

LICENSING SUB COMMITTEE

Thursday, 13 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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Public Information

Attendance at meetings.

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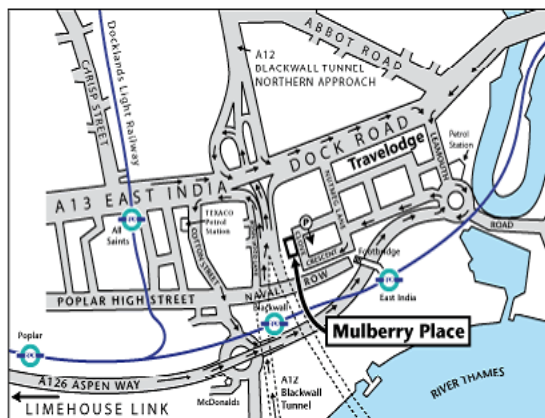
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To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

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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 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 46)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 4th February (10.30am & 2.00pm) & 11th February 2014.

	PAGE NUMBER	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Application for a Time Limited Premises Licence for Victoria Park, London E3	47 - 98	Bow West
4 .2 Application for a Variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, London E2 0AN	99 - 184	Bethnal Green North
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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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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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.

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TOWER HAMLETS



LICENSING COMMITTEE

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Timescales

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

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

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

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

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

- a temporary event notice.

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

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

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

3.2 Timescale for notice of hearings to be given

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

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

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

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

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

3.3 Persons who must be notified of a hearing

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

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

- Any holder of a premises licence or club premises certificate where:
 - application is made for review

Note: *Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.*

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest
or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to deemed as determined by default.

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4. Procedure at the Hearing

- 4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee either in the Officer's report or otherwise. That will be followed by the

evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

- a) their application, representation or notice; and
- b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit the person to return; or
- allow them to return only on such conditions as the authority may specify.

4.5 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

- 7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

- 8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:
 - a) it can be accessed by the recipient in a legible form;
 - b) it is capable of being reproduced as a document for future reference;
 - c) the recipient has agreed in advance to receive it in such form;
 - d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

- 9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: *An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.*

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 10.40 A.M. ON TUESDAY, 4 FEBRUARY 2014

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Khaled Uddin Ahmed
Councillor Peter Golds

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Luke Elford – (Lawyer – Enforcement and Litigation Team)
Andrew Heron – (Licensing Officer, Licensing Department)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Craig Baylis - (Private Members Club)
Robert Newmark - (Private Members Club)
Philip Doyle - (Lupita)
Kent Bowen - (Lupita)
Debra Silvester - (Best Star One)
Mr Pratheepan - (Best Star One)
Mrs Pratheepan - (Best Star One)

Objectors In Attendance:

PC Mark Perry - (Metropolitan Police)
Mohammed Abu Jahid - (Sajna)
Ali Akbor - (Sajna)
Stephanie Knowles - (Legal Representative)
Georgina Christou - (Resident)
Selina Misfud - (Resident)
Jon Shapiro - (Resident)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application to Review the Premises Licence for Sajna Indian Grill Restaurant, 30 Osborn Street, London E1 6TD

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Sajna Indian Grill & Restaurant, 80 Osborn Street, London E1 6TD. It was noted that the review had been triggered by the Licensing Authority.

At the request of the Chair, Mr Andrew Heron, Licensing Officer explained that Sajna was one of the 2/3 premises who were repeat offenders for touting, he referred to his statement contained in the agenda and further explained that there had been 4 failed test purchases and there had been 16 complaints for this one premises which had been warned many times. It was further noted that the premise already had touting conditions on the licence which the Premise Licence Holder had complete disregard for as they were breached on a regular basis and had been fined and prosecuted for. Mr Heron mentioned that he had visited the Licence Holder many times to advise him of the breaches however it still continues to occur. He detailed some of the incidents of touting and concluded that to improve the management of the premises, Members were recommended to suspend the licence for a period of 4 weeks.

Members then heard Mr Ali Akbor, Director of the premises who stated that he was disappointed to be here again. He stated that the premise was fined £3000 for reports of touting. He mentioned that the restaurant was in a quite area and business was not doing so well and they had to work really hard to compete with restaurants in Brick Lane. He stated that the meet and greet staff had been told not to go on the pavement to speak to customers and to stay within the door. Mr Akbor concluded by stating that that it was a family business and that he had to tout for his business to survive and would have to continue touting to keep his business going.

The Chair questioned Mr Heron about why suspension was requested and not revocation. Mr Heron stated that the best way to control the premises and improve control of management was through the Licensing Act.

Members retired to consider their decision at 10.55am and reconvened at 11.10am.

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 reached a decision and the decision was unanimous. Members looked at all the powers available to them and decided to revoke the licence. This was on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

Members heard from the responsible authority that this restaurant was one of the worst offenders on Brick Lane. Members took into account of the fact that there have been two previous suspensions as well as a prosecution. Members heard from the Premise Licence Holder that "he needed to tout to maintain his business". This was in direct contravention of his premises licence and they had no faith that a suspension would have any effect.

Whilst Members note the Licensing Officer's point regarding control, this was not a reason not to request revocation in a case which clearly merited it.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the premises licence for, Sajna Indian Grill & Restaurant, 30 Osborn Street, London E1 6TD, be **REVOKED**.

4.2 Application for a New Premises Licence 'Private Members Club', First Floor, 19-23 Bethnal Green Road, London, E1 6LA

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Private Members Club, First Floor, 19-23 Bethnal Green Road London E1 6LA. It was noted that there had been objections from local residents and the Metropolitan Police.

At the request of the Chair Mr Craig Baylis, Representative for the applicant stated that he was happy to accept the conditions proposed by the police on page 159 of the agenda, he stated that the objections were based on the premises downstairs. He explained that the Private Members Club was a separate premise, separate management and a separate business and referred Members to the conditions proposed on page 96 of the agenda.

It was noted that the club would only be for Members and their guests and for pre booked functions. That it was not for members of the public and people could not join on the day. That member's of the club would be known by name to management, and would pay an annual fee of £175. The premise would be used lunch meetings meeting clients, social events etc. Mr Baylis referred to the noise measurements contained in the supporting documents and explained that there had been a series of Temporary Events Notices which had caused no problems. He concluded that they were happy to accept the conditions proposed by the Police and accept to limit the premise capacity to 180 people and would charge a membership fee of £175.

At the request of the Chair, Ms Stephanie Knowles, spoke on behalf of Ms Georgina Christou, local resident who stated that the premises were connected to Beach Blanket Babylon (BBB) the premise downstairs as they shared the same Designated Premises Supervisor and also have the same director. She stated that the number of noise complaints were ongoing. It was noted that a successful review in 2008 meant that BBB had to reduce their opening hours from 3am to 1am.

Ms Knowles stated that the customers of BBB were rude, abusive to Ms Christou. She highlighted the impacts of the premises falling within the Cumulative Impact Zone and the fact that the current licensing conditions of BBB are not complied to. Ms Knowles concluded that if one guest can have up to three guests, the premises would have $\frac{3}{4}$ non-members and $\frac{1}{4}$ members, identification of all those present would be difficult. She requested that the application not be granted, however if Members were minded to grant the application, then they should reduce the hours and impose strict noise conditions.

Members then heard from PC Mark Perry, Metropolitan Police, supported the statement made by Ms Knowles. He briefly made reference to the cumulative impact zone and the fact that if the premise was granted late opening hours, it would attract people who would cause nuisance and disorder.

Members asked questions about the capacity of the premises, the types of functions that the premises would hold, how many members would be invited to join, and sought clarification on what the link to BBB was and details of the types of noise nuisance that occurred.

Members retired to consider their decision at 11.40am and reconvened at 12.10pm.

The Licensing Objectives

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

Consideration

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

The Sub Committee noted both comments and representations from the applicant and objectors. Members felt that the applicant demonstrated that there would not be a significant impact by the granting of this licence despite the location of the premises being within the cumulative impact zone. In this regard, the limited capacity was noted and that this premise was a separate undertaking to Beach Blanket Babylon and it would remain so. It was further noted that the terminal hour of 3am was too excessive and to maintain licensing objectives the hours should be the same hours as Beach Blanket Babylon.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Private Members Club, First Floor, 19-23 Bethnal Green Road, London E1 6LA be **GRANTED in part with conditions**.

Sale of Alcohol (On sales)

Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

The Provision of Late Night Refreshments (indoors)

Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

Hours premises are open to the public:

Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

Conditions

1. CCTV camera system covering both internal and entrance to the premises is to be installed.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

4. That the maximum capacity of the premises shall be for 180 people.
5. A drugs policy to be agreed with the Tower Hamlets Police Licensing Unit.
6. F696 to be completed if there are outside promoters or DJs.
7. The premises shall operate as a Private Members Club for use by members and their bona fide guests and for private pre-booked functions only.
8. There shall be rules of the Club for admission to membership. A list of all the names and addresses of the members of the Club shall be kept on the premises together with a book showing the names of any guests introduced by members and shall be produced on demand for inspection by any authorised Officer or Police Officer.
9. Substantial food and non-intoxicating beverages including drinking water shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
10. Members or their guests or those attending a private pre-booked function temporarily leaving the premises for the purpose of smoking shall not take any drinks of any kind with them outside the premises.
11. An incident log shall be maintained to ensure that any incidents are properly recorded and information on the incident log will be provided to an authorised officer or police officer on request.
12. A minimum of two SIA registered door supervisors shall be provided after 21:00 hours until closing time to monitor the behaviour of the members and their guests or those attending a private pre-booked function entering and leaving the premises.
13. No striptease, no nudity and all persons to be decently attired at all times.
14. The Designated premises Supervisor shall ensure that the highway and public spaces in the vicinity of the premises are kept free of the litter from the premises at all times.
15. No rubbish (including bottles) will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. Means of escape provided for the premises shall be maintained unobstructed, free from trip hazards and be immediately available and clearly identified at all times.
17. Notices will be displayed reminding members and their guests to leave quietly and respect the local residents amenity.

18.A dedicated taxi firm will be available to take members and guests away from the premises quickly and quietly.

19.Any member of staff at the premises shall seek credible photographic proof of age evidence from any guest of a member who appears to be the age of under 18 years and who is seeking access to the premises in order to purchase or consume alcohol on the premises.

4.3 Application for a Variation Premises Licence for Lupita, 60-62 Commercial Street, London E1 6LT

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Lupita, 60-62 Commercial Street, London E1 6LT. It was noted that objections had been made by local residents, Metropolitan Police and the Licensing Authority.

At the request of the Chair, Mr Philip Doyle, Licensing Agent, stated that he wished to amend the application to reduce the hours to 1am on Thursdays, Fridays and Saturdays and offered a number of conditions. It was noted that the reason for the extended hours was due to requests from customers and the hours applied for would be for small private parties for up to 50 people.

The objectors referred amongst themselves and accepted the amended application.

Members retired to consider their decision at 12.20pm and reconvened at 12.25pm.

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

Members noted the amendments to the application offered by the applicant which were also accepted by the objectors. The variation application was therefore granted as follows;

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for, Lupita, 60-62 Commercial Street, London E1 6LT be GRANTED with Conditions.

Application applies to basement area only

Sale of Alcohol

Thursday from 23:30 hours to 01:00 hours (the following day)

Friday & Saturday from 00:00 hours (midnight) to 01:00 hours (the following day)

The Provision of Late Night Refreshments

Thursday from 23:30 hours to 01:00 hours (the following day)

Friday & Saturday from 00:00 hours (midnight) to 01:00 hours (the following day)

Hours premises are open to the public

Thursday from 00:00 hours (midnight) to 01:00 hours (the following day)

Friday & Saturday from 00:30 hours to 01:00 hours (the following day)

Conditions

1. The extended licence is to be exercised in respect of pre-booked parties only. Such parties to be recorded in a book which shall be made available for inspection by any responsible authority.
2. Last entry to the premises will at 23:00hours.
3. No takeaway food or alcohol to be served after 23:00 hours.
4. A refusals book to be maintained and kept on the premises.

Members expect that this premise would be operated primarily as a dining establishment to which drinking will be an ancillary purpose.

4.4 Application for a Variation of a Premises Licence for Best Star One, 23 Whitechapel Road, London, E1 1DU

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Best Star One, 23 Whitechapel Road, London E1 1DU. It was noted that objections had been made by local residents, Metropolitan Police and the Licensing Authority. It was noted that the representation from the Director of Public Health would not be considered as it did not directly relate to the premises.

At the request of the Chair, Debora Silvester, Licensing Representative stated that she wanted to amend the hours to reduce the hours to 3am Monday to Saturday and Sunday till 2am.

She stated that there had been a couple of test purchases at the premises and both had been successful. It was noted there were seven members staff, four of whom had personal licences. That staff had regular training and records were kept and would be available for inspection, that a challenge 25 policy was being operated and a refusal book kept and that there had never been any evidence of staff selling to underage children.

Ms Silvester stated that in 2012 alcohol was seized from the premises however all the bottles were returned as they were found to be genuine and they had documents available. She stated that the premises licence holder had firmly believed that the officers who turned up at the premises were suspicious as previously they had been scams where alcohol had been taken. It was further noted CCTV recordings were now programmed to be kept for 45 days and strict measures in place to have no children allowed after 10pm without an accompanied adult and would actively discourage and ban known street drinkers.

At the request of Chair, PC Mark Perry referred to the statement contained in the agenda explaining that the premises was in the middle of the saturation zone, and referred to the incidents which had occurred at the premises. PC Perry highlighted the Premises License Holder's challenging behaviour towards the Police. It was also noted that CCTV observations had shown that alcohol had been sold outside terminal hours. He also made reference to effect longer opening hours would have on the hostels nearby and that this would be the focal point for street drinkers and with people often found to be begging outside the premises and therefore there they may be temptation to sell to people who are intoxicated.

Members then heard from Jon Shapiro, local resident, who expressed concerns of anti-social behaviour, crime and disorder in the area.

In response to questions from Members it was noted that the premises was on the main road and there were many hostels nearby. That the Premises Licence Holder had been very aggressive towards Police when customs visit was undertaken and that alcohol had been sold outside licensing hours.

Members retired to consider their decision at 12.55pm and reconvened at 1.10pm.

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 in order to address the concerns raised in relation to the licensing objectives of “the prevention of public nuisance” and ‘the prevention of crime and disorder’.

The Sub Committee noted both comments and representations from the applicant’s representative and the objectors. Members did not think it was appropriate or proportionate to grant the application as Members felt that they had no confidence that the Premise Licence Holder would promote the licensing objectives as there had been a breach of the existing licence in relation to CCTV conditions and the premises was found to have been open beyond operating hours.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the premises licence for Best Star One, 23 Whitechapel Road, London E1 1DU, be **REFUSED**.

The meeting ended at 1.15 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON TUESDAY, 4 FEBRUARY 2014****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor David Snowdon**Officers Present:**

Mohshin Ali	- (Senior Licensing Officer)
Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Andrew Heron	- (Licensing Officer, Licensing Department)
John McCrohan	- (Trading Standards & Licensing Manager)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Anthony Edwards	- (Subway)
Mohammed Alam	- (Subway)
Sandy Critchley	- (Resident)
Selina Misfud	- (Resident)
Jon Shapiro	- (Resident)
Leo Charalambides	- (Counsel)
PC Brendon O'Rourke	- (Metropolitan Police)
PC Mark Perry	- (Metropolitan Police)

Objectors In Attendance:

Abdul Halim	- (JB Food Store)
Md Shilu Chowdhury	- (Cost Price)
Syham Sylvester	- (Cost Price)
Helal Miah	- (Low Cost Food & Wine)
Homaon Rashid	- (Low Cost Food & Wine)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for Subway, 222 Brick Lane, London, E1 6SA**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Subway, 222 Brick Lane, London E1 6SA. It was noted that there had been an objection from the Metropolitan Police.

At the request of the Chair, Mr Anthony Edwards, Legal Advisor on behalf of the Applicant stated that the premises had opened in October 2013 and had served hot food and drinks without a licence as they had thought that planning hours were sufficient enough to stay open till late serving hot food and drinks. The applicant had not been aware that a separate licence was required however they accepted a caution for trading without a licence and applied for a new licence straight away and have been using temporary event notices since then. It was noted that the business had been opened for 3 months and have had no problems and no local residents had objected to this application.

Mr Edwards concluded that by stating that staying open late it would help serve those that were already there and would merely be providing additional source of food and help release the pressure from the 24 hour bagel shop. It was noted that the applicant was happy to accept the CCTV conditions proposed by the Police and currently had 5 CCTV cameras in operation.

Members then heard from PC Mark Perry, Metropolitan Police, who stated that Brick Lane was a very busy area and this premise would become another premises for people to stop off when going home and stay in the area until early hours of the morning. He stated that if Members were minded to grant the application they should consider putting the CCTV conditions on the licence to cover head and shoulder shot and the immediate vicinity.

In response to a question it was noted that the premise could stay open till 4am selling cold food and drinks and did not need a licence for this.

Members retired to consider their decision at 2.25pm and reconvened at 2.30pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to the applicant's representative and PC Mark Perry and decided to grant the application with conditions. Members believed that conditions imposed would alleviate the concerns raised by the Metropolitan Police and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Subway, 222 Brick Lane, London E1 6SA be **GRANTED** with conditions.

The Provision for Late Night Refreshments

Friday and Saturday, 23.00 hours to 04.00 hours (the following day)

Hours premises are open to the public:

Monday to Thursday, 07.00 hours to 23.00 hours
Friday, 07.00 hours to 04.00 hours (the following day)
Saturday, 09.00 hours to 04.00 hours (the following day)
Sunday, 09.00 hours to 22.00 hours

Conditions

1. CCTV camera system covering both internal and entrance to the premises is to be installed, covering head and shoulder shot and the immediate vicinity.
2. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.

4.2 Application for a Review of a Premises Licence for JB Food Store, 97b Brick Lane, London, E1 6SE

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for JB Food Store, 97B Brick Lane, London E1 6SE. It was noted that the review had been triggered by Trading Standards and supported by the Police and local residents. It was noted that the representation by the Director of Public Health would not be included as it did not relate specifically to the premises.

At the request of the Chair Mr John McCrohan, Trading Standards and Licensing Manager referred to his statement contained in the agenda and highlighted the impact of the cumulative impact zone policy. It was noted that there had been two underage sales in 2010, however two further checks had been conducted which they had passed. That there had been a seizure of non duty paid alcohol, that a member of staff had opened a bottle of alcohol on the premises, and that there were hostels nearby.

Mr McCrohan stated that his main concerns were the management of the premises particularly, because of the nature of the area and concerns about crime and disorder, protection of children from harm and public nuisance. It was noted that the Licensing Authority needed to have confidence that licensed premises in Brick Lane were managed in a way to ensure the Licensing Objectives were met. It was further noted that the Licensing Authority did not have the confidence that the management of the premise by the Premises Licence Holder would ensure that the licensing objectives were met.

Members then heard from PC Perry and Sandy Critchley, local resident who also raised concerns about the cumulative impact zone, anti-social behaviour and crime and disorder in the area.

Members then heard from Mr Halim, Premise Licence Holder, he agreed with what had been said and apologised for the incidents referred to and said he had recently appointed new staff who had been fully trained. Mr Halim said that if the bottles aren't open then customers get abusive and use the door handles of the shop to open them. He further stated that the bigger venues cause the problems in the area and not his premise which was a small convenience store. He questioned the conditions proposed by Mr McCrohan and felt the reduction in hours would not be fair and would cause a financial strain on his business.

In response to a question it was noted that the reduction in hours had been requested to improve management of the premises and to be in line with the Council's framework hours.

Members retired to consider their decision at 2.55pm and reconvened at 3.00pm.

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 review application in part by adding additional conditions to the license in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and "the prevention of crime and disorder".

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, JB Food Store, 97B Brick Lane, London E1 6SE be **GRANTED in part with conditions**.

Conditions

1. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
2. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
3. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
4. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
5. The premises licence holder shall ensure that all receipts for goods bought include the following details
 1. Seller's name and address
 2. Seller's Company details, if applicable
 3. Seller's VAT details, if applicable
 4. Vehicle registration detail, if applicable
6. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
7. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
8. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.

9. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4.3 Application for a Review of a Premises Licence for Cost Price, 41 Brick Lane, London, E1 6PU

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Cost Price, 41 Brick Lane, London E1 6PU. It was noted that the review had been triggered by Trading Standards and supported by Police and local residents. It was noted that the representation by the Director of Public Health would not be included as it did not relate specifically to the premises.

At the request of the Chair Mr John McCrohan, Trading Standards and Licensing Manager referred to his statement contained in the agenda and highlighted the impact of the cumulative impact zone policy. It was noted that there had been an underage sale in 2010, seizure of illicit tobacco and a seizure of non duty paid alcohol. It was further noted that a member of staff had opened a bottle of alcohol on the premises which showed that the premises was facilitating the immediate consumption of the alcohol in the public areas in and around Brick Lane. The public consumption of alcohol in the Brick Lane in the early hours of a weekend increases the risk of crime and disorder and public nuisance.

Mr McCrohan stated that his main concerns was the management of the premises particularly because of the nature of the area and concerns about crime and disorder, protection of children from harm and public nuisance. It was noted that the Licensing Authority needed to have confidence that licensed premises in Brick Lane were managed in a way to ensure the Licensing Objectives were met. It was further noted that the Licensing Authority did not have the confidence that the management of the premise by the Premises Licence Holder would ensure that the licensing objectives were met.

Members then heard from PC Perry and Selina Misfud, local resident who also raised concerns about the cumulative impact zone, anti-social behaviour and crime and disorder in the area.

Members also heard from Mr Syham Sylvester, representative for the Premises Licence Holder, who stated that they had improved management procedures, by introducing a refusal book, CCTV cameras, incident log book, and now operated a Challenge 25 Policy, it was also noted that there were new members of staff who had been trained to sell alcohol responsibly and would continue to receive regular training.

In response to a question it was noted that the main reason for review was due to community concerns and the late night drinking in the area.

Members retired to consider their decision at 3.20pm and reconvened at 3.21pm.

The Licensing Objectives

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

Consideration

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

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Cost Price, 41 Brick Lane, London E1 6PU be **GRANTED in part with conditions**.

Conditions

1. The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.
2. During a sale of alcohol, the premises will not supply drinking containers, such as plastic cups.
3. During a sale of alcohol, the premises will not open any containers the alcohol is contained in.
4. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
5. The premises licence holder shall ensure that all receipts for goods bought include the following details
 1. Seller's name and address
 2. Seller's Company details, if applicable
 3. Seller's VAT details, if applicable
 4. Vehicle registration detail, if applicable

6. Legible copies of the document referred to in point 2) shall be retained on the premises and made available to officers on request.
7. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
8. Where the trader becomes aware that any alcohol may be note duty paid they shall inform the Police of this immediately.
9. The designated premises supervisor or a personal licence holder must be present when all alcohol sales are made.

4.4 Application for a Review of a Premises Licence at Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR. It was noted that the review had been triggered by the Metropolitan Police. It was noted that there was also an application for the variation of the Designated Premises Supervisor (DPS).

Members agreed to consider both these applications together.

At the request of the Chair Mr Leo Charalambides, Counsel representing the Metropolitan Police briefly stated that they were asking for a revocation of the premises licence and to refuse the transfer of the DPS. It was noted that Mr Latib, Premises Licence Holder, was not present at the meeting. There were grave concerns about Mr Latib, his management, his legal status and whether he had the right to have a licence.

Mr Charalambides stated that this premises was a misleading food and wine store, as it was described as a convenience store but in actual fact it was an off licence. It was noted that the conditions of the premises licence had been breached on numerous occasions which was detailed in the agenda. As well as this there had been a series of incidents and police visits and crime reports in relation to the premises, which were due to;

- Conditions that had been breached
- Failed test purchases
- Seizure of non duty paid alcohol
- Trading outside licensing hours
- Trading without a DPS

It was further noted that Mr Latib had no visa to remain in the country and had falsely signed statements. That Mr Rashid was a Director of the company which was illegally run and therefore dealing in money laundering, he himself had sold after hours and had stayed open later than terminal hours and has been acting as a DPS without authority. Mr Charalambides concluded that

both Mr Latib and Mr Rashid lived at the same address and there was no confidence in Mr Rashid to take over the licence as DPS.

Members then heard from Mr Helal Miah, Legal Representative representing Mr Rashid, who stated that all the incidents referred to about Mr Latib were allegations as there have been no persecutions of fraud and that Mr Latib was no longer with the company. He stated that Mr Rashid was young and prepared to learn from mistakes and was now aware of rules and regulations and should not be burdened with the mistakes made by Mr Latib. Mr Miah stated that Mr Rashid was not aware that he could not act as a DPS in Mr Latib's absence, however when this was brought to his attention he applied for a variation straight away.

Mr Miah asked Members to note that it was a very small company and prone to misunderstandings of the law. It was noted that Mr Rashid and two other members of staff were trained on how to operate the CCTV cameras. He concluded that all the allegations made referred to the previous owner and that Mr Latib was no longer involved in the day to day running of the business.

In response to questions the following was noted;

- That Mr Latib and Mr Rashid lived at the same address.
- That the premises did sell groceries besides just alcohol.
- That single cans of beer and largar were sold.
- That Mr Rashid had always been a Director for the premises.

Mr Charalambides concluded that the retail sale of alcohol was a serious matter and that nothing heard at the meeting gave them confidence that the premises would be managed and controlled properly and therefore no confidence in the management and no option but to consider revocation.

Members retired to consider their decision at 4.00pm and reconvened at 4.10pm.

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 by revoking the licence in order to address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

The Sub Committee noted both comments and representations from both parties and listened carefully to all the evidence. The issue of the composition

of the shop was of a red herring and Members were primarily considering the crime and disorder aspect of the review application.

The respondent accepted that the incidents took place. Members felt that they had no confidence in the current management and believed it to be appropriate and proportionate to revoke the licence as this premises licence holder had shown lack of compliance to legislation and licensing conditions. The Chair stated that imposing new conditions would not address the concern as the premises already had conditions which have been breached so therefore revocation was the only option available.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR be **REVOKED**.

4.5 Application for a Variation of Designated Premises Supervisor for Low Cost Food and Wine, 34 White Church Lane, London, E1 7QR

In light of the decision in respect of item 4.4 above, the committee considered it had no option, but to refuse the application.”

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a variation of the Designated Premises Supervisor for Low Cost Food & Wine, 34 White Church Lane, London E1 7QR be, **REFUSED**.

The meeting ended at 4.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 11 FEBRUARY 2014

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Khaled Uddin Ahmed
Councillor Peter Golds

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Paul Greeno – (Senior Advocate, Legal Services)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Lana Tricker - (London Cocktail Club)
John James Goodman - (London Cocktail Club)

Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan Police)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on:

- 12th December 2013
- 19th December 2013
- 14th January 2014

were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence London Cocktail Club, Unit 12, Avant Garde, 32-42 Bethnal Green Road, London, E1 6HZ

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for London Cocktail Club, 32-42 Bethnal Green Road, London E1 6HZ. It was noted that objections had been received by local residents and the Metropolitan Police. It was further noted that the applicant had amended the hours for licensable activities and proposed further conditions.

Mr Paul Greeno, Senior Advocate stated that the representations made by the local residents did not relate specifically to the premises and did not explain how it would impact on the four licensing objectives and the cumulative impact policy and therefore asked Members to disregard the representations.

At the request of the Chair, Ms Lana Tricker, Licensing Representative for the Applicant briefly stated that the application was for a cocktail bar which would also serve food for its clientele and confirmed that all licensable activities would be for indoors only. She then referred to the conditions proposed which would help address the concerns of the objectors.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who welcomed the changes and raised concerns about the premises being in the cumulative impact zone.

Members retired to consider their decision at 6.50pm and reconvened at 6.55pm.

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 applicant had shown through the operating schedule and additional conditions offered that the operation of the premises would not add to the cumulative impact zone and therefore granted the application.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, London Cocktail Club, Unit 12 Avant Garde, 32-42 Bethnal Green Road, London E1 6HZ be **GRANTED**, with conditions.

Sale of Alcohol (on sales only)

Sunday to Thursday from 16:30 hours to 00:00 hours

Friday & Saturday from 16:30 hours to 01:00 hours (the following day)

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hours to 00:00 hours

Friday & Saturday from 23:00 hours to 01:00 hours (the following day)

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

Sunday to Thursday from 16:30 hours to 00:00 hours

Friday & Saturday from 16:30 hours to 01:00 hours (the following day)

Hours Premises is Open to the Public

Sunday to Thursday from 10:00 hours to 00:30 hours (the following day)

Friday & Saturday from 10:00 hours to 01:30 hours (the following day)

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for

inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
7. No servicing to take place before 8am and after 11pm.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
11. There shall be no off sales permitted
12. There shall be a designated member of staff who is able to advise other staff on child protection matters
13. Any person permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them
14. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
17. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. A drugs policy shall be agreed with the Tower Hamlets Police Licensing Unit.
19. Form 696 Risk Assessment shall be completed and submitted to the Police whenever any outside promoters or DJs are used at the premises.
20. A minimum of two SIA door staff shall be employed at the premises from 9.00pm until closing on Fridays and Saturdays
21. Staff will monitor the patrons using any smoking area and ensure that they remain within the cartilage of the premises at all times.
22. The venue is to provide information on local taxi firms and transport links to all patrons leaving the venue.
23. A direct telephone for number for the manager at the premises shall be publicly available, and displayed at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
24. No waste or recyclable materials, including bottles shall be moved, removed from or placed in outside areas between 11.00pm and 08.00am on the following day.
25. A registry of security personnel employed on the premises shall be maintained in a legible format, and made available to Police upon reasonable request. The register should be completed by the DPS/duty manager/nominated staff member at the commencement of work by each member of security staff, and details recorded should include full name, SIA badge number, contact details and time of

commencement of duties. The security operative should then sign their name against these details.

4.2 Application for a New Premises Licence for Preem, Ground Floor & Basement, 118-122 Brick Lane, London E1 6RL

This item was adjourned at the request of the applicant and would be considered at a future Licensing Sub Committee.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business to be considered.

The meeting ended at 6.55 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	13 March 2014	Unclassified	LSC 66/134	

Report of : David Tolley Head of Consumer & Business Relations	Title: Licensing Act 2003 Application for a Time Limited Premises Licence for Victoria Park, London E3
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Bow West

1.0 Summary

Applicant: **Waxarch Limited**
Name and
Address of Premises: **Victoria Park**
Bow, London E3

Licence sought: **Licensing Act 2003 Premises Licence**
(Time Limited)
Provision of Regulated Entertainment
Sale of Alcohol

Objectors: **Local Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for aa premises licence for Victoria Park, Bow, London E3.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The application is for a premises licence to be time limited for a period of four years from 1st May 2014 to 30th September 2017 for a capacity of 39,999. A maximum of three event days per year to run consecutively on either a Friday, Saturday and Sunday or Saturday, Sunday and Monday.
- 3.4 The hours and activities that have been applied for are as follows:-

Plays, Films, indoor Sporting Events, Performance of dance, Live Music, Recorded Music and similar.

Friday and Saturday from 12:00 hours to 23:00 hours

Sunday and Monday from 12:00 hours to 22:30 hours

Sale of alcohol

Friday and Saturday from 11:00 hours to 22:45 hours

Sunday and Monday from 11:00 hours to 22:15 hours

Hours premises is open to the public:

Friday from 12:00 hours to 23:30 hours

Saturday from 11:00 hours to 23:30 hours

Sunday and Monday from 11:00 hours to 23:00 hours

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

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The 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 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

Local Resident -**See Appendix 3**

5.2 Two representations were made against the application. A mediation meeting was arranged with both residents, of which one attended and has since withdrawn with the following agreements:

- To ensure that the license conditions relating to the use of white noise reversing alarms are fully complied with throughout the tenancy at Victoria Park.
- To investigate any further improvements to the sound system design that may reduce the impact on the residents property.
- A representative of Environmental Protection to visit the property during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
- To offer the opportunity to visit the site during the live period to show the licensees management controls and experience of the event.
- Contact numbers to be given of the applicants and officers.

5.3 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

5.4 The Metropolitan Police have agreed conditions. These are attached in **Appendix 4**.

5.5 Environmental Protection have also agreed conditions, these are attached in **Appendix 5**.

- 5.6 The Licensing Authority have agreed conditions, please see **Appendix 6**.
- 5.7 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
- 5.8 The objections cover allegations of
- Noise while the premise is in use
 - Noise leakage from the premises
- 5.9 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.
- 5.10 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 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 sell 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 7-9** 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 **Legal Comments**

7.1 The Council's legal officer will give advice at the hearing.

8.0 **Finance Comments**

8.1 There are no financial implications in this report.

9.0 **Appendices**

Appendix 1 A copy the application.

Appendix 2 Map of the area

Appendix 3 Representation of local resident

Appendix 4 Conditions agreed with Metropolitan Police

Appendix 5 Conditions agreed with Environmental Protection

Appendix 6 Conditions agreed with Licensing Authority

Appendix 7 Licensing Officer comments on noise while the premises is in use

Appendix 8 Licensing Officer comments on noise leakage from the Premises

Appendix 9 Licensing Policy relating to hours of trading

Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

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

On-Line payments can be made at:

http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) **WAXARCH LTD**

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Victoria Park Tower Hamlets London (as described on accompanying plan)	
Post town IONDON	Post code

Telephone number at premises (if any)

NONE

Non-domestic rateable value of premises

£ N/A

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

Please tick as appropriate

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

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

I am 18 years old or over Please tick yes

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

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

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

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

I am 18 years old or over Please tick yes

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

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

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

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

B) OTHER APPLICANTS

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

Name	WAXARCH LTD
Address	C/O, EAT YOUR OWN EARS UNIT S06 2-18 WARBURTON ROAD LONDON E8 3RT
Registered number (where applicable):	6225071
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any	
E-mail (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	1	0 5 2 0 1 4

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

Day	Month	Year
3	0	0 9 2 0 1 7

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

39,999

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

THIS APPLICATION IS FOR A TIME LIMITED PREMISES LICENSE FOR THE FIELD DAY FESTIVAL AND ASSOCIATED EVENTS. FIELD DAY IS A MULTI-STAGE MUSIC FESTIVAL THAT HAS TAKEN PLACE IN VICTORIA PARK SINCE 2007.

THE APPLICANTS ARE SEEKING A TIME LIMITED PREMISES LICENSE FOR THIS EVENT FOR FOUR (4) YEARS BEGINNING 2014. THE LICENSE WILL BE VALID ONLY SUBJECT TO THE FOLLOWING CONDITIONS

- LICENSE TO BE USED FOR A MAXIMUM OF THREE (3) EVENT DAYS
- EVENT DAYS MUST BE CONSECUTIVE, AND INCLUDE A SATURDAY (E.G. FRIDAY, SATURDAY, SUNDAY OR SATURDAY, SUNDAY, MONDAY)
- MONDAY EVENTS MAY ONLY TAKE PLACE ON A BANK HOLIDAY
- EVENT DAYS MUST FALL IN THE PERIOD 01 MAY TO 30 SEPTEMBER IN EACH YEAR
- THE SPECIFIC LAYOUT OF THE SITE, AND DETAILS OF THE EVENT MANAGEMENT ARRANGEMENTS ARE SUBJECT TO CONSULTATION AND APPROVAL ON AN ANNUAL BASIS BY THE RESPONSIBLE AUTHORITIES

IN SUMMARY, THESE CONDITIONS WILL PERMIT THE ORGANISERS TO STAGE ONE EVENT EACH YEAR, CONSISTING ON NO MORE THAN THREE DAYS.

THE PREMISES IS AN AREA WITHIN VICTORIA PARK, SECURED BY A STEEL-SHIELD PERIMETER FENCE. ACCESS AND EGRESS TO THE PREMISES IS BY MEANS OF A NUMBER OF GATES IN THE PERIMETER. THE TERRAIN IS PREDOMINANTLY GRASSED AND INCLUDES A NUMBER OF MATURE TREES AND SHRUBS. IT IS INTERSECTED BY VARIOUS TARMAC ROADS.

A RED LINE DRAWING IS INCLUDED WITH THIS APPLICATION TO IDENTIFY THE POTENTIAL AREA OF THE EVENT FOOTPRINT. A SPECIFIC DRAWING FOR EACH ANNUAL EDITION OF THE EVENT WILL BE PROVIDED TO THE RESPONSIBLE AUTHORITIES FOR APPROVAL EACH YEAR.

WITHIN THE EVENT PERIMETER, THE PREMISES CONSISTS OF VARIOUS VENUES, WHICH WILL BE USED FOR THE PROVISION OF REGULATED ENTERTAINMENT. THESE INCLUDE OUTDOOR STAGES AND BIG TOPS. THE ORGANISERS WILL ALSO PROVIDE BARS FOR SALE OF ALCOHOL, FOOD CONCESSIONS AND SANITATION FACILITIES.

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	1200	2230	Please give further details here (please read guidance note 3) AS SUPPLEMENTARY ENTERTAINMENT, THE ORGANISERS WILL OFFER PERFORMANCES OF PLAYS IN ONE OR MORE OF THE VENUES WITHIN THE SITE.	Both	YES
Tue					
Wed				State any seasonal variations for performing plays (please read guidance note 4)	
Thur					
Fri	1200	2300			
Sat	1200	2300		Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun	1200	2230			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	1200	2230	Please give further details here (please read guidance note 3) AS SUPPLEMENTARY ENTERTAINMENT, THE ORGANISERS WILL GIVE EXHIBITION OF FILMS AT ONE OR MORE VENUES WITHIN THE SITE.	Both	YES
Tue					
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)	
Thur					
Fri	1200	2300			
Sat	1200	2300		Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun	1200	2230			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<p>Please give further details here (please read guidance note 3)</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Day	Start	Finish	
Mon	1200	2230	
Tue			
Wed			
Thur			
Fri	1200	2300	
Sat	1200	2300	
Sun	1200	2230	

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	1200	2230	Please give further details here (please read guidance note 3) THE ORGANISERS WILL PROVIDE PERFORMANCES OF LIVE AMPLIFIED MUSIC AT EACH OF THE VENUES IDENTIFIED WITHIN THE SITE.	Both	YES
Tue					
Wed					
Thur					
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2230			
			State any seasonal variations for the performance of live music (please read guidance note 4)		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	1200	2230	Please give further details here (please read guidance note 3) THE ORGANISERS WILL PROVIDE PERFORMANCES OF RECORDED MUSIC AT EACH OF THE VENUES IDENTIFIED WITHIN THE SITE.	Both	YES
Tue					
Wed					
Thur					
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2230			
			State any seasonal variations for playing recorded music (please read guidance note 4)		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	1200	2230	Please give further details here (please read guidance note 4) THE ORGANISERS WILL PROVIDE FOR PERFORMANCES OF DANCE TO TAKE PLACE AT EACH OF THE IDENTIFIED VENUES AND ELSEWHERE WITHIN THE PERIMETER OF THE LICENSED PREMISES.	Both	YES
Tue					
Wed					
Thur					
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2230			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	OTHER ENTERTAINMENT WILL INCLUDE POETRY READING AND STORYTELLING, DISPLAYS OF ART OR CREATIVE EXPRESSION, TRADITIONAL GAMES		
Mon	1200	2230	Please give further details here (please read guidance note 3) ENTERTAINMENT OF A SIMILAR DESCRIPTION TO (E) (F) & (G) WILL BE PROVIDED AT VARIOUS POINTS WITHIN THE LICENSED AREA.		
Tue			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed					
Thur					
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2230			

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises				
Day	Start	Finish		Off the premises				
				Both	YES			
Mon	1100	2215	Please give further details here (please read guidance SUPPLY OF ALCOHOL WILL BE PROVIDED IN A NUMBER OF BAR AREAS WITHIN THE SITE. EACH BAR AREA WILL BE PROPERLY STAFFED AND EQUIPPED AND MANAGED BY A COMPETENT PERSON. SITE-WIDE, THE DPS WILL HAVE RESPONSIBILITY FOR ENSURING THAT CURRENT LEGISLATION AND BEST PRACTICE IS ADHERED TO.					
Tue								
Wed						State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur								
Fri	1200	2245						
Sat	1100	2245				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	1100	2215						

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

Name

Johnathan Michael Reid

Address

Personal Licence number(if known)

Issuing licensing authority (if known)

Derby City Council

K

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

NO ADULT ENTERTAINMENT OR SERVICES WILL BE PROVIDED THAT MAY GIVE RISE TO CONCERN IN RESPECT OF CHILDREN.

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	1100	2300	
Tue			
Wed			
Thur			
Fri	1200	2330	
Sat	1100	2330	
Sun	1100	2300	

M

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

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

Adherence to and support for the licensing objectives laid out in the Licensing Act 2003 is central to the plans for the Field Day Festivals. The organisers, and their appointed contractors have engaged with the responsible authorities at an early stage to ensure that the planning and operation of the event conforms with best practice for live events as detailed in the "Purple Guide" and elsewhere.

The content for each of the three show days is designed to create a unique and interesting atmosphere for audiences to enjoy. It is the intention of the organisers that they are free to experience this in a safe and secure environment. Furthermore, the organisers can demonstrate that they have given consideration to the impact of the event on the community around the site, and have developed and implemented policies to minimise disturbance or harm.

The supplied Event Safety and Operations Plan (ESOP) gives details of the individual policies for each area of the safe design and operation of the event. To summarise, the event is managed by an experienced and professional team on behalf of a reputable promoter. Only competent contractors are engaged and the organisers have engaged fully with the responsible authorities prior to the submission of this application.

It is the intention of the organisers to continue to develop the events program in Victoria Park in future years, and consequently it is in our best interest to ensure that statutory and other regulations are adhered to. We believe that the framework for live events provided by the Licensing Act and associated documents offers a realistic and valuable tool for ensuring the safety and welfare of all involved. The track record of the organisers' operations in Victoria Park and elsewhere indicate that this will be a well-managed and safe event, in keeping with the letter and spirit of the law.

Full details of all of these arrangements are provided in the documents supporting this application.

b) The prevention of crime and disorder

An event Multi Agency Group (MAG) has been established and has met prior to this submission. The MAG will continue to meet in the run up to and after the event. The organisers undertake to abide by the recommendations of this group.

Outputs from these and other meetings will continue to shape the Event Safety and Operations Plan (ESOP), a document that describes how the event will operate safely and to the high standards expected by all concerned.

A detailed crowd management plan will be drawn up by the appointed stewarding contractor specifying numbers of staff and roles, where SIA qualified staff are required and emergency procedures (eg evacuation of the site). This plan will integrate with the ESOP for the event and will be produced in conjunction with the Metropolitan Police, the designated security contractor and the event organisers.

All activity within the licensed area will be appropriately stewarded and policed with reference to its content. A pre-agreed level of professional stewarding and security personnel will have a designated responsibility to maintain a safe environment for members of the public attending the event.

All temporary structures will be lit internally, and adequate temporary public lighting will be present on the site when necessary.

Event organisers will ensure that staff are trained to recognise drunkenness and refuse service to customers who have consumed excessive alcohol and trained to handle potential troublemakers and diffuse difficult situations.

We will encourage vigilance among staff to supervise customers in all parts of the premises and will employ sufficient staff to keep down the number of people waiting to be served in any bar areas.

Event stewards will be vigilant and identify suspicious behaviour and take appropriate action to assist in the prevention of theft and robbery and the prevention of crime and disorder within the premises.

The organisers have consulted with the Metropolitan Police prior to this application and intend to continue the positive working relationship that they have enjoyed in previous years. Police operational involvement in the event is subject to ongoing planning, but is likely to include event liaison and

support for the ingress and egress phases of the event.

The organisers have a clear and definitive policy on the use or possession of illegal substances at the event and will co-operate fully with other authorities to implement this.

The organisers understand that their responsibility does not end at the event site perimeter, but instead encompasses the totality of operations related to the event.

Full details of all of these arrangements are provided in the documents supporting this application.

c) Public safety

All event activity within the premise will be controlled with specific reference to the capacity of the venue, the nature of the cultural content and in compliance with the standards for the provision of services as outlined by HSG 195 The Event Safety Guide (commonly known as the Purple Guide).

The event manager will utilise the application and planning stage of the event management process to ensure the safety of the general public, contractors and artists, and to minimise hazards and prevent accidents. This will be achieved through the consultation process with relevant authorities and through the submission of documentary proof of competency to include proof of Public Liability Insurance and the provision of an event risk assessment.

All events activity will make provision for the management of access and egress to the park taking into account the maximum specified capacity of 39999 at any one time. Provision will be made to allow communication of emergency procedures and issues relating to the health, safety and welfare of people within the venue. This will be done through signage, via public address systems and by event staff.

The contingency arrangement for emergency evacuation is in place and will be implemented should the need arise. This is detailed in the Event Safety and Operations Plan (ESOP).

First Aid provision for events will be in accordance with the Purple Guide and will form part of the ESOP.

All event contractors will comply with all relevant health and safety legislation and follow the control measures documented in their own risk assessments and method statements and will be responsible for ensuring safe systems of work.

Structural calculations for temporary structures will be made available as required for scrutiny. A site-wide wind management plan detailing wind speeds at which certain actions must be taken will be drawn up and implemented.

The event organiser will carry out an analysis of sanitary provision needs for the event using The Event Safety Guide as a basis for determining what provision is required. Suitable and sufficient sanitary provision shall then be provided.

No glass containers will be permitted in the arena.

Anyone who appears to be under 21 must produce ID or a proof of age card to acquire or consume alcohol on the premises.

Full details of all of these arrangements are provided in the documents supporting this application.

d) The prevention of public nuisance

The organisers are mindful that an event of this scale has the potential to create a public nuisance if inappropriately managed. It is therefore our intention to engage with relevant authorities and local residents to ensure that the operation of the event is undertaken in such a way as to minimise this.

The location of the event is Victoria Park, an historic parkland area with a wide variety of users and stakeholders. It is surrounded by residential and business accommodation.

A concern for local resident and stakeholders is the generation of noise by the event. The organisers have engaged with representatives of Tower Hamlets Environmental Protection team and have agreed both an appropriate site design and permissible noise levels at a number of residential facades surrounding the event site. We understand that these noise levels relate to the totality of noise generated from the event to include stage noise and noise created by generators and other plant and equipment.

The organisers undertake to abide by the noise levels given by Environmental Protection and have engaged the services of specialist acoustic consultants Vanguardia Ltd who have developed a Noise Management Plan (NMP) for the event. It is the responsibility of Vanguardia to monitor levels at the agreed locations, to take action as required to remain within the agreed levels and to provide documentary proof after the event of our compliance.

The organisers agree to abide by such noise curfews as are reasonably requested for operations during the park during build up and break down of the event. We understand that this is in place outwith the hours of 0800 to 2000 each day.

The organisers are pleased to have the opportunity to use the facilities of Victoria Park and are mindful of their responsibility to maintain the fabric of the area. They undertake to provide cleaning services to remove litter and waste, to apply appropriate protocols to control spillage or other contamination, and to respect the natural and built environment. They will provide a restitution bond in advance of the event to ensure compliance.

The organisers, in conjunction with the Metropolitan Police and the appointed security contractor will put in place such plans as are necessary to control the ingress and egress of the large volume of guests attending the event. This will include highly visible police presence on designated routes, particularly between the park and Mile End Underground

station. Furthermore, they have developed a plan to prevent and respond to anti-social behaviour caused by visitors to the event, and have undertaken to commit the required resources to implement it.

A comprehensive traffic management plan, to include production, artists and guest traffic will be developed and enforced to ensure minimal disruption to both local residents and other traffic.

Members of the public will be prevented from removing alcohol from the event site by stewards at the event exit points. Bins will be placed at these locations to allow the disposal of any containers

Full details of all of these arrangements are provided in the documents supporting this application.

e) The protection of children from harm

In general, the promoters are mindful of their legal and moral duties with regards to the protection of children from harm, and they have tasked the organisers with creating safe and legal events.

The Field Day Festivals are marketed and sold as 18+ events, and children are not permitted to attend. This is stated clearly in the terms and conditions of purchase. On site, it is the responsibility of the security staff at public entrances to assess each customer's age, and to seek verification by means of a recognised scheme as appropriate. In the event that a ticketholder is unable to prove that they are 18 or over, the customer will not be permitted to enter the site. At this point, an assessment of the welfare needs of the customer will be made by a senior supervisor or manager, and if necessary, reference will be made to other agencies on site such as the police.

The promoter's are committed to the responsible and legal sale of alcohol and do not tolerate provision of alcohol to young people. The contracted bar operator is required to make an undertaking to enforce the Challenge 21 policy for all sales of alcohol, requiring approved photographic ID. The security and event team will maintain vigilance for instances whereby alcohol is purchased by adults for supply to children, and this criminal activity will be considered a grounds for ejection. The promoter's will facilitate and support licensing inspections if appropriate.

Further operational detail about the issues discussed above is contained in the ESOP, which accompanies this submission.

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

.....

Date

.....

Capacity DIRECTOR WAXARCH LTD

.....

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

Signature

.....

Date

.....

Capacity

.....

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

DAN CRAIG
LOUDSOUND LTD
Almack House, 28 King Street

Post town LONDON

Post code SW1Y 6QW

Telephone number (if any)

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

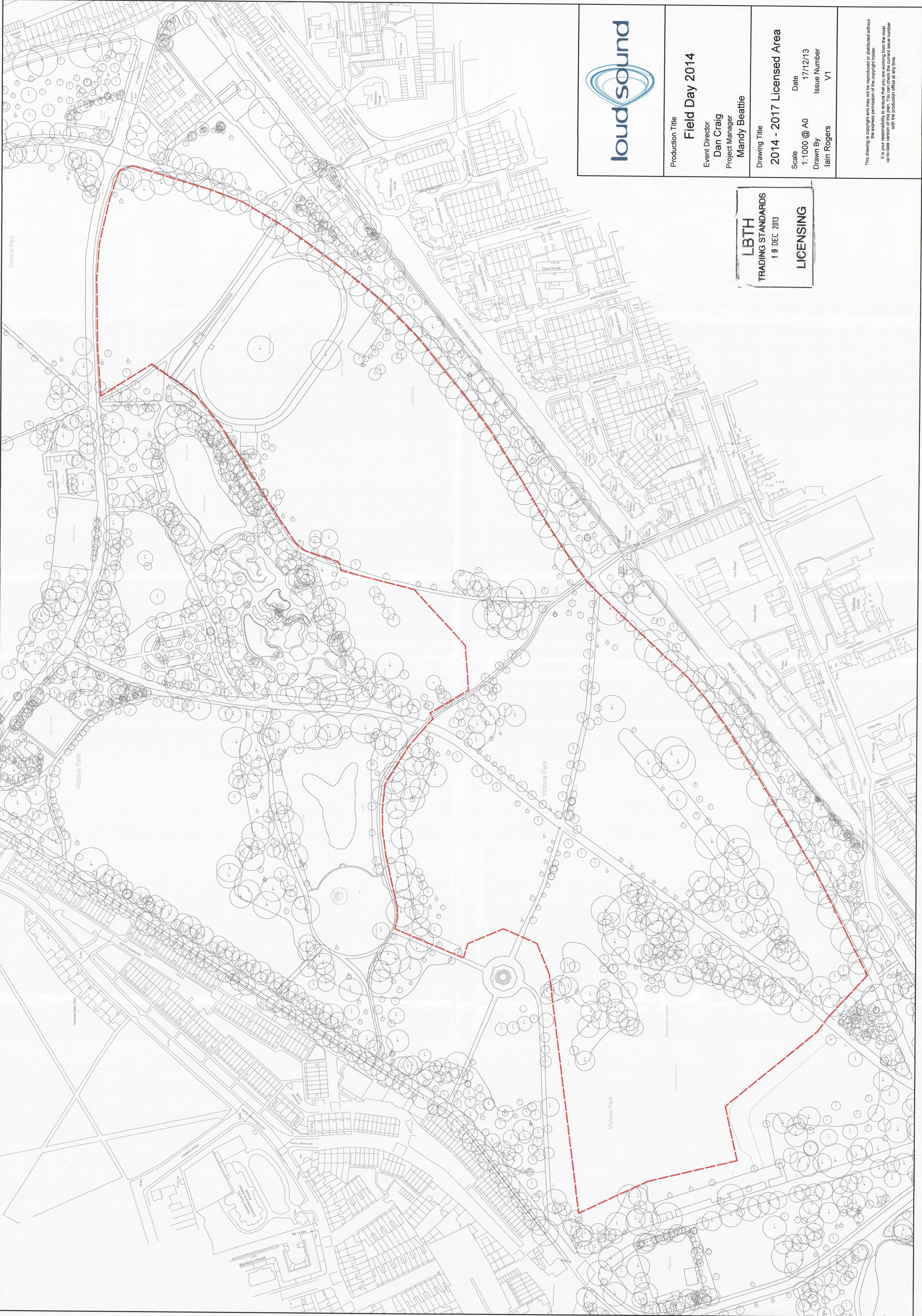
You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick to indicate agreement

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

Appendix 2

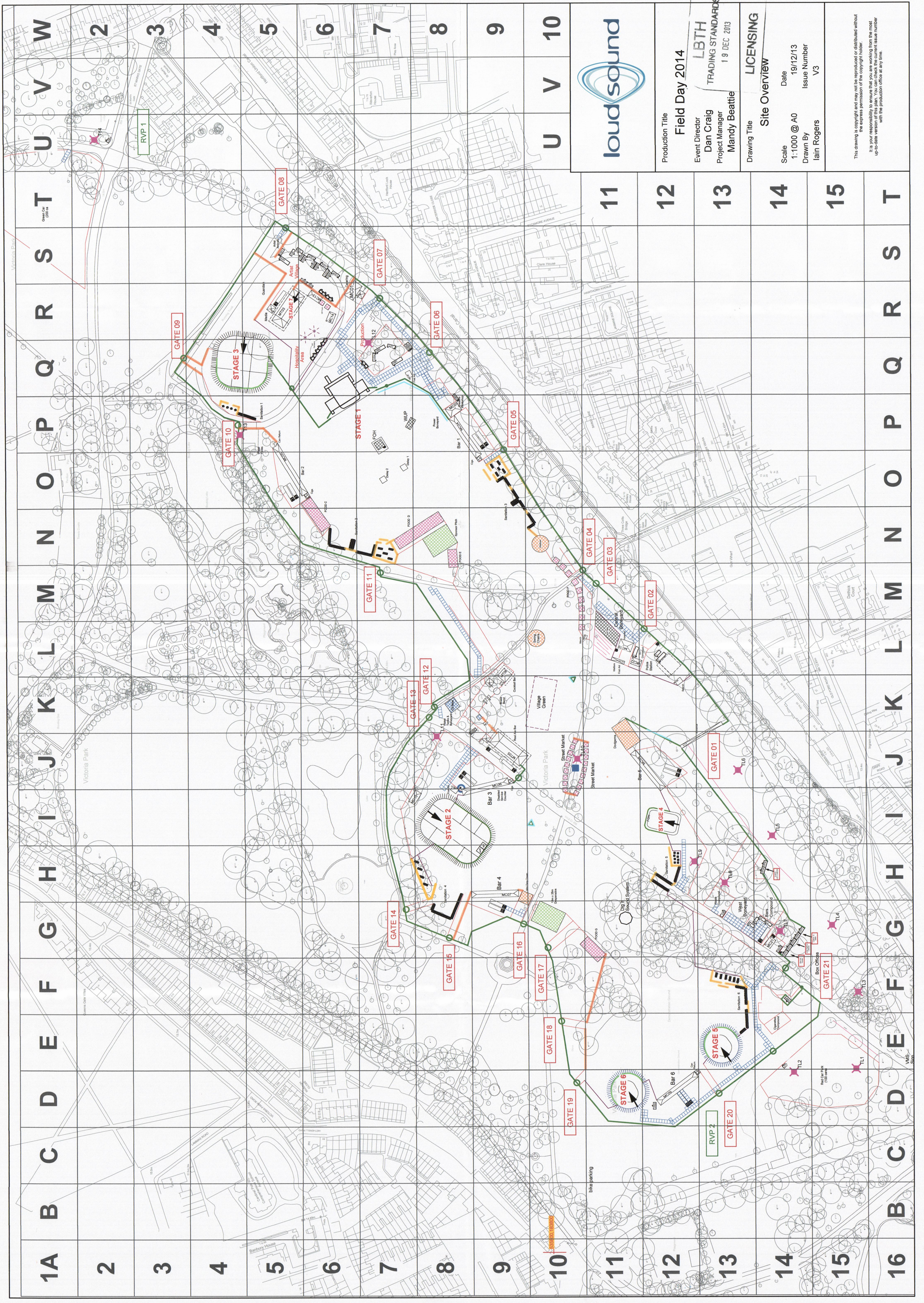



Production Title
Field Day 2014
 Event Director
Dan Craig
 Project Manager
Mandy Beattie

Drawing Title
2014 - 2017 Licensed Area
 Scale
1:1000 @ A0
 Drawn By
Iain Rogers
 Date
17/12/13
 Issue Number
V1

This drawing is copyright and may not be reproduced or distributed without the express permission of the copyright holder.
 It is your responsibility to ensure that you are working from the most up-to-date version of the drawing. Please refer to the current issue number with the production office at any time.

LBTH
 TRADING STANDARDS
 19 DEC 2013
 LICENSING



	
Production Title	Field Day 2014
Event Director	Dan Craig
Project Manager	Mandy Beattie
Drawing Title	LICENSING
Site Overview	
Scale	1:1000 @ A0
Drawn By	Iain Rogers
Date	19/12/13
Issue Number	V3
<small>This drawing is copyright and may not be reproduced or distributed without the express permission of the copyright holder. It is your responsibility to ensure that you are working from the most up-to-date version of this plan. You should refer to the permit issue number with the production office at any time.</small>	

Appendix 3

LBTH Licensing Section
Mulberry Place
5 Clove Crescent
London E14 1BY

Ms C R Wyer

14th January 2014

Dear Sir/Madam

Re: Licence Application – Waxarch Ltd – Victoria Park-Dates not Given

With regard to the above I am concerned that the noise levels will be too high and I wish you to take this letter as my representation that a licence should not be granted for this event. Last year the event run by the above company drove me from my home: so high were the noise levels that I had their music bouncing off my walls and it also caused vibrations in my home. It might also be noted that I could not even watch my TV (as the noise obliterated its sound) and when I phoned the Residents Hotline I was told that the sound levels were in accord with those set in the licence granted.

I do not think that anyone really appreciates the noise levels received in surrounding tower blocks and last summer was, in my opinion, the worst year yet. Clearly noise levels, in the past, have been set too high and caused distress to many (as reported in the local press) and deprived me and others of our lawful right to the peaceful and quiet enjoyment of our respective homes. It is ironic that if you played loud music at prisoners it would be a violation of their human rights but seemingly no regard is given to law abiding council tax paying residents.

I would also add that I think that the above event is too long in duration and goes on too late at night especially when sound testing is done on the day before or before the event on the actual day, which also causes nuisance.

Additionally, I should like to know why the notice in East End Life gave no duration dates regarding the above. Also the “woolly” wording does not make it clear if the notice refers to one event or many in any one year so long as the event days do not exceed three days between a Friday and a Monday, and I should like this clarified.

Yours faithfully


C R Wyer



Appendix 4

Kathy Driver

From: john.H.D.Prole@met.pnn.police.uk
Sent: 17 January 2014 11:33
To: dan@loudsound.net
Cc: Licensing
Subject: Field Day

Follow Up Flag: Follow up
Flag Status: Completed

Dear Dan

Do you agree to the following conditions. If yes can you reply to both me and LBTH licensing confirming this agreement

1 a) That a Operating Schedule and Security Plan have to be sent to Police 3 months prior to the event.

1 b) That the Operating Schedule and Security Plan has to be agreed by Police by 1 month prior to the event. If in the event there is no agreement an ESAG meeting will be called.

Plus this matter may be remitted back to the Sub Licensing Committee for a decision

2) That the event managers and organizers will comply with any reasonable request made by the Police event command team during the course of the event.

PC John PROLE 288HT
Event Planning
Limehouse Police Station
29 West India Dock Road
London
E14 8EZ

02072754564

john.prole3@met.police.uk

HT-Operationalplanningoffice@met.police.uk

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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Appendix 5



To	Dan Craig – Waxarch Ltd	Communities, Localities and Culture
c.c	Kathy Driver & Moshin Ali – Licensing Mandy Beattie – Waxarch Ltd	Environmental Health, Environmental Protection
From	Paul Smith – Principal Scientific Officer	Mulberry Place (AH)
Extension	6939	PO Box 55739
Date	15 th January 2014	5 Clove Crescent
Flare Ref	73858	London E14 1BY
Regarding	Applications for a Premises Licence at Victoria Park for the Field Day Festivals	

Tel **020 7364 5008**
Fax **020 7364 6831**

A. Contextual Information

Description of premises Largest Open Park space in the Borough, which serves the whole community of Tower Hamlets & Hackney.

Description of location. Located within a residential area and bounded by the Old Ford Road, Cadogen Terrace, Victoria Park Road and Grove Road with minor roads off them mainly leading to the Park.

Proximity of noise sensitive premises as described above residential premises surround the Park on the Hackney and Tower Hamlets side. Generally background noise levels are less on the Hackney Wetherell Road and Victoria Park Road side although Cadogen Terrace experiences significant noise from the A102M road.

Description of background noise Road traffic noise from Grove Road which splits the park in two and the Old Ford Road.

Existing noise sources in use at the premises None.

B. Complaint History, Investigation and Enforcement

In 2013 the number of noise complaints made to Environmental Protection about the Field Day event, including Rita Ora on the Sunday was lower than in 2012.

We continue to work with the applicant to ensure that the site setup and footprint is optimized to reduce the number of residential complaints made, whilst balancing the allowable noise level within the event for performances and audience participation.

The number of noise complaints made about the Field Day event by the general public has continued to fall since 2010, and the complaint number has fallen again by over 50% compared to 2012.

The applicant has also ensured with his noise consultants that no breaches of the license noise limit occurred in 2013.

Across the Field Day weekend 8 (16 in 2012) noise complaints were received by Environmental Protection on the days from local residents within the London Borough of Hackney and Tower Hamlets and 1 (4 in 2012) sound checking complaint, this is a reduction on the complaint numbers of 2012 by over 50%.

Our department does not object to the licence application made and considers that with the continuing cooperation of the applicant and further considerations on the noise monitoring locations, we should be able to control the noise from the event days better than 2013.

This should lessen the noise impact to local residents and further reduce the number of complaints that may be made in 2014 and future years from the Field Day event days within Victoria Park.

C. Recommendation

Our department has been in consultation with the applicant and we have agreed on a number of noise conditions, these are listed below for the Prevention of Public Nuisance.

For the Prevention of Public Nuisance

1. The "Music Noise Level" (MNL) measured as a LAeq over any 15-minute from an agreed permanent noise monitoring position shall not exceed 75 dBA 15-minutes. The following three permanent noise monitoring positions have been agreed (as detailed below), but should it be found that these are not representative of the site layout or residential noise impact, then they may be relocated with the agreement of the licensee and environmental health.
The three agreed Permanent Noise Monitoring Locations
 - i) Waterside Close, at the residential façade.
 - ii) Empire Wharf (within Victoria Park) in-line with the building arch.
 - iii) Wetherell Road (Iveagh Close) Day Nursery (within Victoria Park).
2. Low frequency noise shall be controlled so as not to cause a nuisance.

3. A competent Noise Consultant (as defined in the Noise Council's "Code of Practice on Environmental Noise Control at Concerts") shall be appointed by the licensee of the event. This means a person with the ability to monitor noise competently and with the authority to control sound levels to ensure compliance with these noise conditions.
4. A direct means of communication between the Noise Consultant and the Officers of the Environmental Health Department must be made available. There must also be a separate radio channel dedicated to noise control.
5. The sound systems and other noise sources shall be positioned so as to minimise noise disturbance, in consultation with the Council's Environmental Health Department.
6. Sound tests shall be carried out in conjunction with the Council's Environmental Health Department before the event. This will determine the maximum noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the noise limits defined in condition 1.
7. A permanent noise monitor shall be placed at all "front of house" sound mixer positions, this must be able to measure 15 minute LAeq periods or less and print or store the results, Officers must be able to view all the results at the mixer position during the event. A copy of any noise measurements undertaken at permanent sound mixer or the 3 residential monitoring locations must be forwarded within 10 working days to the Environmental Health Department.
8. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to BS7580: 1992 and be a minimum type 2 grade instrument according to BS5969: 1981.
9. Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours contact telephone number (not an answer phone) must be provided for the person in charge of these operations.
10. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.
11. Any complaints received should be directed via a central complaints handling system and directed to our Officers and all concerned immediately by secure phone or SMS, not via an insecure wireless radio system. The Council's complaints procedure for taking and logging complaints must be followed at all times.
12. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
13. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee, to control the noise levels. This number should be agreed with Environmental Health in advance of the event.

Appendix 6

Communities, Localities & Culture Safer Communities

Head of Consumer and Business Regulations
Service **David Tolley**

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel **020 7364 5498**
Fax **020 7364 0863**
Enquiries to **Mohshin Ali**

Email **mohshin.ali@towerhamlets.gov.uk**

Licensing Authority
6th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

15th January 2014

Your reference
My reference: CLC/LIC/73858/MA

Dear Sir/Madam,

Licensing Act 2003

Time limited premises licence: Victoria Park, Tower Hamlets, (as described on
accompanying plan – Field Day 2014)
Licence period: 01/05/2014 – 30/09/2017

The Licensing Authority as a Responsible Authority wishes to make a representation to the above application received on the 20th December 2013.

The Home Office Guidance Issued under Section 182 of the Licensing Act 2003 States, “the legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken” (1.2).

In previous events in Victoria Park, Licensing have witnessed the underage sale of alcohol from mobile dispensing servers (MDS). Also, we are concerned about the alcohol containers being taken off site which could lead to anti-social behaviour by way urination, outside the event area.

The Licensing Authority is concerned that granting this application is likely to have an impact on the following licensing objectives:

- The prevention of crime and disorder
- The protection of children from harm

The Licensing Authority is not objecting to the application but would like the following conditions added to the licence:

Conditions requested by the Licensing Authority:

1. *No alcohol shall be taken off the licensed area.*
2. *Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers.*
3. *The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.*
4. *MDS operators must carry a clear indication that a Challenge 21 protocol is in operation.*
5. *A Challenge 21 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. This will include, for example;*
 - a. *A photo car driving licence*
 - b. *A passport*
 - c. *A proof of age card bearing the PASS hologram.*

The Licensing Authority feels the above conditions will satisfy the concerns raised.

Yours faithfully,


Mohshin Ali
Senior Licensing Officer
Licensing Authority Acting As a Responsible Authority

CC:

Appendix 7

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24hrs 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 8

Noise Leakage from the Premises

General Advice

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

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

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

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

Licensing Policy

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

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

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

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

Police Powers

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

Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200 additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."

Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and 00:00hrs (midnight), no additional conditions should be set relating to the music.

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

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

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

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

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

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

Other Legislation

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

Appendix 9

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 00:00hrs (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

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	13 March 2014	Unclassified	LSC 67/134	

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 variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, London E2 0AN Ward affected: Bethnal Green North
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1.0 Summary

Applicant: **Pubola Ltd**
Name and Address of Premises: **The Old George Public House**
379 Bethnal Green Road
London
E2 0AN

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

- **Regularise hours and remove embedded restrictions prior to Licensing Act 2003**
- **To remove conditions on the licence which restrict hours of operation**
- **To remove other conditions on the licence**

Representation: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 Background

- 3.1 This is an application for a premises licence for The Old George Public House, 379 Bethnal Green Road, London, London E2 0AN.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current hours are as follows:

The sale by retail of alcohol with Regulated Entertainment consisting of music and dancing (including entertainment of the like kind) and Restricted Film Exhibition:

See full licence for details . The timings were granted prior to the Licensing Act 2003 and in general are summarised follows:

Extended hours subject to conditions (refer to full licence)

- Sunday to Thursday until midnight
- Friday and Saturday until 02:00 hours on the following day

Regulated Entertainment consisting of music and dancing (including entertainment of the like kind) and Restricted Film Exhibition

- Sunday to Thursday until midnight
- Friday and Saturday until 02:00 hours on the following day

NOTE: the above timings are subject the conditions below:

except that—

- the permitted hours shall end at **midnight** on any day on which music and dancing is not provided after **midnight**; and
- (b) on any day that music and dancing end between midnight and the permitted hours, the permitted hours shall end when the music and dancing end.

Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until midnight except that—

- the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
- (b) where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.

Provision of late night refreshment

- Sunday to Thursday until 00:30 hours the following day
- Friday and Saturday until 02:30 hours on the following day

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

The opening hours of the premises

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

- 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:
- a. *Submit revised plans to incorporate basement and first floor areas in to trading space (NOTE: No plans have been submitted with this application so Members do not have to consider this)*
 - b. *Regularise hours and remove embedded restrictions prior to Licensing Act 2003*
 - c. *Remove the following:*
 - *Christmas/New Year etc conditions: "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".*
 - *Children in Bars conditions (Pre Licensing Act 2003)*
 - *Remove capacity: "The maximum number of persons accommodated at any one time in the ground floor bar shall not exceed 100". and replace with risk assessed capacity dependent on use*
- 3.5 The applicant has also applied to remove the following:
- *The conditions relating to the times the license authorises the carrying out of licensable activities relating the sale by retail of alcohol.*
 - *The restrictions on the doors being open due to revised layout:
"The outer lobby door between the bar area and Wear Place shall be kept locked back in the open position during the whole time that the premises are occupied".*
 - *The outer lobby door between the bar area and Bethnal Green Road shall be kept locked back in the open position during the whole time that the premises are occupied.*
 - *The restriction on the number of persons on the premises to be changed to risk assessed basis dependent on the activity taking place.*
 - *There will be no admission to the premises by the public after 11.30pm.*

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

Sale of Alcohol – On and off sales

- Sunday to Wednesday, from 10:00 hours to midnight
- Thursday to Saturday, from 10:00 hours to 02:00 hours the following day

The Provision of late night refreshment – Indoors

- Sunday to Wednesday, from 23:00 hours to 00:30 hours the following day
- Thursday to Saturday, from 23:00 hours to 02:30 hours the following day

Provision of regulated Entertainment – Indoors

Live music, recorded music, performances of dance and Films

- Sunday to Thursday until midnight
- Friday and Saturday until 02:00 hours on the following day

Hours premises are open to the public

- Sunday to Wednesday, from 10:00 hours to 00:30 hours the following days
- Thursday to Saturday, from 10:00 hours to 02:30 hours the following day

3.7 The applicant has agreed the following times and conditions with the Met Police:

Sale of alcohol:

Thursday reduced from 02:00 hours to midnight (As per existing licence)

“Conditions

1. Install and maintain CCTV system
 - a. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
 - b. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 - c. The system will comply with other essential legislation, and all signs as required will be clearly displayed.
 - d. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

- e. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority
 - f. One camera to be placed outside the entrance and on entry
2. An Incident Book to be maintained, to include refusals . To be signed at the end of licensable hours by the manager / DPS
 3. Two SIA staff to be employed on a Friday and Saturday from 2100 until closing, if the premises remains open after midnight.
 4. Use of F696 for external promoters and DJs;
 5. No drinking vessels / bottles to be taken outside on the pavement.”
- 3.8 Members may wish to note that as the applicant has agreed conditions with the Met Police, the timings are now to remain the same as the current hours but with certain restrictions that were imposed prior to the Licensing Act 2003. For example:
“the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight”... Please refer to the full licence.
- 3.9 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, 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.
- 5.9 Please see **Appendix 5** for the applicant’s agreement with the Met Police.
- 5.10 Please see below the list of local residents:

Name	Appendix
Mr Sanabar Ali and Mrs Nazma Ali	6
Rofik Miah	7
Mrs Jean Bailey	8
Catherine O'Donnell	9
Kengo Oshima	10
Anthony Gourdin	11
Mrs V Jackson	12
R and P Carter	13
S Jackson	14
Muhammed Haque	15

- 5.11 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
- 5.12 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.13 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.
- 5.14 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.15 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 Home Office - Relevant, vexatious and frivolous representations
Appendix 5	Conditions agreed with Met Police
Appendices 6 -15	Individual representations of the local residents
Appendix 16	Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises
Appendix 17	Licensing Officer comments on Access and Egress problems
Appendix 18	Licensing Officer comments on Licensing Policy relating to hours of trading
Appendix 19	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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Appendix 1

**(The Old George Public House)
379 Bethnal Green Road
London
E2 0AN**

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

John McCrohan 
Trading Standards and Licensing Manager

Date: 9 August 2006

Part A - Format of premises licence

Premises licence number

16909

Part 1 - Premises details

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

(The Old George Public House)
379 Bethnal Green Road

Post town

London

Post code

E2 0AN

Telephone number

Where the licence is time limited the dates

Not applicable

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

The sale by retail of alcohol:

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

In this condition, permitted hours means:

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

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

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.

Subject to the following paragraphs, the permitted hours on weekdays shall extend until midnight on Monday, Tuesday, Wednesday and Thursday and until 02:00am on Friday and Saturday, except that—

- (a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
- (b) on any day that music and dancing end between midnight and the permitted hours, the permitted hours shall end when the music and dancing end.

In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

- (a) with the substitution of references to one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.

Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until midnight except that—

- (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
- (b) where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.

On Sundays immediately before bank holidays, other than Easter Sunday the permitted hours shall extend until midnight except that—

- (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
- (b) where music and dancing end between midnight on any Sunday and 3 a.m. the permitted hours on that Sunday shall end when the music and dancing end.

Regulated Entertainment consisting of music and dancing (including entertainment of the like kind) and Restricted Film Exhibition

Sunday, Monday, Tuesday, Wednesday and Thursday until midnight
Friday and Saturday until 02:00 hours on the following day

The opening hours of the premises

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

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

On and off sales

Annex 1 - Mandatory conditions

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

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

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

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.

Subject to the following paragraphs, the permitted hours shall extend until midnight on Sunday, Monday, Tuesday, Wednesday and Thursday and until 02:00am on Friday and Saturday, except that—

- (a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
- (b) on any day that music and dancing end between midnight and the permitted hours, the permitted hours shall end when the music and dancing end.

In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

- (a) with the substitution of references to one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.

The above restrictions do not prohibit:

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

- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

Children in Bars

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

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

Private Entertainment

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

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

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Regulated Entertainment consisting of music and dancing (including entertainment of the like kind) and Restricted Film Exhibition only

Subject to the Council's rules relating to the management of places of public entertainment:

Sunday, Monday, Tuesday, Wednesday and Thursday until midnight

Friday and Saturday until 02:00 hours on the following day

1. The outer lobby door between the bar area and Wear Place shall be kept locked back in the open position during the whole time that the premises are occupied.
2. The outer lobby door between the bar area and Bethnal Green Road shall be kept locked back in the open position during the whole time that the premises are occupied.
3. The maximum number of persons accommodated at any one time in the ground floor bar shall not exceed 100.
4. There will be no admission to the premises by the public after 11.30pm.
5. There shall be no noise nuisance caused to local residents.

Annex 2 - Conditions consistent with the operating Schedule

None

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
13 Jun 2005



Part B - Premises licence summary

Premises licence number

16909

Premises details

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

(The Old George Public House)
379 Bethnal Green Road

Post town
London

Post code
E2 0AN

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

The sale by retail of alcohol:
Sunday, Monday, Tuesday, Wednesday and Thursday until midnight
Friday and Saturday until 02:00 hours on the following day
See full licence for details, conditions and New Years Eve
Regulated Entertainment consisting of music and dancing (including entertainment of the like kind) and Restricted Film Exhibition
Sunday, Monday, Tuesday, Wednesday and Thursday until midnight
Friday and Saturday until 02:00 hours on the following day

The opening hours of the premises

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

Name, (registered) address of holder of premises licence

Pubola Ltd



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

On and off

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

8004040

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

Maxwell John Alderman

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

No

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We **Pubola Limited**

(Insert name(s) of applicant)

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

Premises licence number 16909

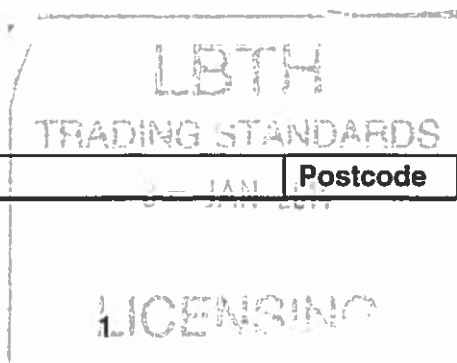
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Old George 379 Bethnal Green Road			
Post town	London	Post code	E2 0AN

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£18500

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?

If not do you want the variation to take effect from

Day		Month		Year	
1	1				

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
Submit revised plans to incorporate basement and first floor areas in to trading space

Regularise hours and remove embedded restrictions prior to Licensing Act 2003

Remove the following:

Christmas/New Year etc conditions

Children in Bars

Remove capacity of 100 and replace with risk assessed capacity dependent on use

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

J

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	23:00	00:30						
Tue	23:00	00:30						
Wed	23:00	00:30				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	02:30						
Fri	23:00	02:30						
Sat	23:00	02:30				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	23:00	00:30						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	10:00	00:00						
Tue	10:00	00:00						
Wed	10:00	:00:00						
Thur	10:00	02:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	02:00						
Sat	10:00	02:00						
Sun	10:00	00:00						

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
	10:00	00:30	
Tue			
	10:00	00:30	
Wed			
	10:00	00:30	
Thur			
	10:00	02:30	
Fri			
	10:00	02:30	
Sat			
	10:00	02:30	
Sun			
	10:00	00:30	

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)

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
 The conditions relating to the times the license authorises the carrying out of licenseable activities relating the sale by retail of alcohol.

The restrictions on the doors being open due to revised layout.

The restriction on the number of persons on the premises to be changed to risk assessed basis dependent on the activity taking place.

No admission after 11.30pm

Please tick yes

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

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

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

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

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

I have considered the councils licensing policy and believe that no additional measures are required except for the protection of children from harm.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Children under the age of 18 will not be allowed on premises after 21.00 hours.
The restrictions set out in the Licensing Act 2003 will apply, so any adult accompanying the child provides their protection from harm
The restrictions set out in the Licensing Act 2003 will apply
No unusual risks of harm to children have been identified
When on the premises children must be accompanied or supervised by a parent/guardian
The premises shall operate an agecheck 'Challenge 21' policy whereby customers purchasing alcohol who look or appear to be under 21 years of age will be asked for an approved form of

proof of age to verify their age. Approved forms shall include a driving licence, passport.

Agecheck or 'Challenge 21' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 21' policy applies and proof of age may be required


Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	10th December 2018 12 th January 2019
Capacity	Operations Director

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	

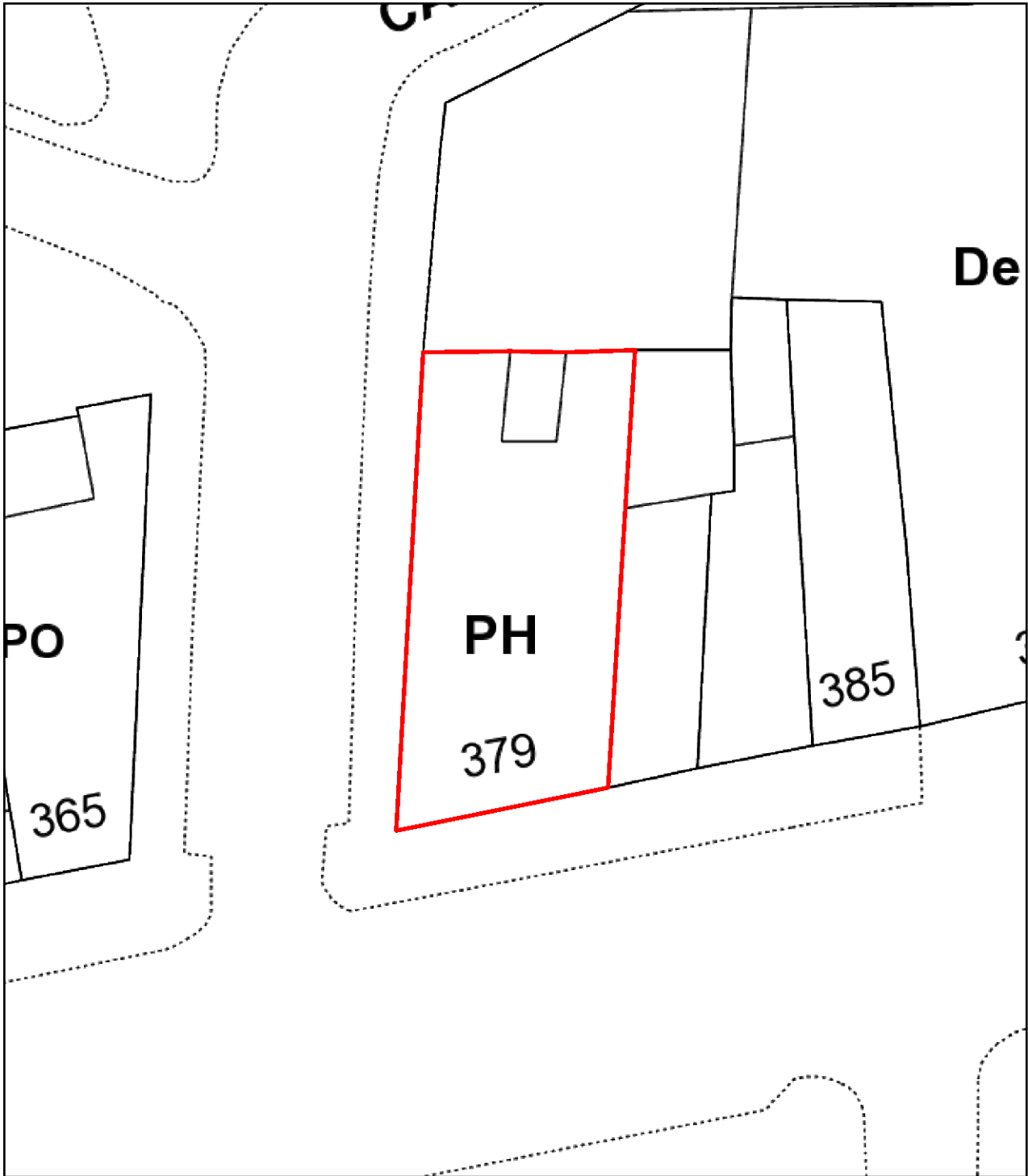
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

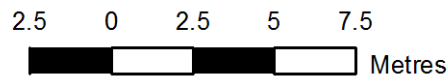
Appendix 3



379 Bethnal Green Rd

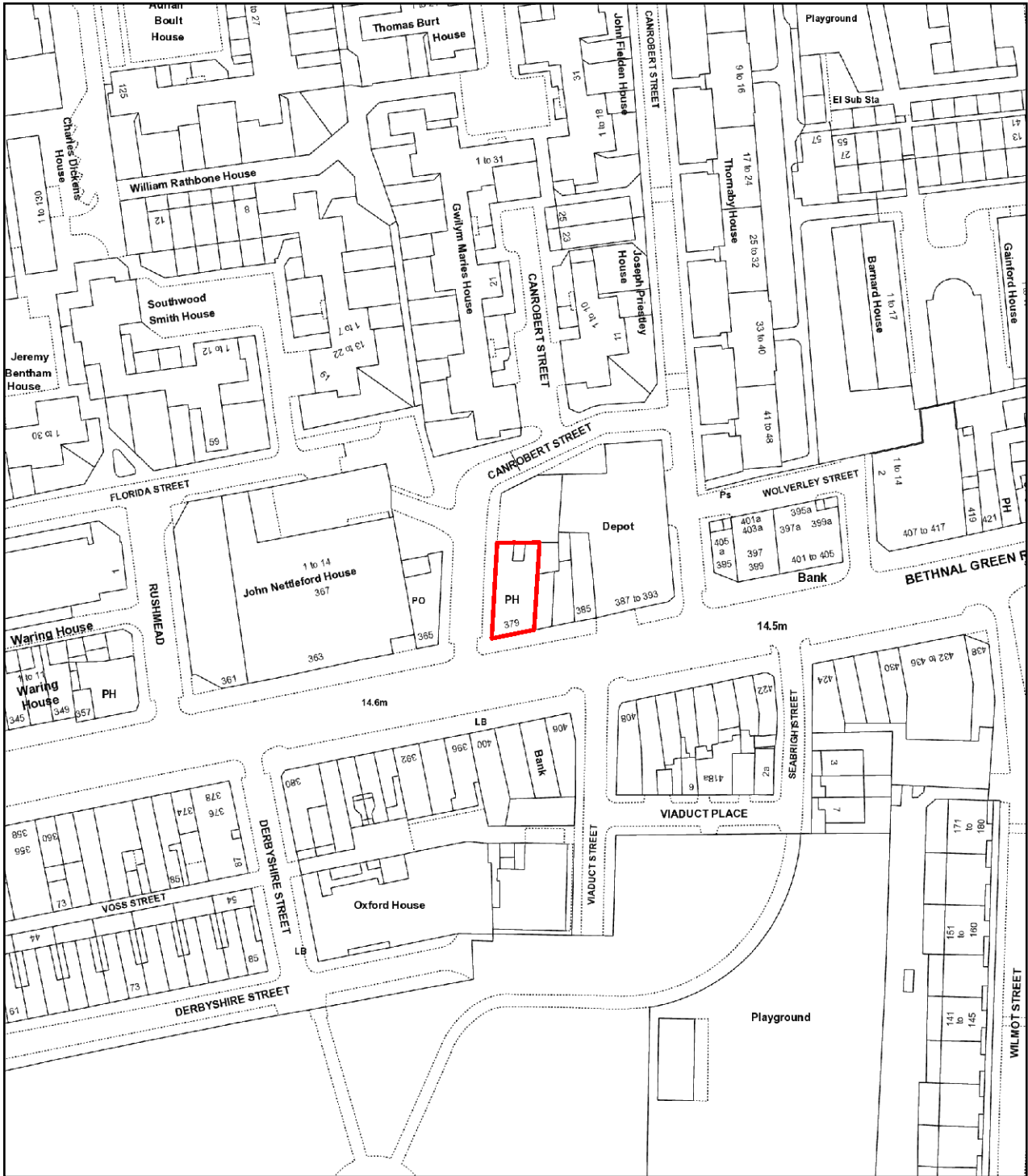


Scale 1:284



TOWER HAMLETS

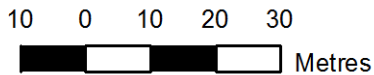
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379 Bethnal Green Rd



Scale 1:1418



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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: Alex Lisowski on behalf of Licensing
Sent: 22 January 2014 16:03
To: Mohshin Ali
Subject: FW: Old George

Follow Up Flag: Follow up
Flag Status: Flagged

Mohshin,
One of yours.
Alex.

From: Max [REDACTED]
Sent: 22 January 2014 15:49
To: Licensing
Cc: Alan.D.Cruickshank@met.pnn.police.uk
Subject: FW: Old George

Good afternoon

Further to my meeting with Alan Cruickshank from the police this afternoon I write to confirm that I am happy to agree to the conditions suggested below and would ask that these be added to the operating schedule for the Old George.

I have heard from the fire brigade and it would seem they do not have any objections, have there been any others received yet?

I trust this is acceptable, any problems please give me a call.

Kind regards

Max Alderman

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: Alan.D.Cruickshank@met.pnn.police.uk [<mailto:Alan.D.Cruickshank@met.pnn.police.uk>]
Sent: 22 January 2014 15:15
To: Max
Subject: Old George

Hi Max

Good to meet you today. If you agree with this agreement, can you send confirmation to LBTH Licensing and myself.

M: Sale of alcohol : one change to
Thursday 1000 - 0000

Conditions

1. Install / maintain CCTV

CCTV

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

(to include one camera to be placed o/s the entrance and on entry,)

2. An Incident Book to be maintained , to include refusals . To be signed at the end of licensable hours by the manager / DPS

3. SIA staff.

Two SIA staff to be employed on a Friday and Saturday from 2100 until closing , if the premises remains open after midnight.

4. Use of F696 for external promoters and DJs;

5. No drinking vessels / bottles to be taken outside on the pavement.

Thanks for coming today

Best wishes

Alan

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.

Consider our environment - please do not print this email unless absolutely necessary.

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Find us at:

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

Appendix 6

14th January 2014

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

PLEASE NO
THANK YOU

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

As local residents living in very close proximity to the public house, we feel that this would be detrimental to our quality of life, as we already suffer from noise coming from the premises. We, along with a number of our neighbours, who live nearby the Old George have concerns that acceptance of the application for an extended license will inevitably affect us.

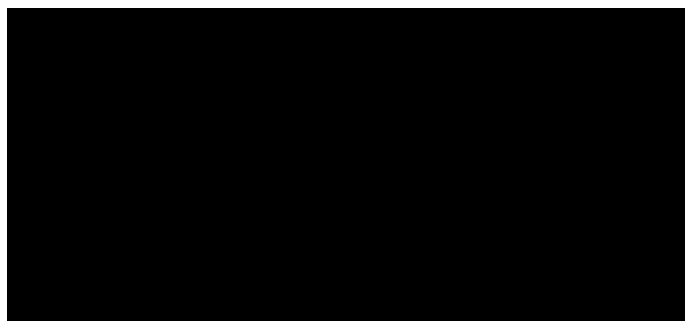
We feel the application is an unsuitable one considering that there are residential properties so close to the pub, and that the licensing hours applied for will make this formally traditional public house into a night club type venue. This will have a negative impact on our families and local environment. We feel that such a late license is very highly likely to lead to rowdy and anti-social drunken behaviour on our doorstep, and we fear the our sleep and general well-being will be affected.

SANABAR ALI

DATE 20/1/14

Yours faithfully

MR. SANABAR ALI
MRS. NAZMA ALI



Appendix 7

ROFIK MAH

14th January 2014

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

Dear Sir,

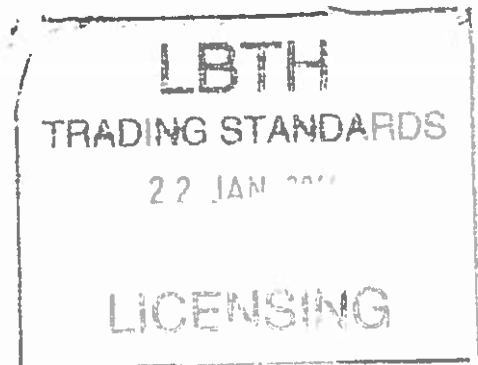
Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

As local residents living in very close proximity to the public house, we feel that this would be detrimental to our quality of life, as we already suffer from noise coming from the premises. We, along with a number of our neighbours, who live nearby the Old George have concerns that acceptance of the application for an extended license will inevitably affect us.

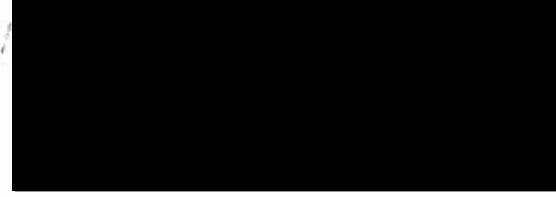
We feel the application is an unsuitable one considering that there are residential properties so close to the pub, and that the licensing hours applied for will make this formally traditional public house into a night club type venue. This will have a negative impact on our families and local environment. We feel that such a late license is very highly likely to lead to rowdy and anti-social drunken behaviour on our doorstep, and we fear the our sleep and general well-being will be affected.

Yours faithfully ROFIK MAH



Appendix 8

Mrs Jean Bailey



Jan: 19th 2014.

14th January 2014

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

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

As local residents living in very close proximity to the public house, we feel that this would be detrimental to our quality of life, as we already suffer from noise coming from the premises. We, along with a number of our neighbours, who live nearby the Old George have concerns that acceptance of the application for an extended license will inevitably affect us.

We feel the application is an unsuitable one considering that there are residential properties so close to the pub, and that the licensing hours applied for will make this formally traditional public house into a night club type venue. This will have a negative impact on our families and local environment. We feel that such a late license is very highly likely to lead to rowdy and anti-social drunken behaviour on our doorstep, and we fear the our sleep and general well-being will be affected.

Yours faithfully

J [Redacted Signature]



Appendix 9

Catherine O'Donnell



14th January 2014

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

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

As local residents living in very close proximity to the public house, we feel that this would be detrimental to our quality of life, as we already suffer from noise coming from the premises. We, along with a number of our neighbours, who live nearby the Old George have concerns that acceptance of the application for an extended license will inevitably affect us.

We feel the application is an unsuitable one considering that there are residential properties so close to the pub, and that the licensing hours applied for will make this formally traditional public house into a night club type venue. This will have a negative impact on our families and local environment. We feel that such a late license is very highly likely to lead to rowdy and anti-social drunken behaviour on our doorstep, and we fear the our sleep and general well-being will be affected.

Yours faithfully



Appendix 10

LBH
TRADING STANDARDS
21 JAN 2014
LICENSING

Kengo Oshima,



The Licensing Section,
London Borough of Tower Hamlets,
Mulberry Place,
5 Clove Crescent,
London,
E14 2BG

19th January, 2014,

Dear Sir or Madam,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London, E2 0AN.

I have recently been informed that the above pub has applied for a late license to serve alcohol.

As a local resident I object strongly to this application – my window faces their beer garden and the noise already is very disruptive, especially on Friday and Saturday nights when I would like to relax after a week of work. I have lived in the area for over 15 years and the noise has never been an issue until the pub changed owners last year. If I am already unhappy with the level of noise, I dread to think how increased licensing hours will worsen the situation.

Last year in December, I made a complaint to the council when they had a weekend of film screening in the garden with live music and with a brazier going on the pavement of Canrobert Street, which clearly was not safe.

The Antic Group who operates the pub has chains of over 40 pubs operating in other so called “up-and-coming” areas in London such as Walthamstow, Brixton, Broadway Market, Clapton and Tooting and it would be a great pity that such opportunistic and short-sighted corporations based on blind pursuit of profit and not for the benefit of the nearby residents should prevail. Also during the refurbishment of the pub, after the pub changed hands, it was clear that they operated with little regard for the local community, working past 6pm and leaving rubble on the pavements. On one occasion, I witnessed brick being hammered out and falling two stories onto a soil pipe.

Months after the refurbishment seem to be completed there is still a two storey tower covered in blue plastic sheets which does not seem to be structurally sound and its sole purpose appears to be to conceal the bodged job they did on knocking a hole in their wall.

I would trust the council to make decisions based on what they themselves proclaim in their statement on the council website:

“Tower Hamlets is a Borough that is diverse, improves choice and provides enjoyment for residents and visitors to the Borough of all ages. We want to provide an environment that is safe and welcoming for all to enjoy. While at the same time we also want to ensure that we protect the quality of life for our residents by ensuring that we have sensible controls that keep anti-

social behaviour, and undesirable developments selling hot food and drink between 23:00 and 05:00 to a minimum.”

A decision to allow the pub to operate later will no doubt increase anti-social behaviour, noise levels and will be detrimental to our neighbourhood. I know that facing the pub in this block of flats and the next are also young children who will have their sleep interrupted late into the night should the application be granted.

Yours Sincerely,

A black rectangular redaction box covering the signature of Kengo Oshima.

Kengo Oshima

Appendix 11

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

Anthony Gourdin

19th January 2014

**Re: Notice of Application to vary a premises license for The Old George pub, 379
Bethnal Green Rd, London E2 0AN**

Dear Sir/ Madam,

I must object in the strongest possible terms to this application for an extension to the licensing hours of the Old George pub.

My bedroom overlooks the garden of the Old George, and since the change in management of the pub I have already noticed a marked increase in the noise levels. I know that my housemate has had cause to complain to the council on at least one occasion, and my wife and I are often kept awake late at night by noise from the pub garden.

I suspect that even if they were to lock the garden after 10pm, that would only lead to a large number of smokers spilling out onto Canrobert Street creating as much noise as if they were in the garden.

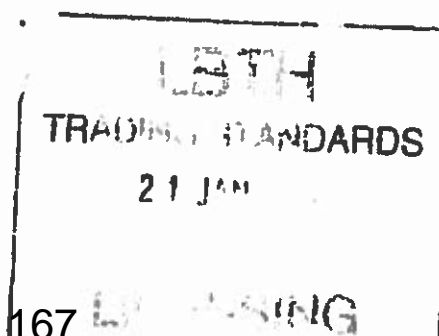
From Monday to Saturday I have to get up at 6am for work and only just get enough sleep as it is. If the noise from the pub were to go on any later I suspect that my current lifestyle would be unsustainable.

The Old George does not seem to suffer from a lack of custom so I cannot understand why they feel the need to increase the opening hours. If people need somewhere to go for a late drink then they can go to the Star on the other side of Tesco's which is not so overlooked by residential properties and does not have a garden.

Please take into consideration my objections to this application. I think that if it were to be allowed it would adversely affect the character of the neighbourhood and have a detrimental effect on all the residents who live within the immediate environs of the pub.

Yours sincerely,

Anthony Gourdin



Appendix 12



14th January 2014

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

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George. 379 Bethnal Green Road. London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

As local residents living in very close proximity to the public house, we feel that this would be detrimental to our quality of life, as we already suffer from noise coming from the premises. We, along with a number of our neighbours, who live nearby the Old George have concerns that acceptance of the application for an extended license will inevitably affect us.

We feel the application is an unsuitable one considering that there are residential properties so close to the pub, and that the licensing hours applied for will make this formally traditional public house into a night club type venue. This will have a negative impact on our families and local environment. We feel that such a late license is very highly likely to lead to rowdy and anti-social drunken behaviour on our doorstep, and we fear the our sleep and general well-being will be affected.

Yours faithfully

Mrs. V. Jackson



Appendix 13

LBTH
TRADING STANDARDS
20 JAN 2014
LICENSING

Rae Birch Carter
Paul Carter



14th January 2014

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

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

We, as local residents living in very close proximity to the public house, feel that this would be detrimental to our quality of life and we already suffer from noise coming from the premises. We, along with a number of our neighbours, overlook the rear of the Old George and we have young children whose sleep is disturbed even during current opening hours.

We feel the application is an unsuitable one considering that there are residential properties so close to the pub and that the licensing hours applied for will make this formally traditional public house into a night club type venue. This will have a negative impact on our families and local environment. We fear that such a late license is likely lead to rowdy and anti social drunken behaviour on our doorstep very late at night and we fear our children will be affected by this and will not be able to sleep. As a consequence they would be tired during the school day and this is a very big concern to us.

If you wish to contact us please use the above contact details.

Yours faithfully


Rae Birch Carter

LBTH
TRADING STANDARDS
20 JAN 2014
LICENSING


Paul Carter

Appendix 14

14th January 2014

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

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

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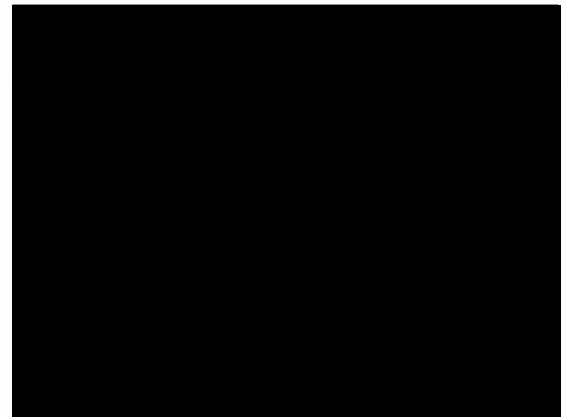
As local residents living in very close proximity to the public house, we feel that this would be detrimental to our quality of life, as we already suffer from noise coming from the premises. We, along with a number of our neighbours, who live nearby the Old George have concerns that acceptance of the application for an extended license will inevitably affect us.

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Yours faithfully

[Redacted signature]

LBTH
TRADING STANDARDS
27 JAN 2014
LICENSING



Appendix 15

14th January 2014

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

Dear Sir,

Reference: Notice of Application to vary a premises license. Old George, 379 Bethnal Green Road, London E2 0AN

I write in relation to the application by the Old George pub Bethnal Green Road to alter their license to allow them to serve alcohol until 2am Thursday to Saturday and until 12am on other days. I would like to make a formal objection to this being allowed.

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Yours faithfully

()

Appendix 16

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 17

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 18

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 19

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.

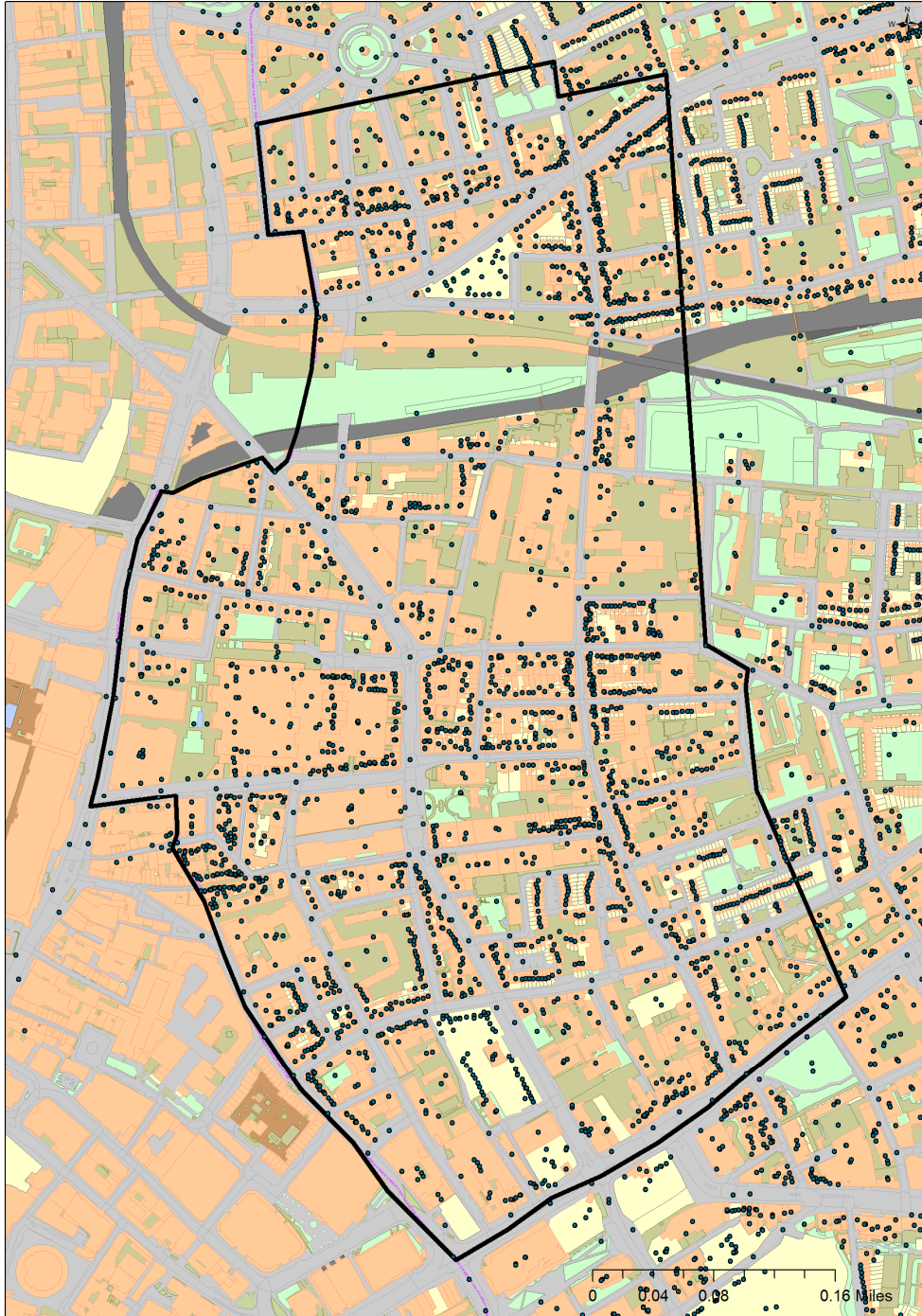
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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



Drawn By: WJ. CIC Strategy & Performance. September 2012

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