

LICENSING SUB COMMITTEE

Tuesday, 4 March 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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Website: <http://www.towerhamlets.gov.uk/committee>

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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.

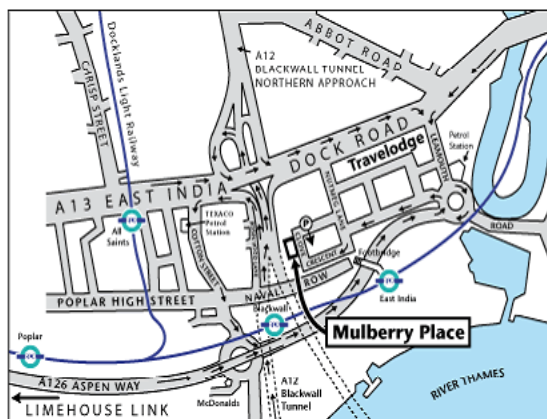
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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

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Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



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

To receive any 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 - 24)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 28th January 2014.

	PAGE NUMBER	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Application for a Variation of a Premises Licence for the Coborn Arms, 6-8 Coborn Road, London, E3 2DA	25 - 102	Bow West
4 .2 Application for a Premises Licence for Preem, Ground Floor and Basement, 118 - 122 Brick Lane, London E1 6RL	103 - 198	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

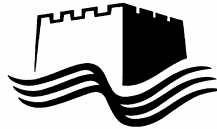
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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 be 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 6.40 P.M. ON TUESDAY, 28 JANUARY 2014

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Marc Francis
Councillor Joshua Peck

Officers Present:

Alex Lisowski – (Licensing Officer)
Michelle Terry – (Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Suat Hasan - (Meze & Barbeque)
Anthony O'Connell - (Convenience Store)
Mohammed Riaz - (Convenience Store)
Nicola Boltan - (Arch 51)
Emad Handi - (Arch 51)

Objectors In Attendance:

PC Brendon O'Rourke - (Metropolitan Police)
PC Mark Perry - (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Marc Francis declared a personal interest on agenda item 4.1, Application for a New Premises Licence for Meze & Barbeque, 150 Roman Road, London E2 0RY on the basis that he has eaten at the premises.

Councillor Joshua Peck declared a personal interest on agenda item 4.1, Application for a New Premises Licence for Meze & Barbeque, 150 Roman Road, London E2 0RY on the basis that he has eaten at the premises.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Meze & Barbeque, 150 Roman Road, London, E2 0RY

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Meze & Barbeque, 150 Roman Road, London E2 0RY. It was noted that an objection had been received from a local resident.

At the request of the Chair, Mr Suat Hasan, Applicant, briefly stated that he had taken over the business over a year ago, he had, had refurbishments done to the premises and had installed an extractor fan. He further explained that he only wished to sell alcohol as an ancillary to the food served at the restaurant and the application was for on sales only and would only serve alcohol with food.

The objector was not present at the meeting, Members' therefore considered and noted the written representation contained in the agenda.

In response to questions from Members, Mr Hasan stated that the customers who came to the premises were not of a rowdy nature and that he had not had any problems of any form of nuisance in the past. It was also noted that drinks would not be taken outside the premises.

Members retired to consider their decision at 6.55pm and reconvened at 7.00pm.

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 application. Members' had carefully listened to applicant's representation

and noted and considered the written objection contained in the agenda. Members' believed that the amended hours offered by the applicant would help address the concerns raised by the objector.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Meze & Barbeque, 150 Roman Road, London E2 0RY be **GRANTED** with conditions from the operating schedule.

Sale of Alcohol (on sales only)

Monday to Thursday from 12:00 hours to 23:00 hours
Friday from 12:00 hours to 00:00 hours (midnight)
Saturday from 12:00 hours to 00:30 hours (the following day)
Sunday from 12:00 hours to 22:30 hours

The Provision of Late Night Refreshments (indoors)

Friday from 23:00 hours to 00:00 hours (midnight)
Saturday from 23:00 hours to 00:30 hours (the following day)

Hours Premises is open to the Public

Monday to Thursday from 12:00 hours to 00:00 hours (midnight)
Friday & Saturday from 12:00 hours to 01:00 hours (the following day)
Sunday from 12:00 hours to 23:30 hours

4.2 Application for a New Premises Licence for Convenience Store, 129 Whitechapel High Street, London E1 7PT

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Convenience Store, 129 Whitechapel High Street, London E1 7PT. It was noted that objections had been received from the Metropolitan Police and the Licensing Authority.

At the request of the Chair, Mr Anthony O'Connell, Licensing Representative explained that the premise was on the border of the Special Cumulative Impact Zone. He explained that the premise was a convenience store and mainly sold groceries and that the proposed alcohol sale would be restricted to 15% of the display area in the store. He then referred Members to the proposed conditions submitted on behalf of the applicant, which covered a number of areas, restricting the sale of super strength alcohol, introducing a challenge 25 policy, having a personal licence holder on the premises at all times the store was open etc.

Members then heard from PC Brendon O'Rourke, Metropolitan Police, who referred to his statement contained in the agenda and stated that it was a new premise and that there had been no specific incidents relating to the premises. However, he said that the premises was within the Special Cumulative Impact Zone and then highlighted the crime statistics in the area. PC O'Rourke concluded that another licensed premises in the area would only attract and add to the anti social behaviour which currently exists in the area.

In response to Members questions the following was noted;

- That premises mainly sold groceries and alcohol would only form a small part of the sales.
- That the store would close at 11pm and would not impact on the night time economy
- That 15% of the display area in the store would be used to display alcohol.
- That people often preload on drinks before going into bars and clubs and this premise was located where there was a busy footfall of people travelling to and from prime locations in Brick Lane etc.
- That conditions to restrict the sale of single cans and having a UV devise would be welcomed by the applicant.

Members retired to consider their decision at 7.25pm and reconvened at 7.40pm.

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.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to both the applicant's representative and PC O'Rourke submissions. Members were not satisfied that there were any conditions that could or would prevent the concerns raised about anti-social behaviour and crime and disorder in the area. In making the decision Members paid particular attention to the Special Cumulative Impact Zone, the location of the premises and the likely rise in anti-social behaviour and crime and disorder as a result of people pre loading on alcohol before going into bars and clubs.

Decision

Accordingly, the Sub-Committee made a majority decision –

RESOLVED

That the application for a New Premises Licence for, Convenience Store, 129 Whitechapel High Street, London E1 7PT be **REFUSED**.

4.3 Application for a Temporary Event Notice for Arch 51 Pedley Street, London, E1 5ES.

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a temporary event notice for Arch 51 Pedley Street, London E1 5ES. It was noted that the Metropolitan Police had objected to the application.

At the request of the Chair, Ms Nicola Bolton, Applicant stated that the event was for a launch party for a record label for 499 people, she stated that this was a new venture and she didn't envisage there to be a problem.

Mr Emad Handi on behalf of Ms Bolton stated that the venue currently had one entry point to be used as an entrance and exit, however they would be introducing three fire exits leading outside which would help facilitate the safe and quite dispersal of 499 people. It was noted that the venue was only available to hire subject to a successful assessment of the client which Ms Bolton had passed.

Ms Bolton stated that they would employ the maximum number of security officers for the event and would also have stewards outside the venue to help with dispersal and help prevent any noise nuisance.

Members then heard from PC Mark Perry, Metropolitan Police who stated that he had been to venue and had photographs of the premises and the area. These were shown to Members in agreement with the applicant.

He stated that his concerns were as follows;

That the applicant was a first time promoter, had no mailing list for customers and therefore difficult to determine who would be attending.

That there had been no risk assessment, therefore DJ's that would be playing were unknown and unaware of what their followings were.

That the railway arch was in close proximity to residential homes and had no sound proofing, which would cause noise nuisance.

That a security plan had been submitted but was not suitable for the venue and the nature of the event.

Members retired to consider their decision at 7.45pm and reconvened at 7.55pm.

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 refuse the application.

The Sub Committee noted both comments and representations from the applicant and PC Perry. Members did not think it was appropriate to grant the application as Members felt that it would undermine the Licensing Objectives of crime and disorder, public nuisance and public safety. Members paid particular attention to the fact that the entry and exit was via one point, and that there was no risk assessment or a security plan in place.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Arch 51 Pedley Street, London E1 5ES be **REFUSED**.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Members agreed to extend the deadline for decisions by dates for the applications below to the hearing dates listed. This was in the public interest to do so in order for notification letters and agendas to be published in accordance with the statutory deadlines.

Premises	Decision by	Hearing Date
Sajna, 30 Brick Lane, London E1 6TD	14/01	04/02 (am)
Best Star One, 23 Whitechapel Rd, London E1 1DU	16/01	04/02 (am)
Lupita, 60-62 Commercial Street, London E1 6LT	24/01	04/02 (am)
Private Members Club, 19-23 Bethnal Green Road, London E1 6LA	20/01	04/02 (am)
Subway, 222 Brick Lane, London E1 6SA	24/12	04/02 (pm)

Premises	Decision by	Hearing Date
Low Cost Food & Wine, 34 White Church Lane, London E1 7QR	31/12	04/02 (pm)
Low Cost Food & Wine, 34 White Church Lane, London E1 7QR	23/01	04/02 (pm)
JB Food Store, 97 Brick Lane London E1 6SE	10/12	04/02 (pm)
Cost Price, 41 Brick lane London E1 6PU	10/12	04/02 (pm)
Oval Space, 29-32 The Oval, London, E2 9DT.	19/01	11/02
Preem, 118-122 Brick Lane, London E1 6RL	04/02	11/02
London Cocktail Club, 32-42 Bethnal Green Road, London E1 6HZ	30/01	11/02
The Restaurant, 19-29 Redchurch Street, London E2 7DJ	31/12	04/03
Coburn Arms, 8 Coburn Road, London E3 2DA	12/02	04/03
Field Day - Victoria Park	14/02	13/03
Vallance Service Station, 112 Vallance Road, London E1 5BW	26/02	13/03
Swan Wharf, 60 Dace Road, London E3 2NQ	07/03	25/03
Old George, 379 Bethnal Green Road, London E2 0AN	05/03	25/03

Premises	Decision by	Hearing Date
Pretty Cuppa Ltd, 178D Brick Lane, London E1 6SA	13/03	08/04
James Manero, 189 Hackney Road, London E2 9ED	14/03	08/04
City Supermarket, 389 Cambridge Heath Road, London E2 9RA	17/03	22/04
Oktoberfest, Millwall Park	22/03	22/04

The meeting ended at 8.00 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05 March 2014	Unclassified	LSC 64/134	

Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a variation of a Premises Licence for the Coborn Arms, 6-8 Coborn Road, London, E3 2DA Ward affected: Bow West
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1.0 Summary

Applicant: **Young and Co's Brewery PLC.**
Name and Address of Premises: **The Coborn Arms**
6-8 Coborn Road
London
E3 2DA

Licence sought: **Licensing Act 2003 variation:**
Varying the layout of the premises

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation in a premises licence for Coborn Arms, 6-8 Coborn Road, London, E3 2DA.

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

The Applicant has not applied to vary the hours of licensable activities. However, for Members' information, the current hours are as follows:

The sale by retail of alcohol:

- a) Monday, Tuesday and Wednesday from 08:00hrs until 23:30hrs
- b) Thursday, Friday and Saturday from 08:00hrs until 00:00hrs (midnight)
- c) Sunday from 10:00hrs to 23:00hrs.
- d) On no more than 15 non-standard timings per year including Bank Holidays from 10:00hrs until 02:00hrs. 7 clear days' notice to be given to the Police, Licensing Authority and Environmental Health who will advise on noise limiting. Police will have right to veto.

Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002; which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11am on New Year's Day.

Hours premises are open to the public

- a) On Monday, Tuesday and Wednesday from 08:00hrs until 00:00 (midnight)
- b) On Thursday, Friday and Saturday from 08:00hrs until 00:30hrs the following day
- c) On Sunday from 10:00hrs until 23:30hrs
- d) On no more than 15 non-standard timings per year including Bank Holidays from 10:00hrs until 02:30hrs.

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

3.4 The applicant has described the nature of the variation as:

To vary the layout of the premises in accordance with plans supplied by the applicant. All licensable activities, permitted hours and opening hours to remain as existing.

Main changes:-

- *Bringing existing garden area inside the premises.*
- *Increasing the bar area inside by way of the Orangery.*
- *Removing existing toilets and re-locating them into what is currently an outbuilding.*

3.5 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 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 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 Local Residents(see **Appendices 4-15**)
- 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 on the premises
 - Anti-social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Close proximity to residential properties
- 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 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 16-19** 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	Representation of Local Resident Ms Jasmin Beckford
Appendix 6	Representation of Local Resident Mr Toby Bennett
Appendix 7	Representation of Local Resident Mr Kenneth Blakely
Appendix 8	Representation of Local Resident Ms Sarah Chase
Appendix 9	Representation of Local Resident Mr Mike Clear
Appendix 10	Representation of Local Resident Ms Shirley Day
Appendix 11	Representation of Local Resident Ms Serena Jenks
Appendix 12	Representation of Local Resident Ms Mr Hugo Lane
Appendix 13	Representation of Local Resident Jakki Moxham
Appendix 14	Representation of Local Resident Mr Roy Sully
Appendix 15	Representation of Local Resident Ms Tina Williams
Appendix 16	Licensing Officer comments on anti-social behaviour on the premises
Appendix 17	Licensing Officer comments on anti-social behaviour from patrons leaving the premises
Appendix 18	Licensing Officer comments on noise while the premises is in use
Appendix 19	Licensing Officer comments on access and egress problems
Appendix 20	Planning

Appendix 1

(The Coborn Arms)
8 Coborn Road
London
E3 2DA

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 03 October 2005



LICENSING ACT 2003

**THIS LICENCE HAS BEEN AMENDED DUE TO AN APPEAL TO THE
MAGISTRATES COURT**

Part A - Format of premises licence

Premises licence number

11167

Part 1 - Premises details

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

8 Coborn Road

Post town

London

Post code

E3 2DA

Telephone number

██████████

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

- a) Monday, Tuesday and Wednesday from 08:00 hours until 23:30 hours
- b) Thursday, Friday and Saturday from 08:00 hours until midnight
- c) Sunday from 10:00 hours to 23:00 hours.
- d) On no more than 15 non standard timings per year including Bank Holidays from 10:00 hours until 02:00 hours. 7 clear days notice to be given to the Police, Licensing Authority and Environmental Health who will advise on noise limiting. Police will have right to veto.

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

The opening hours of the premises

- a) On Monday, Tuesday and Wednesday from 08:00 hours until midnight
- b) On Thursday, Friday and Saturday from 08:00 hours until 00:30 hours the following day
- c) On Sunday from 10:00 hours until 23:30 hours
- d) On no more than 15 non standard timings per year including Bank Holidays from 10:00 hours until 02:30 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

Young and Co.'s Brewery PLC
Riverside House
26 Osiers Road
London SW18 1NH

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

32762

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

Peter Roland Footman

[REDACTED]
[REDACTED]
[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

Personal licence Number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

Effective from 6th April 2010

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;
 - (e) 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.

Effective from 10th October 2010:

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.

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

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

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

The sale by retail of alcohol:

- a) Monday, Tuesday and Wednesday from 08:00 hours until 23:30 hours
- b) Thursday, Friday and Saturday from 08:00 hours until midnight
- c) Sunday from 10:00 hours to 23:00 hours.

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

Door Supervisors:

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-
any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Annex 2 - Conditions consistent with the operating Schedule

- 1) No children under licensable age shall be permitted on the premises after 21:00 hours unless accompanied by an adult or guardian.

Annex 3 – Agreed conditions attached after a hearing by the licensing authority

- 1) That the beer garden be closed to patrons from 23:00 hours Monday to Sunday with all alcohol consumed after this time inside the premises.
- 2) That the playing of music be restricted to inside the premises at all times.
- 3) Alcohol may only be supplied between 08:00 and 10:00 hours Monday to Saturday if there is a major sporting event being screened or if a private function has been organised and any person supplied with alcohol during such hours shall be partaking in a table meal.

- 4) If regulated entertainment is to be provided pursuant to any temporary event notice then music (either live or recorded) shall be subject to control of a suitable noise limiter set to a level as reasonably recommended by the Environmental Health Department of the London Borough of Tower Hamlets.

Annex 4 - Plans

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

6th July 2005



Part B - Premises licence summary

Premises licence number

11167

Premises details

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

8 Coborn Road

Post town

London

Post code

E3 2DA

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 times the licence authorises the carrying out of licensable activities

- a) Monday, Tuesday and Wednesday from 08:00 hours until 23:30 hours
- b) Thursday, Friday and Saturday from 08:00 hours until midnight
- c) Sunday from 10:00 hours to 23:00 hours.

The opening hours of the premises	<ul style="list-style-type: none"> a) On Monday, Tuesday and Wednesday from 08:00 hours until midnight b) On Thursday, Friday and Saturday from 08:00 hours until 00:30 hours the following day c) On Sunday from 10:00 hours until 23:30 hours.
Name, (registered) address of holder of premises licence	<p>Young and Co.'s Brewery PLC Riverside House 26 Osiers Road London SW18 1NH</p>
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	<p>On and off sales</p>
Registered number of holder, for example company number, charity number (where applicable)	<p>32762</p>
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	<p>Peter Roland Footman</p>
State whether access to the premises by children is restricted or prohibited	<p>No restrictions</p>

Appendix 2

London Borough of Tower Hamlets

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

We Young and Co's Brewery PLC

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


Premises licence number 11167

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Coborn Arms 8 Coborn Road			
Post town	London	Post code	E3 2DA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£65,750.00

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post Town	[REDACTED]	Postcode	[REDACTED]

Part 3 - Variation

Please tick yes

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

FROM THE DATE ON WHICH THE COUNCIL ARE NOTIFIED THAT THE WORKS HAVE BEEN COMPLETED

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

Day	Month	Year

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

To vary the layout of the premises in accordance with plans supplied by the applicant. All licensable activities, permitted hours and opening hours to remain as existing.

Main changes:-

- Bringing existing garden area inside the premises.
- Increasing the bar area inside by way of the Orangery.
- Removing existing toilets and re-locating them into what is currently an outbuilding.

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

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

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

In all cases complete boxes K, L and M

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	No Change		State any seasonal variations for the supply of alcohol (please read guidance note 4) No Change		
Tue	No Change				
Wed	No Change				
Thur	No Change		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) No Change		
Fri	No Change				
Sat	No Change				
Sun	No Change				

K

<p>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)</p> <p>None</p>

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) No Change
Day	Start	Finish	
Mon	No Change		
Tue	No Change		
Wed	No Change		
Thur	No Change		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) No Change
Fri	No Change		
Sat	No Change		
Sun	No Change		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
None

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
Licence has been misplaced – fee of £10.50 sent for replacement.

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

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

We have considered the impact of the proposed alterations and do not feel that there will be any increased risk. No further steps will be necessary to promote the licensing objectives and the existing measures will continue

b) The prevention of crime and disorder

See box a) above

c) Public safety

See box a) above

d) The prevention of public nuisance

See box a) above

e) The protection of children from harm

See box a) above

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

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

Signature	
Date	17 December 2013
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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

Signature	
Date	
Capacity	

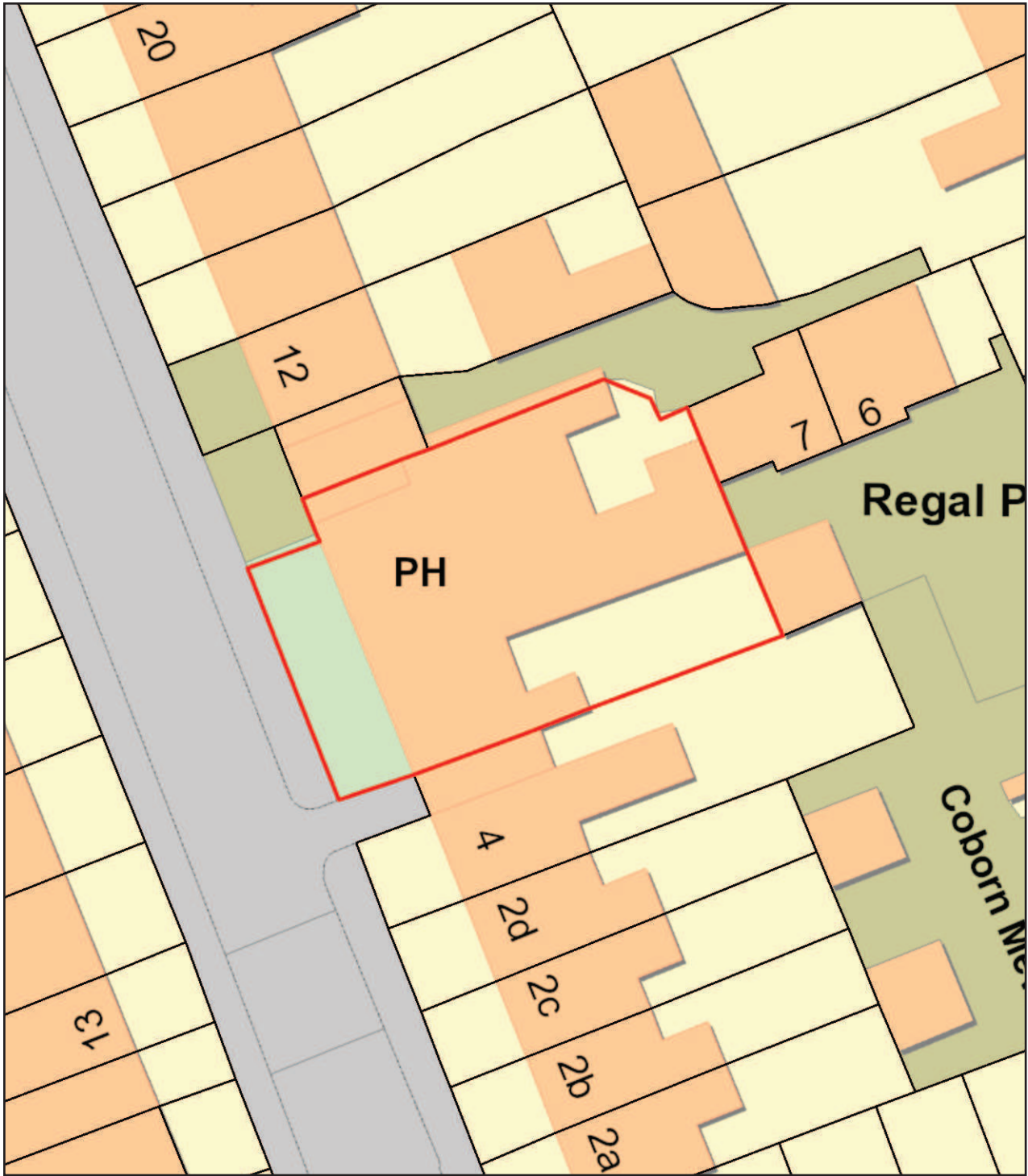
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Vicki Caress Popleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

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 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.

Appendix 3

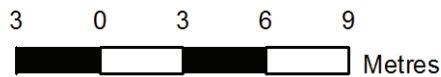


8 Coborn Road

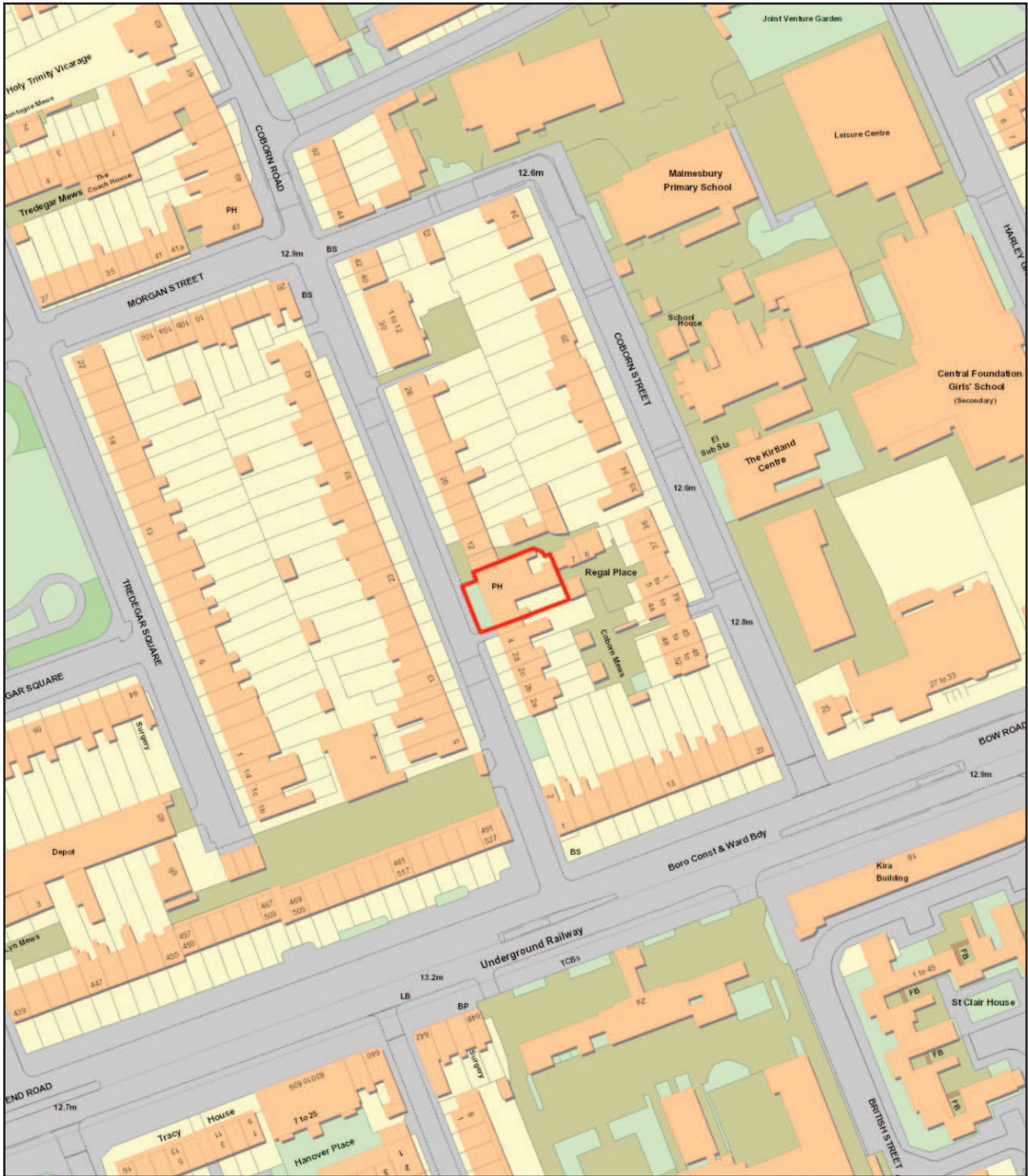
Map 1



Scale 1:334



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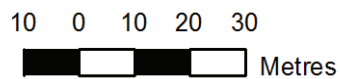


8 Coborn Road

Map 3



Scale 1:1669



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Appendix 4

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 5

10th January 2014



Mr. John McCrohan
Trading Standards & Licensing Services Manager
5 Clove Crescent
LONDON E14 2BG



Dear Mr McCrohan,

**RE: Licensing Act 2003 and Coborn Arms,
8 Coborn Road,
LONDON E3 2DA**

Thank you for your letter of 18th December about the application for the Coborn Arms to have a variation of their licence.

In reference to the four objectives set out in the Tower Hamlets Website, "the prevention of public nuisance alarms me most and I therefore wish to state my objections to the application.

The Coborn Arms is not in a High Street but in a residential area. Consequently, it is the residents in their homes who will be affected by the noise, extra traffic and pollution.

Coborn Road is already experiencing problems with traffic. Many evenings neighbours can hear irate drivers hooting horns and behaving badly as they try to approach each other from opposite direction on what is a narrow road. The variation application, if it is successful, will, worsen the problem with extra inflow of traffic.

Another public nuisance which affects the immediate neighbours of the pub is the loud, crashing noise of bottles being emptied into containers. This can be frightening as it always happens without warning. The volume of bottles, cans etc. will be increased if application is successful.

Yours sincerely,


Jasmin Beckford

Appendix 6

Toby Bennett

Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London, E14 2BG

Friday 10th Jan 2014

Re: Application for License variation, Coborn Arms, 6-8 Coborn Road, E3

I am writing to object to the license variation for these premises on the grounds that the increased capacity that would result from the proposed expansion would be a very significant intensification likely to lead to a correspondingly significant increase in public nuisance. I am therefore objecting on the basis of the licensing objective "the prevention of public nuisance". The nuisance would result from the increased numbers of people arriving and leaving, the increased use of the forecourt area in front of the pub, and increased customer road traffic and deliveries in this narrow street.

Background

Coborn Road is a narrow, residential street that is already heavily marked by the presence of the pub; any increased impact would be extremely detrimental to the lives of local residents. The Coborn Arms was originally a much smaller and more appropriately sized pub. However, it has already grown due to the acquisition of and extension into a neighbouring property in the 1980s. The effects on local families have been further increased twice through an extension to its opening hours in 2005 and increased use of the forecourt following the smoking ban in 2007.

Despite strong local opposition, and I believe against the advice of the council's environmental health office, Young's were granted longer opening hours in 2005 following the introduction of the 2003 Licensing Act. The hours are currently

- a) On Monday, Tuesday and Wednesday from 08:00 hours until midnight
- b) On Thursday, Friday and Saturday from 08:00 hours until 00:30 hours the following day
- c) On Sunday from 10:00 hours until 23:30 hours

As you will see, on most nights of the week this means that people are coming and going well into the night, and into the early morning.

Following the smoking ban Young's have exploited the large forecourt area intensively through:

- a) the introduction of more seating
- b) installation of large umbrella coverings (which are effectively permanent never having been moved since their introduction)
- c) installation of outdoor heating and
- d) installation of partially glazed sidewalls.

This has resulted in many more people using the forecourt area and its use throughout the year rather than just the summer months as was previously the case. At times the forecourt is very busy and very noisy, and at times customers spill out into the street. The forecourt is used by drinkers until 11.00pm, as set out in the premises license, but continues to be used by smokers and others until the closure of the premises at a much later time.

This has a considerable impact on neighbouring families (some with young children) in this narrow street with bedroom and living room windows very close by.

Extent of the increased capacity

As explained above this is already a large pub for a residential area having been expanded previously and containing a large forecourt seating area.

The further increase in size of the Coborn Arms that is set out in the planning application is huge, and this would result in a substantial increase in potential capacity. Based on the floor areas on the plans provided in the planning application I estimate that the increase in internal public floor area (not including toilets) will be around 88%. The accompanying shaded versions of the current and proposed plans well illustrate this massive increase in a visual way.

According to the planning application the size of the premises will increase from 307 to 418.5 sqm, an increase of 36%, however due to the changing space utilisation the increase in public drinking areas is much greater. In an accompanying letter they also state

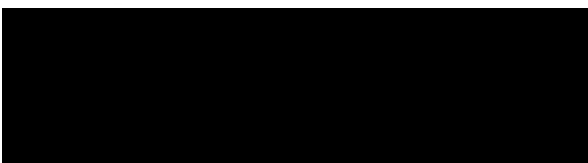
“The current license allows for a 200 person capacity based on floor area alone. The current dining area holds between 70 and 80 customers. With the increased area the capacity will increase to about 250 with approximately 120 of these dining.”

This suggests an increase of only 25% (which in itself would be bad enough), I presume this is because Young’s hope that more people will be dining under the new layout. However, this is purely conjecture and it could just as well be that the pub will attract more drinkers and much higher numbers with the seating being adapted accordingly.

Conclusion

Whilst I am not opposed to, indeed I support, the updating and refurbishment of this pub in a sympathetic manner, I assert that any intensification through an increase in capacity is very likely to result in increased public nuisance. Currently, the balance between the pub use and local amenity has been managed despite the intensification that has taken place in recent years, however it is difficult to see how this can continue if this further substantial intensification is permitted.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Toby Bennett

Appendix 7

LBTH
TRADING STANDARDS
13 JAN 2014


10 January 2014

Dear Mr McCrohan,

RE: Licensing Act 2003 and Coborn Arms, 8 Coborn Road, LONDON, E3 2DA

Thank you for your letter of 18 December about the application for the Coborn Arms to have a variation of their licence.

Of the four licensing objectives set out in the advice on the Tower Hamlets website it is "the prevention of public nuisance" which raises most concern. I therefore wish to record my objections to the application.

The Coborn Arms is in the middle of a residential district; it is not in an urban High Street where its neighbours are shops. Consequently, it is people in their homes and gardens who will be affected.

Presumably, it is in the evening when the majority of people will be at the Coborn Arms having a good night out eating, drinking and talking. Because of concerns about drinking and driving many will wisely decide to take a taxi home. When a taxi arrives, the driver does not usually go looking for his clients, perhaps because he cannot park and he has to wait in the only free lane in the road and so blocks traffic in both directions (Coborn Road is narrow and has parking on both sides, especially in the evening, leaving only one lane free for traffic in both directions) or he doesn't feel like getting out of his cab. For whatever reason it is the residents who suffer because the driver usually announces his arrival by sounding the horn long and frequently enough for people in the pub to hear. Residents trying to get a good night's sleep ready for work the next day are rightly annoyed at this disturbance. When customers driving their own cars leave, more often than not they too sound the horn, this time to say goodbye. Whichever way they travel it usually involves noise late at night, upsetting and annoying residents and preventing them from getting a good night's sleep.

Another nuisance created by people leaving the Coborn Arms late at night is that they rightly wish to continue chatting on the pavement before they get into their taxi or car. In the still of the night it is surprising how far voices travel. The sufferers are those residents hoping for a night of unbroken sleep.

One other public nuisance which will be greatly increased affects the immediate neighbours of the pub. It is an unpleasant one which, if the license variation application is successful, will be greatly increased. It is the smell of other people's cooking. Sitting or working in the garden one can be overcome by a stomach-turning smell telling you what is on that day's menu. The only escape is to go indoors and be denied the use of the garden. Although it does not affect all residents, that does not lessen its unpleasantness and consequences.

Yours sincerely,


Kenneth Blakeley

Mr John McCrohan 
Trading Standards and Licensing Services Manager
5 Clove Crescent
E14 2BG

Appendix 8

Andrew Heron

From: Alex Lisowski on behalf of Licensing
Sent: 13 January 2014 09:54
To: Andrew Heron
Subject: FW: Coborn Arms E3 Licence Variation Application

Andrew,
One of yours.
Alex.

From: Sarah Chase [mailto:████████████████████]
Sent: 12 January 2014 23:16
To: Licensing
Subject: Coborn Arms E3 Licence Variation Application

Dear Sir/Madam,

I understand that in order to potentially cover the increased capacity following a recent planning proposal, the Coborn Arms (8 Coborn Road, E3 2DA) has applied to vary the terms of its licence.

I would like to formally state my objection to this variation.

The Prevention of a Public Nuisance

The pub is located on a narrow, residential street. As a resident, I am aware of existing pressure points including the noise caused by deliveries to and rubbish collections from the pub, noise from the pub's customers in the front beer garden area and on leaving, traffic congestion and parking difficulties.

With the pub at its current size, these issues are all a concern, but currently can be tolerated. However, increased capacity at the pub will, in my opinion, exacerbate the situation and push these pressure points to such a degree that they will become a public nuisance.

I therefore wish to object to the licence variation application.

Yours faithfully,
Sarah Chase

████████████████████

Sent from my iPhone

Appendix 9

Andrew Heron

From: Mike Clear [REDACTED]
Sent: 07 January 2014 12:17
To: Licensing
Cc: Alanna Clear
Subject: Coborn Arms Licensing Variation Application: Objection based on the Prevention of Public Nuisance

Follow Up Flag: Follow up
Flag Status: Completed

(From the Residents of 4 Coborn Road, E3 2DA)

Dear Sir,

As next-door neighbour to the Coborn Arms, we feel well placed to object to the extensive expansion plans that Youngs have submitted.

While we do not object to updating the facilities, we are extremely concerned that the new proposed size of the pub will create a public nuisance.

As it is we are frequently woken by disturbances outside the pub, often merely intoxicated altercations, but occasionally becoming physical violence that has at times taken place on our property (e.g. on our car parked in front of our house), we are very concerned that the increased capacity will bring with it increased numbers of drinkers, and with it increased numbers of late night incidents.

With a 2 year old son, and another baby on the way in April, our family is particularly sensitive to increased disturbances outside, and we are keen to make our objections heard.

We would be happy to discuss this with a representative from young's, but since the landlord is leaving in the next couple of months, there doesn't seem to be a face to the organisation. As we - and our other neighbours agree - updating the facilities is one thing, but expanding the operation is entirely different.

Please confirm that you have received this objection, and let me know if I can help in any further way.

Yours Sincerely,

Mike

Mike Clear
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

Ms Shirley Day [REDACTED]
[REDACTED]

27 December 2013

John McCrohan
Trading Standards and Licensing Services Manager
Tower Hamlets Licensing Section
5 Clove Crescent
E14 2BG

Dear Mr McCrohan,

Re: Licensing Act and Coborn Arms 8 Coborn Road E3 2DA

I am writing to object to this application for a variation of a premises license.

The proposed variation is to enlarge the Coborn Arms public house by 40% from 307 to 418 square metres.

In a letter from Mervyn Brown Associates (on behalf of Youngs) of 11/11/13 it is stated

The current license allows for a 200 person capacity based on floor area alone. The current dining area holds between 70 and 80 customers. With the increased area the capacity will increase to about 250 with approximately 120 of these dining.

The impact of the proposed alterations will be to increase public nuisance to the residents of Coborn Road and Regal Place.

There will be greater public nuisance to Coborn Road caused by the increased numbers of people arriving and leaving at all hours up to midnight on Monday, Tuesday and Wednesday and half past midnight on Thursday, Friday and Saturday.

There will be greater nuisance to Regal Place (and especially 7 Regal Place which has a party wall with the rear of the pub/ the area of the proposed orangery) with increased noise from the pub extension into the heart of the Regal Place residential area. Noise from the pub in this quiet residential area is not acceptable all day and up to midnight or half past midnight.

In conclusion, there is an increased risk of failing the licensing objective d) the prevention of public nuisance.

Therefore I object strongly to the proposed license variation.

Yours sincerely

[REDACTED]

Shirley Day



Appendix 11

Andrew Heron

Subject: FW: Objection to Coborn Arms License Variation Application, 8 Coborn Road
london E3

From: Serena Jenks [mailto:████████████████████]
Sent: 13 January 2014 14:54
To: Licensing
Subject: Objection to Coborn Arms License Variation Application, 8 Coborn Road london E3

To:
Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London E14 2BG

Coborn Arms License Variation Application
8 Coborn Road london E3

I write to object to the License Variation application relating to the Coborn Arms pub.

My objection is based in the prevention of public nuisance.

My family and I live directly opposite the pub in Coborn Road. When I first moved here in 2004 it was a quiet 'family pub' which I found to be a positive presence in my street. It was unusual for there to be more than a handful of customers outside the front of the pub, except on Friday lunchtimes in the summer.

Since then I have noticed a steady intensification in the volume of customers, and the number of trucks stopping here to deliver goods and remove rubbish. The combination of extended opening hours (2005, till midnight or half past midnight) and development of an effectively permanent sheltered heated forecourt outside the pub (2007, following the smoking ban) increase the use of this outdoor space by customers, and by adding to the pub's capacity in this way have changed the character of the pub and the local environment.

Customers sometimes linger on this forecourt till 1am or even later, and can be noisy and cause nuisance, particularly late at night.

The application represents a further massive over-intensification of the business of the pub that is inappropriate in this predominately residential street within a conservation area. By varying the license and increasing the indoor capacity as well as the outdoor forecourt space, there will be a further volume of customers, and the nuisance of increased frequency in the deliveries of food, drinks and removal of rubbish.

I am in favour of Young's upgrading the premises in appropriate ways, but not in further enlargement or substantial intensification of use which would lead to further increased customer capacity or longer hours.

Please consider my comments within your consultation process. Thank you.

I'd be grateful if you could acknowledge my letter which I am sending to you by email only.

Yours sincerely,
Serena Jenks
████████████████████

Appendix 12

Hugo Lane

Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
London, E14 2BG

Friday 10th Jan 2014

Re: Application for Licence variation, Coborn Arms, 6-8 Coborn Road, E3

I am writing to object to the licence variation for these premises on the grounds that the increased capacity that would result from the proposed expansion would be a very significant intensification likely to lead to a correspondingly significant increase in public nuisance. In particular, I am objecting on the basis of the licensing objective "the prevention of public nuisance". The nuisance would result from the increased numbers of people arriving and leaving, the increased use of the forecourt area in front of the pub, and increased customer road traffic and deliveries in this narrow street, in an otherwise almost exclusively residential area.

Background

Coborn Road is a narrow, residential street that is already heavily marked by the presence of the pub; any increased impact would be extremely detrimental to the lives of local residents. The Coborn Arms was originally a much smaller and more appropriately sized pub. However, it has already grown due to the acquisition of and extension into a neighbouring property in the 1980s. The effects on local families have been further increased twice through an extension to its opening hours in 2005 and increased use of the forecourt following the smoking ban in 2007.

Despite strong local opposition, and against the advice of the council's environmental health office, Young's were granted longer opening hours in 2005 following the introduction of the 2003 Licensing Act. The hours are currently:

- a) On Monday, Tuesday and Wednesday from 08:00 hours until midnight
- b) On Thursday, Friday and Saturday from 08:00 hours until 00:30 hours the following day
- c) On Sunday from 10:00 hours until 23:30 hours

As you will see, on most nights of the week this means that people are coming and going well into the night, and into the early morning.

Following the smoking ban Young's have exploited the large forecourt area intensively through:

- a) the introduction of more seating
- b) installation of large umbrella coverings (which are effectively permanent never having been moved since their introduction)
- c) installation of outdoor heating and
- d) installation of partially glazed sidewalls.

This has resulted in many more people using the forecourt area and its use throughout the year rather than just the summer months as was previously the case. At times the forecourt is very busy and very noisy, and at times customers spill out into, and across,

the street. The forecourt is used by drinkers until 11.00pm, as set out in the premises license, but continues to be used by smokers and others until the closure of the premises at a much later time.

This has a considerable impact on neighbouring families (some with young children) in this narrow street with bedroom and living room windows very close by.

Extent of the increased capacity

As explained above this is already a large pub for a residential area, having been expanded previously and containing a large forecourt seating area.

The further increase in size of the Coborn Arms that is set out in this variation to the licence - and detailed in the related planning application - is huge, and this would result in a substantial increase in capacity. Based on the floor areas on the plans provided in the planning application the increase in internal public floor area (not including toilets) will be around 88%. The accompanying shaded versions of the current and proposed plans well illustrate this massive increase in a visual way.

According to the planning application the size of the premises will increase from 307m² to 418.5m², an increase of 36%. However, due to the changing space utilisation the increase in public drinking areas is much greater. In an accompanying letter they also state

“The current licence allows for a 200 person capacity based on floor area alone. The current dining area holds between 70 and 80 customers. With the increased area the capacity will increase to about 250 with approximately 120 of these dining.”

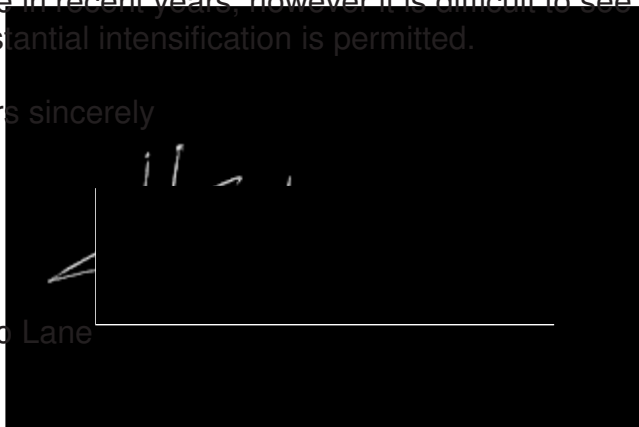
This suggests an increase of only 25% rather than the 36% indicated by the plans. This would be bad enough. Perhaps the lesser percentage is based upon an increase in the proportion of people dining rather than just drinking. However, this is purely conjecture and it could just as well be that the pub will attract more drinkers and much higher numbers with the seating being adapted accordingly. Certainly the potential is there and cannot be ignored.

Conclusion

Whilst I am not opposed to, indeed I support, the updating and refurbishment of this pub in a sympathetic manner, I assert that any intensification through an increase in capacity *is very likely to result in increased public nuisance*. Until now, the balance between the pub use and local amenity has been managed despite the intensification that has taken place in recent years, however it is difficult to see how this can continue if this further substantial intensification is permitted.

Yours sincerely

Hugo Lane



Appendix 13

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
10th January 2014

[REDACTED]
[REDACTED]
John McCrohan

Licensing Manager, Licensing Section

Tower Hamlets Council

Dear Mr McCrohan

Objection to application for Licensing variation, the Coborn Arms

Further to your letter of 18th December 2013 I am writing to object to the above application. My objection is based on the impact this application will have on the objective of the **prevention of public nuisance** and I argue that it will in fact **increase public nuisance** because

1. The application, linked to a recent planning application, is based on a near doubling (88% increase) of the size of the internal public areas – excluding toilets - of the pub. There will therefore be up to twice as many people coming into and out of this quiet residential area, utilising taxis etc. late at night and more people make more noise, especially after they have been drinking. So the significant intensification of use will impact positively on the level of **public nuisance**.
2. A bigger pub with more customers will require more servicing and more supplies and this will **increase the public nuisance** by doubling the number of delivery trucks, brewers' drays, and other activity, which takes place outside of opening hours in this quiet residential street. So the **public nuisance created** impacts into the quieter times of the day/week as well as during pub opening hours.
3. The licensing application shows that the front external areas of the pub (on Coborn Road) will be used for dining. This is a new use for these front outside areas, which have previously been subject to tight controls over their use and the hours during which drinkers can populate them, in recognition of the proximity of this pub to established family houses. This again will lead to both increased noise, and to significantly more littering as paper serviettes and other detritus will be blowing about, into the street and into front gardens. A direct impact on the level of **public nuisance**.

I live directly opposite the Coborn Arms and believe that the impact of this application will be to **create public nuisance** which will directly impinge on my quality of life and that of the families living around me. It is inappropriate for a local pub to over-develop itself in this way.

Yours sincerely

J M Moxham

Appendix 14

[REDACTED]
[REDACTED]

John McCrohan Esq
London Borough of Tower Hamlets
Trading Standards and Licensing Services Manager
Licensing Section
Mulberry Place (AH)
6th Floor
5 Clove Crescent
E14 2BG

07 January 2014

Dear Mr Mc Crohan,

Application to Vary Premises Licence at The Coborn Arms

Thank you for your letter of 18th December 2013. I wish to object to the application.

This appears to be not a simple variation of an existing licence, but a new application based on a hoped-for enlargement of the pub by at least 40%. As such this is a substantial variation of physical premises and should be dealt with as a new application.

The application presumes that planning consent will be given for the enlargement of the pub but at present such permission does not exist. Until that matter is settled then it is impossible to say whether or not the application to increase the number of people using the pub is reasonable. So any decision needs to await the verdict of the planning committee.

Whatever the planning committee decide, it will remain the case that The Coborn Arms is on a constricted site. It forms part of a terrace on one side of Coborn Road and is opposite terraced housing on the other. The pub backs on to houses in Coborn Street. In short, the pub is in an entirely residential neighbourhood. Any increase in the licensed capacity is likely to lead to an **increase in public nuisance** as more people use the pub, more deliveries are made to it, and more waste has to be taken away.

Yours sincerely

[REDACTED]

Roy Sully



Appendix 15

ATTENTION –JOHN MCCROHAN

Trading Standards and Licencing Services Manager
Licencing Section
Mulberry Place (AH)
6TH Floor
5 Clove Crescent
London
E14 2BG

January 12, 2014

Dear Sir

OBJECTION TO: LICENCE VARIATION APPLICATION COBORN ARMS PUBLIC HOUSE

Further to receipt of your letter of December 18, 2014 I wish to object to the Licence Variation Application made by Young and Co Brewery Plc. of Riverside House, 26 Osiers Road, London SW18 1NH, relating to the **Coborn Arms Public House, 8 Coborn Road London E3**. I would refer you to the attached copies of my earlier correspondence with Jerry Bell of Tower Hamlets Development and Renewal in which I have detailed at length my objections to the recent planning applications submitted by the brewery and which appear to have necessitated the licence variation application. To reiterate the Coborn Arms is:

- Situated in a residential street.
- Situated in a conservation area.
- In close proximity to the Morgan Arms which already has an internal and an "al fresco" dining area-the Morgan Arms is an end of terrace location so cannot be used for the purpose of precedent or comparison.
- Forms part of a terrace on one side of Coborn Road.
- Immediately faces terraced housing on the opposite side of the road, some of which is listed.
- Has an outdoor area, which abuts various residential properties in Coborn Street.

The location of the Coborn Arms places upon the owner(s) the burden of balancing commercial need against the wellbeing of local inhabitants. The brewery clearly has no interest in doing this as evidenced by the repeated attempts to change the current character of the pub from that of a local pub designed to serve local use to an increased capacity, commercial behemoth which will need to attract customers from a wider catchment area. The desire to enlarge the Coborn Arms in the manner described in the planning application will mean greater numbers of people and hence greater nuisance (specifically increased noise, rubbish and reduced parking) while the specific intention to create an "Orangery" towards the rear will significantly reduce the quiet enjoyment of their properties currently enjoyed by those whose gardens are in immediate proximity to the new facility. Moreover if their planning application is successful the brewery will inevitably seek to recoup any cost associated with implementation of this application. If legions of dining enthusiasts fail to appear the envisaged new "Orangery" will inevitably fall into disuse becoming simply an additional space for drinkers. The brewery will then have succeeded in turning the Coborn Arms from a quiet "local" pub into something completely different. I would reference the fact that the brewery previously promised that the development of the front of the pub if approved would not result in any significant change to the character of the pub. However almost immediately upon approval being granted large outdoor heaters were put in place and the front of the pub effectively turned, at least initially, into an enormous ashtray. Vertical drinking on warm evenings followed with large number of people gathering outside the front of the pub. The increased number of people using the pub has inevitably resulted in increased altercations like the one which recently took place at 12pm one evening when a group of at least ten young men "squared up" to each other prior to some kind of physical altercation taking place on the Mile End Road. As representatives of the brewery were not present to police the event local inhabitants were the ones who suffered the associated nuisance. Even without the ever present possibility of increased violence increased numbers of people means an increased amount of noise late into the night which cannot be considered to be in the interest of the local inhabitants.

On the basis that prevention of public nuisance must be considered when granting either an initial licence or a variation to same I am opposed to the above application.

Yours faithfully


Tina Williams

ATTENTION -JERRY BELL

Applications Team Leader
Tower Hamlets Development and Renewal
Town Hall
5 Clove Crescent
London
E14 2BG

COPY

October 20, 2013

Dear Sir

OBJECTION TO: Planning Application PA/13/02287

I wish to strenuously object to the above planning application which I understand has been submitted, on behalf of Young and Co Brewery Plc. of Riverside House, 26 Osiers Road, London SW18 1NH, and which relates to the **Coborn Arms Public House, 8 Coborn Road London E3.**

With reference to my letter of July 18, 2013, a copy of which is attached, I see nothing in respect of the amended/resubmitted application that would alleviate any of the concerns I detailed therein. The brewery appear to my, admittedly untrained eye, have simply resubmitted their original plan albeit with the addition of a glass roof over the external area previously described as an "Al Fresco" dining area now designated as an "Orangery".

I would reiterate the Coborn Arms is:

- Situated in a residential street.
- Situated in a conservation area.
- In close proximity to the Morgan Arms which already has an internal and an "al fresco" dining area-the Morgan Arms is an end of terrace location so cannot be used for the purpose of precedent or comparison.
- Forms part of a terrace on one side of Coborn Road.
- Immediately faces terraced housing on the opposite side of the road, some of which is listed.
- Has an outdoor area, which abuts various residential properties in Coborn Street.

The location of the Coborn Arms therefore places upon the owner(s) the burden of balancing commercial need against the wellbeing of local inhabitants. The brewery clearly has no interest in doing this as evidenced by the repeated attempts to change the current character of the pub from that of a local pub designed to serve local use to an increased capacity, commercial behemoth designed to attract customers from a wider catchment area and moreover individuals who, coming from further afield, will have no investment in the residential nature of the surrounding area.

This would appear to directly contravene the council's core planning strategies of concentrating mixed use around Mile End Station and of allowing extensions to existing social facilities only to the extent they are local in nature and scale and where local need can be demonstrated. I and many others have yet to be convinced there is any such local need. As the Planning Department knows the area is already serviced by the Morgan Arms, the Lord Tredegar, The Greedy Cow, The Grove, Palmers, The Olive and the numerous other dining opportunities within walking distance.

The desire to enlarge the Coborn Arms in the manner described in the application will mean greater numbers of people and will inevitably mean greater nuisance (specifically increased noise, rubbish and reduced parking) while the specific intention to create an "Orangery" towards the rear will inevitably and significantly reduce the quiet enjoyment of their properties currently enjoyed by those whose gardens are in immediate proximity to the new facility To summarise:

1. Except when sporting occasions are televised the pub rarely seems to operate at full capacity. The Coborn Arms therefore needs no increase in size to enhance the local amenity aspect -this application is driven purely by (potential) future, commercial considerations associated with increasing the pubs catchment area not local need. The pub is clearly large enough as it is to service local need.
2. The current character of the pub is distinct from the "gastro pub" character of the Morgan Arms which difference should be celebrated for providing choice to local residents. If the owners wish to re-characterize the Coborn Arms a more sensible course of action would be to restructure and refurbish the interior of the Coborn Arms without recourse to increasing the square footage associated with dining.
3. The pub already has a large square footage dedicated to dining both inside and outside the front of the building. Any further enlargement of the area so dedicated contravenes the stated position of the local authority to protect residential amenity.

4. Approval of the application will create additional nuisance via increased noise and rubbish on the streetscape also reductions in available parking at any given time. We can also look forward to increased deliveries being made, no doubt at the same unsocial hours as present, and no doubt increased problems with drains and odours. The continual, running of air conditioning units to ventilate the property will create an increased nuisance.
5. Local residents whose properties and gardens border the "Orangery" dining area will have the quiet enjoyment of their properties and gardens greatly diminished.
6. If successful the brewery will inevitably seek to recoup any cost associated with implementation of this application. If legions of dining enthusiasts fail to appear the envisaged new external area will inevitably fall into disuse as a dining area becoming simply an additional space for drinkers. The brewery will then have succeeded in turning the Coborn Arms from a quiet "local" pub into something completely different. The other alternative which I suspect the brewery may seek to obtain permissions for will be the use of the pub as a "live music" venue. My recollection is that an application of this kind was made previously and I have no doubt, given the contempt shown by the brewery for residential amenity, a further application will be made in due course. I would reference the fact that the brewery promised that the development of the front of the pub if approved would not result in any significant change to the character of the pub. However immediately upon completion large outdoor heaters were put in place and the front of the pub effectively turned into an enormous ashtray. Vertical drinking on warm evenings followed suit with large number of people gathering outside the front of the pub. The increased number of people using the pub has inevitably resulted in increased altercations like the one which took place outside my home at 12pm on Wednesday or Thursday of last week when a group of at least ten young men "squared up" to each other prior to some kind of physical altercation taking place on the Mile End Road. As representatives of the brewery were not present to police the event local inhabitants were the ones who suffered.

As I stated in my previous letter I am opposed to the above application as I believe many of my neighbours will be. I believe the local community has no objection to a pub that is "local" in character and has I believe not only acquiesced to changes to the local public houses to date but mostly welcomed them. This latest application however is one I believe should be denied.

Yours faithfully



Tina Williams

ATTENTION -JERRY BELL

Applications Team Leader
 Tower Hamlets Development and Renewal
 Town Hall
 5 Clove Crescent
 London
 E14 2BG

COPY

July 18 2013

Dear Sir

OBJECTION TO: Planning Application PA/13/01476

I wish to strenuously object to the above planning application which I understand has been submitted, on behalf of Young and Cos Brewery Plc. of Riverside House, 26 Osiers Road, London SW18 1NH, by Mervyn Brown Associates Ltd and which relates to the **Coborn Arms Public House, 8 Coborn Road London E3**. I have lived in Coborn Road in excess of twenty years so have personal experience of the way in which the Coborn Arms and the Morgan Arms public houses have changed over time and the impact this has had on the local area. To date any impact may be considered to have been mostly beneficial but I feel a tipping point has been reached.

The Coborn Arms is:

- Situated in a residential street.
- Situated in a conservation area.
- In close proximity to the Morgan Arms which already has an "al fresco" dining area-the Morgan Arms is an end of terrace location so cannot be used for the purpose of precedent or comparison.
- Forms part of a terrace on one side of Coborn Road.
- Immediately faces terraced housing on the opposite side of the road, some of which is listed.
- Has an outdoor area, which abuts various residential properties in Coborn Street.

The location of the Coborn Arms therefore places upon the owner(s) the burden of balancing commercial need against the wellbeing of local inhabitants.

The motto of the pub is "an oasis in a changing world" -a constantly changing oasis it would appear. The pub was built in the mid-18th century subsequent to which sometime during 1984 the applicant purchased it and then so I understand proceeded to extend into the house next door. Not content with this extension to the footprint of the building an application was submitted during May 2003 to have the 310 square feet in front of the property turned into what was described as a "Trade Garden". Garden in this context being slightly disingenuous. Local inhabitants were invited to submit objections and attend a meeting so their concerns could be addressed. We were told noise would not be an issue as, due to the inclement British weather, the numbers of people sitting in the area at any one time would be minimal and that departures from the pub after closing time would be closely managed to ensure noise pollution would be kept to a minimum. As I recall a suggestion was made by a representative from the brewery that if things didn't work out people could upgrade their window furnishings. Putting aside any associated cost this solution was clearly unavailable to the owners of nearby listed properties who are subject to planning restrictions. I mention this to emphasise the lack of consideration previously demonstrated by the applicant in pursuit of economic self-interest. Despite opposition the application was granted, outdoor heaters appeared followed in short order by significant numbers of people now able to gather outside the front of the pub all through the year rather than just during summer evenings.

I do not dispute that the Manager of the Coborn Arms manages the pub in a competent and professional manner but at the end of the day he cannot police the behaviour of everybody who patronises his venue-for example the individual who exited the pub, got into his car and reversed at speed from a static position into my car thereby wrecking the front of it. Nor can he impose himself on individuals who express what a lovely evening they have had by chatting loudly, shouting or sometimes singing loudly at the top of their voices as they leave. I particularly enjoy this on the evenings preceding the morning when the weekly supply of beer is delivered at 6.30 or thereabouts the noise of metal barrels being thrown into the cellar ensuring that everybody gets up nearly as early as the drayman.

I have however been happy to tolerate some level of personal inconvenience on the premise that a friendly local pub is an asset and any pub has to be located near to somebody's home. Also if the noise at the front became too much it was always possible to move into the area at the back of my home. It should be noted however that on occasions when football matches have been televised and the windows at the back of the bar area have been open the immense amount of noise created has inevitably had an impact. Again I have been happy to tolerate the fact my back garden is not always

a "oasis" of quiet on the premise these occasions have not been too frequent and it would therefore seem mean spirited to complain. I cannot however feel quite so sanguine about the latest proposal which must mean that large numbers of people will be making a large amount of noise every afternoon and every evening from the date the "al fresco" dining area, if approved, is completed. My previous experience of the "Trade Garden" and the outside heaters leads me to suspect the English climate will be insufficient to provide a natural restriction on the hours the "Al Fresco" dining area will be in use.

The desire to enlarge the Coborn Arms by over by 80 square metres means greater numbers of people which will inevitably mean greater nuisance (specifically increased noise and rubbish and reduced parking) while the specific intention to create an outdoor area at the rear will inevitably and significantly reduce the quiet enjoyment of their properties currently enjoyed by those whose gardens are in immediate proximity to the new public space. And all to, allegedly, provide "Al Fresco" dining to a postcode already serviced by the Morgan Arms, the Lord Tredegar, The Greedy Cow, The Grove, Palmers and the numerous other dining opportunities within walking distance. I suspect, human nature being what it is, what we are likely to see, except on Sunday's when an "Al Fresco" Sunday Roast might prove popular, is "Al Fresco" Drinking with the odd customer clutching the fig leaf of a burger or a bowl of chips. To summarise:

1. Except when sporting occasions are televised the pub rarely seems to operate at full capacity. The Coborn Arms therefore needs no increase in size to enhance the local amenity aspect -this application is driven purely by (potential) commercial considerations.
2. The current character of the pub is distinct from the "gastro pub" character of the Morgan Arms which difference should be celebrated for providing choice to local residents. If the owners wish to re- characterize the Coborn Arms a more sensible course of action would be to restructure and refurbish the interior of the Coborn Arms without recourse to the external area at the back.
3. The pub already has 310 square feet of "Al Fresco" dining plus opportunities for dining within the interior of the building. I find it less than believable that numerous additional diners will appear on the horizon as soon as the Coborn Arms announces it has an "Al Fresco" dining facility unless the pub is proposing to wage a price war on surrounding businesses.
4. Approval of the application will create additional nuisance via increased noise and rubbish on the streetscape also reductions in available parking at any given time.
5. Local residents whose properties and gardens border the "Al Fresco" dining area will have the quiet enjoyment of their properties and gardens greatly diminished.
6. While I might benefit from deliveries being shunted down towards the Coborn Street side of the pub there are schools in Coborn Street which make it less than ideal for deliveries.
7. If successful the brewery will inevitably seek to recoup any cost associated with implementation of this application. If legions of "Al Fresco" dining enthusiasts fail to appear the envisaged new external area will inevitably fall into disuse as a dining area becoming simply an additional space for drinkers. The brewery will then have succeeded in turning the Coborn Arms from a quiet "local" pub into some kind of destination bar. I note the application incorporates new lavatory facilities no doubt to take account of the exciting new future the brewery has planned for us all. If this application is granted I suspect the brewery will revisit its prior request for a live music/extended hours licence. We will then need only the employment of a doorman for the brewery to have ensured the friendly "local" aspect of the pub has been completely obliterated.

I am opposed to the above application as I believe many of my neighbours will be. I believe the local community has no objection to a pub that is "local" in character and has I believe not only acquiesced to changes to the local public houses to date but mostly welcomed them. This latest application however is one I believe should be denied.

Yours faithfully



Tina Williams

Appendix 16

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 17

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 18

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 19

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 20

Planning

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

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05 March 2014	Unclassified	LSC 65/134	

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



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 If your business is registered, use its registered name.

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

* Legal status

* Your position in the business

Home country 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

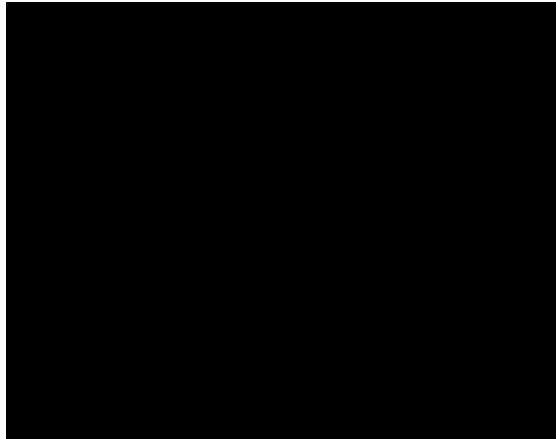
District

* 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	Preem 118-122
Street	Brick Lane
District	
City or town	London
County or administrative area	
Postcode	E1 6RL
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	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

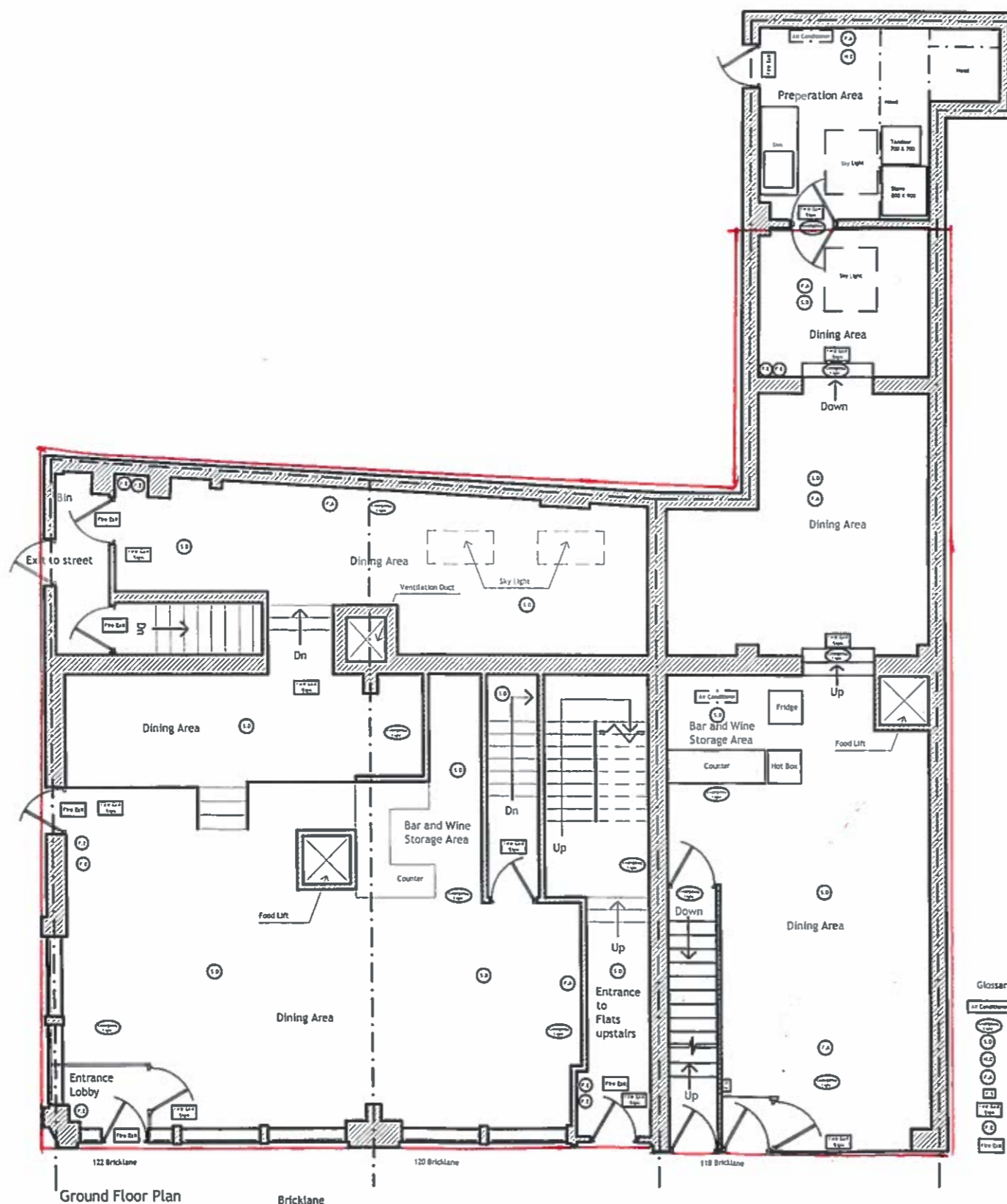
Client
Mr A. Hussain
Project
Restaurant
Location
118,120,122 Brick Lane, E1

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



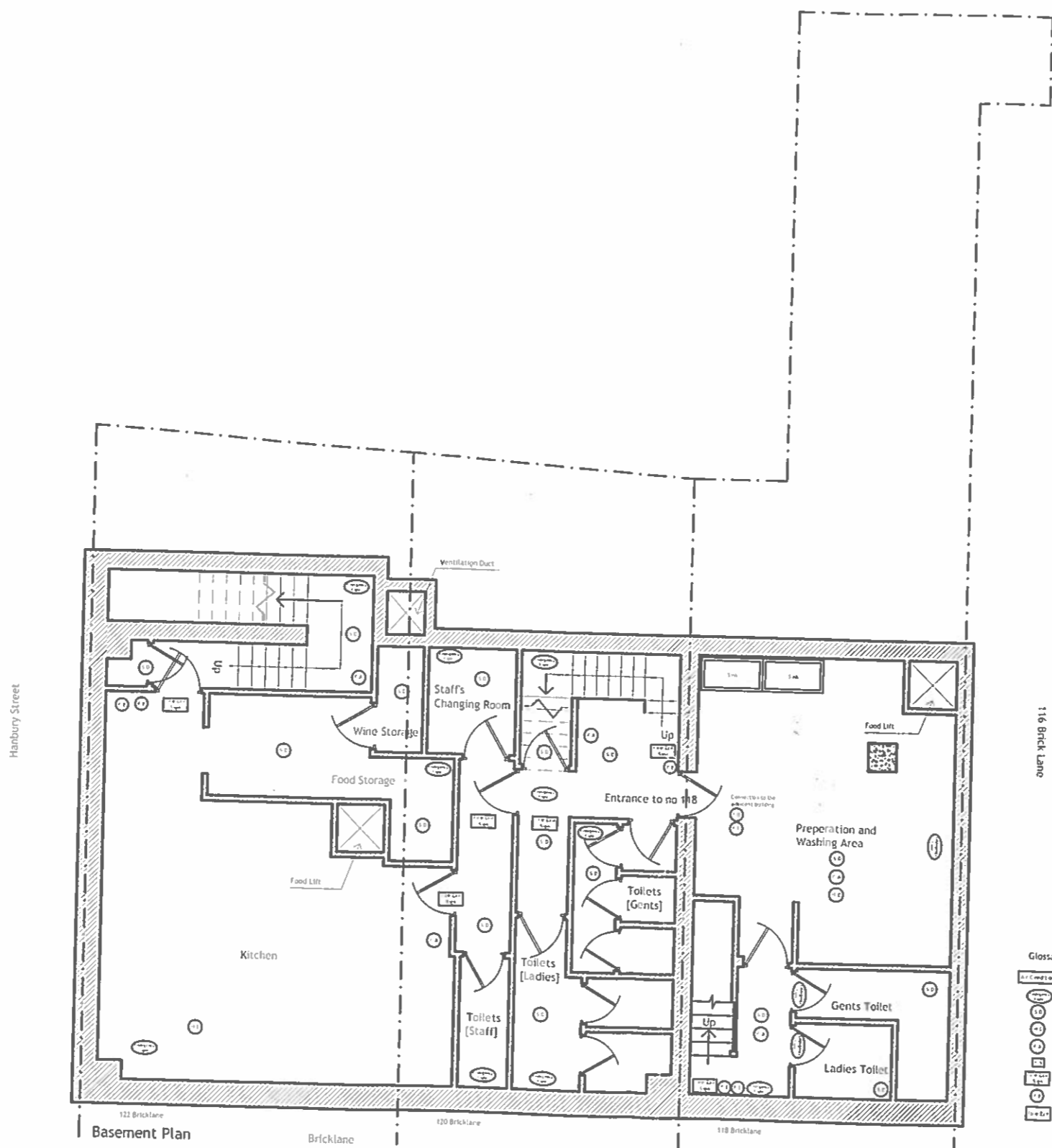
Ground Floor Plan
Bricklane

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

Basement Plan

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

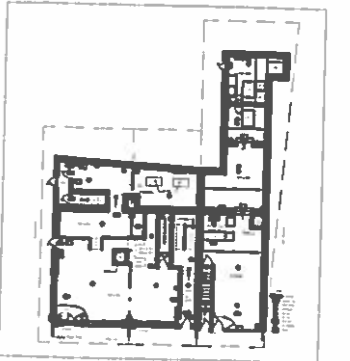
Job No.
 210610/118~122 BL_E1
Dwg No.
 A1(01)001
Rev.
 01

Title
 Basement Floor Plan

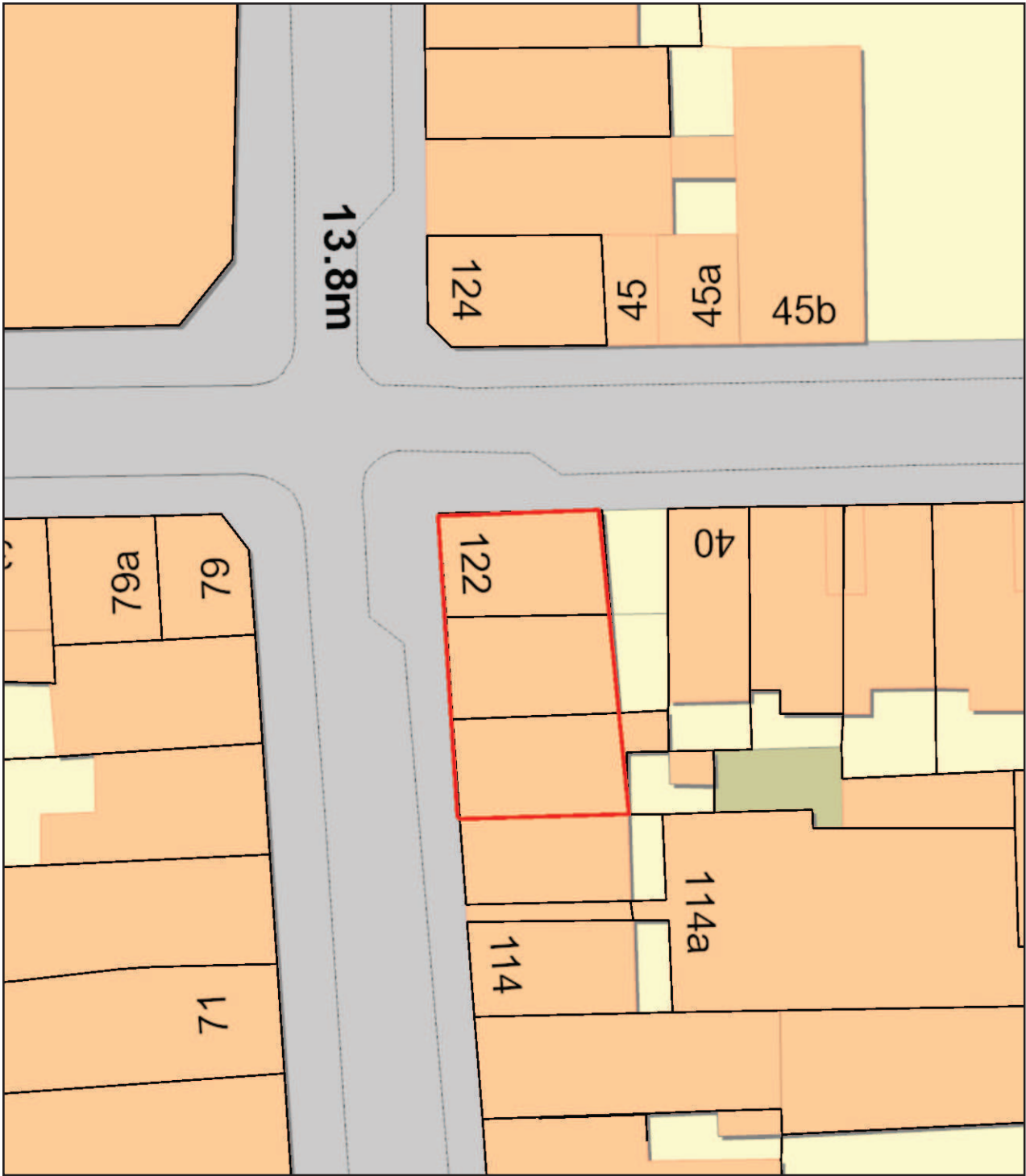
Date
 21/06/10
Drawn
 MM/MS
Check
 MM
Status
 Submission
Scale
 1:100 @ A3

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 1/8 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



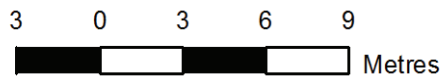
Appendix 3



118-122 Brick Lane Map 1



Scale 1:334



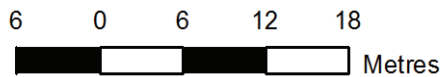
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118-122 Brick Lane Map 2



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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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
Caroyrn 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



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.

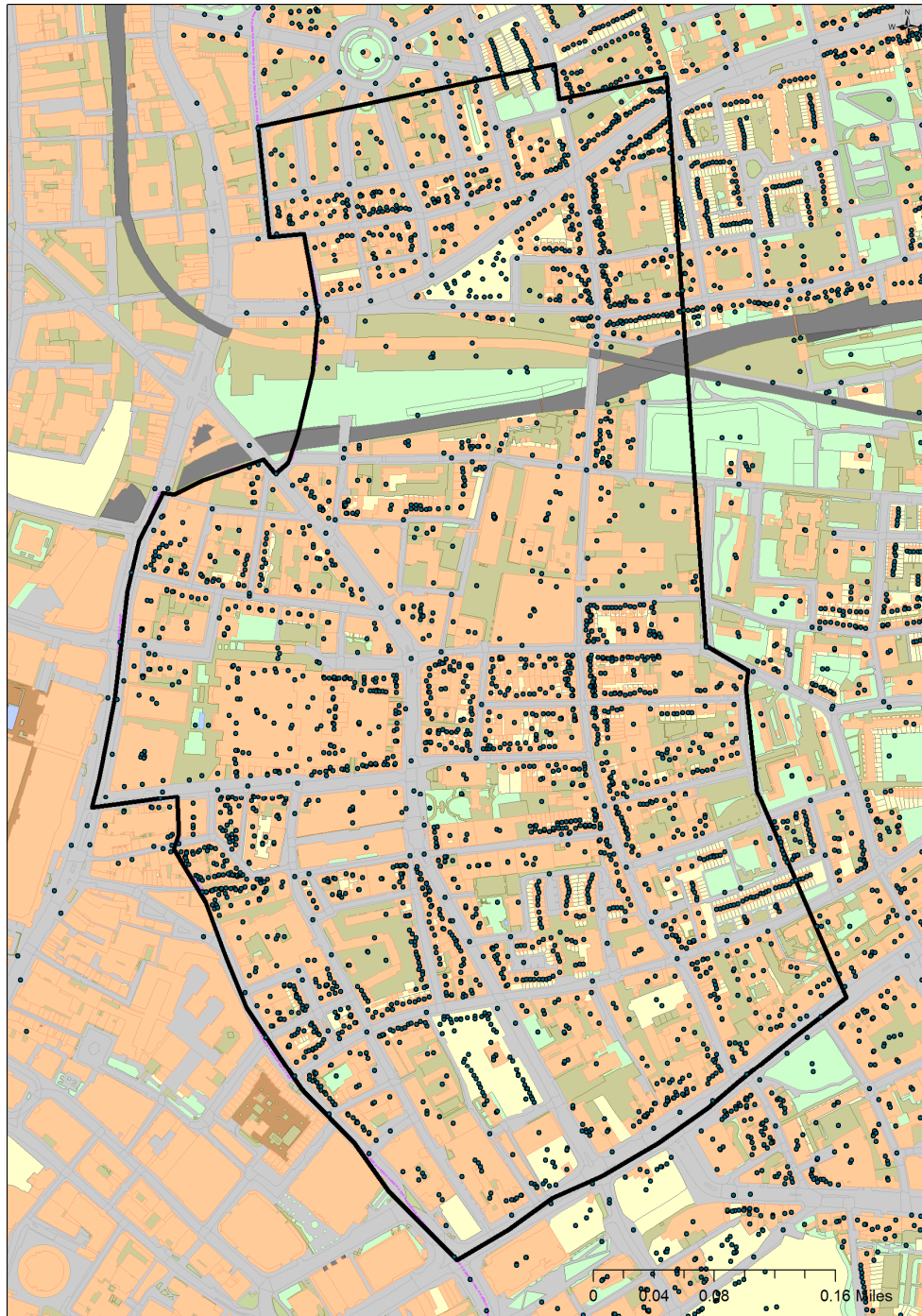
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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