewery will pass by the premises open until 03:00 hours Mon – Sun, will encourage revellers to buy alcohol and consume it as they walk, a common phenomenon that creates antisocial behaviour, such as screaming, shouting and swearing, and urinating and vomiting in residents' light wells and on front doorsteps.

Street drinking in this area already causes unwanted noise and nuisance, litter and ASB. Street urination as a result of street drinking is a growing and is a recognised problem!

There are growing incidences of loss of residential amenities due to alcohol being made readily available to the rough sleeper community associated with the cluster of homeless hostels around the southern end of Brick Lane/Osborne Street nearby. Sales of food and alcohol will undoubtedly contribute to public nuisance.


For these reasons I would like to OBJECTS to the variation of the premises licence at the above

Kind Regards,

James Imrie
[REDACTED]

This is non binding and Subject to Contract.

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 please don't print this e-mail unless you really need to.

From: Jon Shapiro [REDACTED]
Sent: 19 December 2013 15:28
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Recent Licensing Applications in the Brick Lane Area

Dear All,

As you may already be aware there are two Licensing Applications currently on process and open for objections by residents:

60-62 Commercial Street, E1 6LT

The Mexican Restaurant which already has a licence to midnight on Thursday to Saturday has applied for a licence until 01.00 hours

Even the existing licence to midnight is beyond "core hours", and SPIRE believes any extension to their licence is unnecessary and would add to and impact:

- Crime and disorder
- Public nuisance
- Public safety

Three of the four grounds for objecting to licensing applications

Objections to LBTH Licensing need to be in by COB on 26th December

"Preem Restaurant" at 118-122 Brick Lane, E1

Preem which already has a licence to 23.30 (Mon to Sat) and 23.00 (Sun) has applied for a licence until 03.00 hours seven days a week!

Even the existing licence to 23.30/23.00 is beyond "core hours", and SPIRE believes any extension to their licence is unnecessary and would add to and impact:

- Crime and disorder
- Public nuisance
- Public safety

Three of the four grounds for objecting to licensing applications.

SPIRE believes this licence application is particularly objectionable as local residents regularly report that Preem pays no attention to the requirements of its existing licence

Objections to LBTH Licensing need to be in by COB on 7th January

Both these premises are within the "Cumulative Impact Zone (CIZ)" (ie: the area covered by the "Saturation Policy"), and SPIRE would strongly encourage all concerned residents to submit objections to 'licensing@towerhamlets.gov.uk'

To be valid, all such objections must give the full postal address of the objector.

In the meantime I am told by LBTH Licensing that the other Preem application for 108 Brick Lane was incorrectly raised and has been returned for correction. No objections to the application for those premises can be made until a corrected application is received by LBTH Licensing.

With all best wishes,
Jon.

Appendix 14

Mohshin Ali

From: Spitalfields Community Group [REDACTED]
Sent: 16 December 2013 23:02
To: Licensing
Cc: Alan Cruickshank
Subject: licensing application at Preem Restaurant, 118 - 122 Brick Lane E1

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

Spitalfields Community Group OBJECTS to the licensing application at Preem Restaurant, 118 - 122 Brick Lane E1, for sale of alcohol and provision of late night refreshment until 0300, 7 days a week.

Spitalfields Community Group (SCG) was formed in 2011 with the aim of promoting and protecting the quality of life of people living and working in the ward of Spitalfields and Banglatown. We have over 200 members and are growing. Our current survey, conducted to identify priorities for action, highlighted the growing problems faced by locals as a result of the existing dense concentration of licensed premises in the area, many with late licences, exacerbating the negative impact on us of the night time economy.

Brick Lane has an excessive concentration of licensed premises currently, jeopardising the quality of life of surrounding residents, and of other non-licensed businesses operating in the area. Indeed, LBTH recently designated a "Cumulative Impact Zone" in recognition of the saturation of licensed premises in the area. Preem lies at the heart of this Cumulative Impact Zone.

Residents living in this zone face problems of noise, nuisance, street urination and vomiting, litter and vandalism as a result of these premises and the unmanageable number of visitors they attract. LBTH is insufficiently resourced to enforce these premises and so fails to protect residents' right to the peaceful enjoyment of their homes, and that of local businesses to operate unhindered.

Preem Restaurant is inappropriately sited close to off licences which open late and attract excessive numbers of customers who drink and eat in the street outside, causing a public nuisance and often erupting into affray and violence, necessitating police attendance. The combination of alcohol and takeaway food available excessively late into the night inevitably causes ASB and disorder.

Furthermore local residents have routinely witnessed Preem Restaurant operating in breach of its current licensed permitted hours of 1200 – 2330 Mon – Sat and 1200 – 2300 Sun, with associated issues of ASB. SCG have received complaints from local residents regarding noise from an unlicensed "Shisha Bar" operating behind, but part of, the Preem premises. This wilful disregard on the part of the licensee demonstrates irresponsibility towards the community in which the restaurant operates, and is indicative of an inappropriate attitude towards the upholding of the licensing objectives.

Given the contribution to ASB in Brick Lane which this premises makes, and its owner's history of flouting regulations set by LBTH, Spitalfields Community Group OBJECTS to the licensing application at Preem Restaurant, 118 – 122 Brick Lane E1.

From and on behalf of the Spitalfields Community Group

c/o Matthew Piper, [REDACTED]

Appendix 15

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 02 January 2014 11:25
To: Mohshin Ali
Subject: FW: Preem Restaurant, 118-122 Brick Lane, London E1 6RL

Mohshin,
One of yours.
Alex.

From: Critchley [REDACTED]
Sent: 30 December 2013 11:42
To: [REDACTED]
Cc: [REDACTED];
[REDACTED]
Subject: Preem Restaurant, 118-122 Brick Lane, London E1 6RL

Dear Mr Heron, Licensing Officers,

Preem Restaurant, 118-122 Brick Lane, London E1 6RL

The Committee of the Spitalfields Society has asked me to register the Society's objection to the application you have received from the above restaurant to extend its hours for the sale of alcohol, regulated entertainment and late night refreshment until 3.00 am, 7 days a week from the current Monday to Saturday 1200 – 2330, Sunday 1200 – 2300.

We consider the hours applied for to be excessively late, out of line with hours applied to other restaurants in the neighbourhood and highly unlikely to satisfy the objectives of the 2003 Licensing Act. The applicant has already failed at least twice before in his attempts to get these hours extended and nothing has changed since permission was last refused earlier this year. The premises are covered by the Saturation Policy recently introduced for the Brick Lane area which is designed to halt the spread of irresponsible alcohol licences. The restaurant has also had its licence suspended by LBTH at least once for touting.

Residents in the area are already plagued with constant anti-social behaviour from drunken visitors to the area, who urinate against our doors and into our light-wells, defecate in the gutters and scream and shout throughout the night, making it impossible to get a proper night's sleep and also causing us to feel threatened in the streets. Allowing the restaurants in Brick Lane to disgorge their clients any later, much after midnight, would without doubt increase and extend the existing volume of nuisance to residents. We feel that no restaurant in Brick Lane should be serving alcohol beyond midnight.

This application is likely to fail to satisfy at least two of the Four Objectives of the 2003 Licensing Act. It seems to us likely that later hours would increase and extend the risk of Crime and Disorder caused by inebriated customers leaving the licensed premises; and later hours would without doubt make residents the victims of Public Nuisance in the streets adjacent to this restaurant for even longer each night.

Granting this variation would add to the cumulative effect of years of unfettered anti-social behaviour in the Brick Lane area and intensify the intolerable strain already placed on residents. We therefore ask the Licensing Sub-Committee to refuse this application for a variation in licensing hours.

Yours sincerely,

Sandy Critchley
Vice-Chairman, Spitalfields Society

[REDACTED]

Appendix 16

Mohshin Ali

From: Andrew Heron
Sent: 06 January 2014 10:55
To: Mohshin Ali
Subject: FW: Preem Restaurant, 118-122 Brick Lane, London E1 6RL

From: Carolyn Fuest [REDACTED]
Sent: 05 January 2014 10:28
To: Licensing; Andrew Heron; Alex Lisowski
Cc: Spitalfields Society
Subject: Preem Restaurant, 118-122 Brick Lane, London E1 6RL

From Carolyn & David Fuest, [REDACTED]
[REDACTED]

Dear Sirs

Preem Restaurant, 118-122 Brick Lane, London E1 6RL

We are writing to you to OBJECT to the application you have received from the above restaurant to extend its hours for the sale of alcohol, regulated entertainment and late night refreshment until 3.00 am, 7 days a week from the current Monday to Saturday 1200 – 2330, Sunday 1200 – 2300.

We note that this establishment has already applied for, and had refused, license extensions twice this year.

The hours are excessively late and out of line with other restaurants in the area. To grant this will open a flood gate of other applications.

We note that this establishment has already flouted the touting laws. Touting in Brick Lane is still excessive. Extending the license hours will only exacerbate the significant antisocial behaviour, noise and litter problems that we suffer from here.

The arguments are well known to you and we are all tired of having continually to write these letters of objection. It seems that as law-abiding, rate paying citizens we have no right to a relatively peaceful night's sleep. I would put forward the theory that many of the people coming in to frequent these establishments would not tolerate this type of behaviour in their own boroughs.

We ask you, please, to REJECT this application.

Yours sincerely
Carolyn & David Fuest

Appendix 17

Mohshin Ali

From: Andrew Heron
Sent: 06 January 2014 11:23
To: Mohshin Ali
Subject: FW: preem restaurant 118-122 brick lane e1 6rl

From: pat jones [REDACTED]
Sent: 02 January 2014 12:44
To: Andrew Heron; Alex Lisowski; Licensing
Subject: preem restaurant 118-122 brick lane e1 6rl

dear sirs - i understand that an application has been made for these premises to extend their hours for the sale of alcohol, entertainment and late night refreshment until 3am 7 days a week. i wish to object in hte strongest terms to this application which will not satisfy the objectives of the licensing act 2003.

the residents already suffer unacceptable levels of anti-social behaviour caused by these premises and others in the brick lane area, also operated by the same people - there is constant urination, defecation,vomiting, screaming fighting and violent disorder in our streets caused by the late night drinking in these establishments which can only be aggravated by extending their hours. Please refuse this application and please take action to ensure that they operate under the current conditions of their consent which they appear to breach , regards pat jones

Appendix 18

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 06 January 2014 16:19
To: Mohshin Ali
Subject: FW: Preem Restaurant, 118-122 Brick Lane, London E1 6RL

From: TYLER, Dick [REDACTED]
Sent: 06 January 2014 15:29
To: Licensing
Cc: Alex Gordon Shute
Subject: Preem Restaurant, 118-122 Brick Lane, London E1 6RL

Dear Mr Heron, Licensing Officers,

My partner (Alex Gordon Shute) and I live at [REDACTED] and wish to object to the application you have received from the above restaurant to extend its hours for the sale of alcohol, regulated entertainment and late night refreshment until 3.00 am, 7 days a week from the current Monday to Saturday 12:00 – 23:30, Sunday 12:00 – 23:00.

We consider the hours applied for to be excessively late, out of line with hours applied to other restaurants in the neighbourhood and highly unlikely to satisfy the objectives of the 2003 Licensing Act. We understand that the applicant has already failed at least twice before in his attempts to get these hours extended and that nothing has changed since permission was last refused earlier this year. The premises are covered by the Saturation Policy recently introduced for the Brick Lane area, which is designed to halt the spread of irresponsible alcohol licences. We understand that the restaurant has also had its licence suspended by LBTH at least once for touting.

Residents in the area are already plagued with constant anti-social behaviour from drunken visitors to the area, who urinate against our doors and into light-wells, defecate in the gutters and scream and shout throughout the night, making it difficult to get a proper night's sleep and also causing us to feel threatened in the streets. Allowing the restaurants in Brick Lane to disgorge their clients any later, much after midnight, would without doubt increase and extend the existing volume of nuisance to residents. We feel that no restaurant in Brick Lane should be serving alcohol beyond midnight.

We believe that this application is likely to fail to satisfy at least two of the four objectives of the 2003 Licensing Act: it seems to us likely that later hours would increase and extend the risk of crime and disorder caused by inebriated customers leaving the licensed premises; and that later hours would without doubt make residents the victims of public nuisance in the streets adjacent to this restaurant for even longer each night.

Granting this variation would add to the cumulative effect of years of unfettered anti-social behaviour in the Brick Lane area and intensify the intolerable strain already placed on residents. We therefore ask the Licensing Sub-Committee to refuse this application for a variation in licensing hours.

Yours sincerely,

Dick Tyler

[REDACTED]



Appendix 19

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 20

Access and Egress Problems

Such as:

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

Comment

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

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The 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 (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 21

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

Monday to Thursday	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to midnight
Sunday	06:00hrs to 22:30hrs

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

Appendix 22

Tower Hamlet Cumulative Impact Zone

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

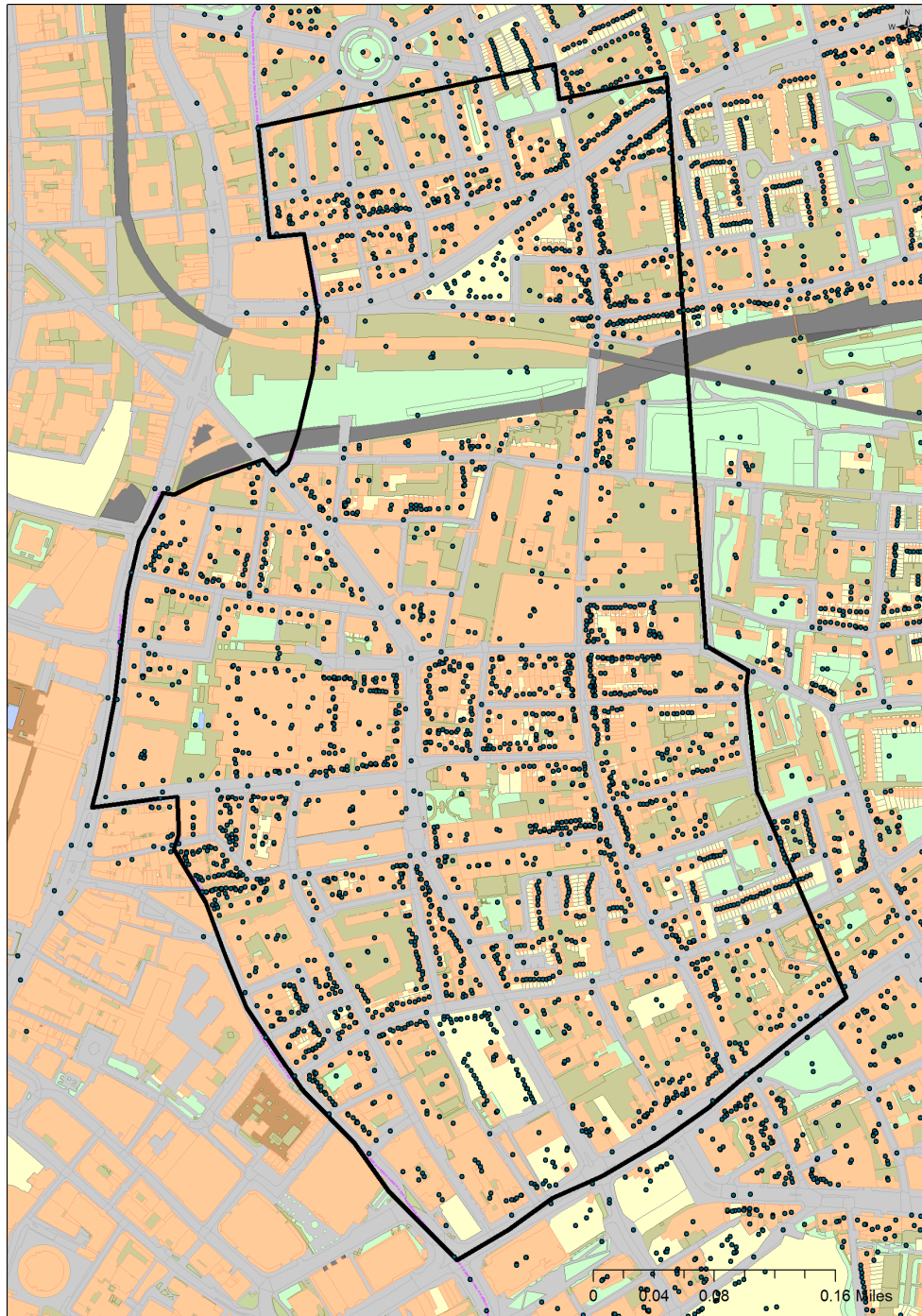
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



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