

# LICENSING SUB COMMITTEE

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Thursday, 26 June 2014 at 5.30 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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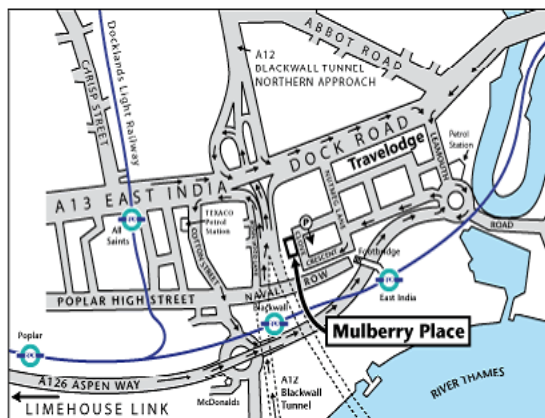
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**APOLOGIES FOR ABSENCE**

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 - 44)**

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 22 April, 8 May & 15 May 2014.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application for a New Premises Licence for Qualm Free Tearoom/The Hawkhurst Vault, 240 Brick Lane, London, E2 7EB</b>	<b>45 - 144</b>	<b>Weavers</b>
<b>4 .2 Application for a Premises Licence for (As Nature Intended), 132 Commercial Street, London E1 6NG</b>	<b>145 - 210</b>	<b>Spitalfields &amp; Banglatown</b>
<b>5. EXCLUSION OF THE PRESS AND PUBLIC</b>		

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

#### **EXEMPT/CONFIDENTIAL SECTION (Pink Papers)**

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

#### **6. RESTRICTED MINUTES**

**211 - 214**

To confirm as a correct record the restricted minutes of the Licensing Sub-Committee held on 22 April 2014.

#### **7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**



# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

### **Further advice**

For further advice please contact:-

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

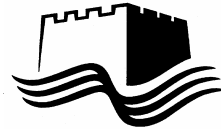
## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**TOWER HAMLETS**



**LICENSING COMMITTEE**

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

## **1. Interpretation**

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

## **2. Composition of Sub-Committee**

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

## **3. Timescales**

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

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

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

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

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

- a temporary event notice.

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

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

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

### 3.2 Timescale for notice of hearings to be given

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

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

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

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

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

### 3.3 Persons who must be notified of a hearing

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

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

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

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

### 3.4 Information to be provided in a notice of hearing

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

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

### 3.5 Failure of Parties to Attend the Hearing

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

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

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

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

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

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

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#### **4. Procedure at the Hearing**

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

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

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

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

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

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

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

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

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

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

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

4.4 All hearings shall take place in public save that:

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

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

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

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

## **5. Determination of Application – Time Limits**

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

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

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

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

## **6. Record of Proceedings**

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

## **7. Irregularities**

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

## **8. Notices**

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

## **9. Appeals**

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

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

## APPENDIX A

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

<b>Application Type</b>	<b>Period of Time within which Hearing to be Held (after reps have closed)</b>	<b>Notice Period of Hearing</b>	<b>Notice Sent To</b>	<b>Attendee Reply Form Back In</b>
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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## 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](http://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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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 22 APRIL 2014

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

#### Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor David Snowdon  
Councillor Ann Jackson

#### Other Councillors Present:

Councillor John Pierce

#### Officers Present:

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

#### Applicants In Attendance:

Jack Spiegler - (Tapas Revolution)  
Mac Plumpton - (Tapas Revolution)  
Omar Allibhoy - (Tapas Revolution)  
Douglas Smilie - (Tapas Revolution)  
Homaon Rashid - (Low Cost Food & Wine)  
Mohammed Rafique - (Low Cost Food & Wine)

#### Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan Police)  
Saadani Allali - (Local Resident)

#### Apologies

None

**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 held on 25th March 2014 were agreed.

**4. ITEMS FOR CONSIDERATION****4.1 Application for a New Premises Licence for Tapas Revolution, Unit 8 Ground Floor, 58 Bethnal Green Road, London, E1 6JW.**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tapas Revolution, Unit 8, Ground Floor, 58 Bethnal Green Road, London E1 6JW. It was noted that objections had been made by the Metropolitan Police and local residents.

At the request of the Chair, Mr Jack Spiegler, Legal Representative on behalf of the Applicant briefly explained that this venue would be specialising in traditional Spanish food and drinks. It was noted that there were two other branches of Tapas Revolution which had been running successfully.

Mr Spiegler stated that the Applicants were happy to agree to PC Cruickshank's request to remove the non-standard timings applied for. It was also noted that having spoken to the residents and Councillor John Pierce, Ward Councillor, the Applicant had amended the hours for licensable activities for Monday to Sunday from 10:00 hours to 00:00 hours midnight. It was also noted that the applicant was happy to restrict drinks being taken outside the premises after 23:00 hours.

Mr Spiegler mentioned that the petition sent in by local residents did not mention concerns about the outdoor use of the premises. He then explained why the premise was not likely to have a negative cumulative impact on the licensing objectives. It was noted that it was a family friendly, and food led venue and that that this licence would not be an additional licence but would in actual fact be replacing a previous premise licence. It was also noted that planning had been granted with similar hours to what had been applied for in the Licensing application.

Mr Spiegler finally concluded that there had been two forms of representations received and both representations/concerns had been taken

into account by the applicant who had amended the original application by reducing the hours for licensable activities and proposing additional conditions.

At the request of the chair, PC Alan Cruickshank, Metropolitan Police stated that one more late night opening venue would only compound the problems at the top end of the cumulative impact zone and the availability of alcohol would mean more people staying for longer in the cumulative impact zone. It was also noted that the area suffered from high levels of anti-social behaviour. PC Cruickshank welcomed the amendments made to the application by the applicant, however was still in objection to the application based on the hours applied for.

Members then heard from Mr Saadani Allali, local resident and Councillor John Pierce on behalf of residents, who expressed similar concerns particularly on anti-social behaviour, the impact on children, and public nuisance as a result of a late night venue. Cllr Pierce also made reference to the special cumulative impact zone and questioned why the applicants had not demonstrated how they would prevent anti-social behaviour and public nuisance.

In response to questions the following was noted;

- That having 10 people smoking outside the premise at any one time was far too many and would cause public and noise nuisance.
- That it was a traditional tapas bar selling food and drinks.
- That there would be food available throughout the day.
- That the layout of the premises looked more like a restaurant with tables etc.
- That there would be a table and waiter service and no vertical drinking.
- That there was 65 covers indoors and 24 covers outdoors.

Members retired to consider their decision at 7.15pm and reconvened at 7.40pm.

### The Licensing Objectives

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

### 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 in part with conditions. Members' had carefully listened to the representation made on behalf of the Applicant and noted and sympathised with the residents concerns. However Members were mindful of the number of concessions made by the Applicant to address the concerns raised by the Police and residents.

It was noted that by limiting the number of smokers and not licensing the outdoor area would help alleviate the concerns of residents and that the amended hours offered by the Applicant would also help address the concerns raised and promote the licensing objectives.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, Tapas Revolution, Unit 8, Ground Floor, 58 Bethnal Green Road, London E1 6JW be GRANTED in part with conditions.

#### Sale of Alcohol (on sales only)

- Monday to Sunday from 10:00 hours to 00:00 hours (midnight)

#### The Provision of Late Night Refreshments (indoors)

- Monday to Sunday 23:00 hours to 00:00 hours (midnight)

#### The Provision of Recorded Music

- Monday to Sunday from 10:00 hours to 00:00 hours (midnight)

#### Hours Premises is open to the Public

- Monday to Sunday from 10:00 hours to 00:00 hours (midnight)

### Conditions

1. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
2. CCTV camera system covering both internal and external area to the premises is to be installed.
3. 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.
4. At all times when the premises are open, a person who can operate the CCTV system must be present on the premises.



5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following;
  - 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
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
6. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
7. No deliveries or collections of waste/recycling/bottles during the hours of 20:00 hours to 08:00 hours.
8. No noise from regulated entertainment shall be audible at any affected and/or habitable room at a level that causes a public nuisance.
9. No more than 4 smokers allowed to smoke in the external area at any one time.
10. The outside area of the premises shall not be used for licensable activities.
11. All furniture places outside the premises shall be fitted with rubber, or a similar material on their feet to reduce the level of noise when they are moved.
12. All doors and windows shall be closed after 23:00 hours except for access and egress.

## 5. EXCLUSION OF THE PRESS AND PUBLIC

The Chair Moved and it was: -

### **Resolved:**

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds

that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

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

Decision

Accordingly, the Sub-Committee unanimously –

**RESOLVED**

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

**6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 9.00 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.30 P.M. ON THURSDAY, 8 MAY 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

**Other Councillors Present:**

None

**Officers Present:**

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

**Applicants In Attendance:**

Gary Grant - (Busaba Eathai)  
Andrew Wong - (Busaba Eathai)  
Joel Falconer - (Busaba Eathai)  
Vincent Healy - (Busaba Eathai)  
Muahmmed Azrof Ali - (Convenience Store)  
Alan Aylott - (Convenience Store)  
Akhtar Ali - (Convenience Store)

**Objectors In Attendance:**

PC Alan Cruickshank - (Metropolitan Police)  
Janice Bergonzi - (Local Resident)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure was noted.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the Licensing Sub Committee held on 25th March & 8<sup>th</sup> April 2014 were agreed.

**4. ITEMS FOR CONSIDERATION****4.1 Application for a New Premises Licence for (Busaba Eathai), 3 Innova Passage, London E1 6LJ**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Busaba Eathai, 3 Innova Passage, London E1 6LJ. It was noted that objections had been made by the Metropolitan Police and a local resident.

At the request of the Chair, Mr Gary Grant, Legal Representative explained that there were currently fifteen branches in the country and six were within saturation zones. He highlighted the fact that that there branch in Shoreditch has had no reported incidents in the last 12 months except for 1 report of theft which took place outside the premises.

It was noted that there had been a single representation from a local resident out of the 120 apartments that were there. Mr Grant concluded that the Applicant was happy to accept the reduction in hours proposed by the Police and accept the condition from Environmental Health.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who referred to his statement contained in the agenda on pages 69 to 73 and explained that the representation was based on the saturation policy and not the company itself, and argued that the introduction of a licensed premises would mean more people in the Cumulative Impact Zone.

In response to a question it was noted that there was 160 covers at the restaurant.

**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 with conditions. Members' had carefully listened to applicant's representative and noted and considered the written objection from a local resident and the objection made on behalf of the Metropolitan Police.

The Chair stated that the Cumulative Impact Zone should not be taken as an excuse to make a representation for every application by responsible authorities. The policy does make it clear that regard should be had to the operating schedule. Responsible authorities have the advantage of seeing this schedule. Members would therefore expect representations against to set out what is wrong with the operating schedule. An objection solely on the basis that it is within the cumulative impact zone was unhelpful.

Members' believed that the amended hours and conditions would help address the concerns raised by the objectors and that Members were satisfied that the operation of the premises will not add to the cumulative impact being experienced.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Busaba Eathai, 3 Innova Passage, London E1 6LJ be **GRANTED** with conditions .

#### Sale of Alcohol (on & off sales)

- Monday to Sunday from 10:00 hours to 23:30 hours

#### The Provision of Late Night Refreshments

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

#### The Provision of Regulated Entertainment (Recorded Music)

- Monday to Sunday from 10:00 hours to 23:30 hours

#### Hours Premises is open to the Public

- Monday to Sunday from 10:00 hours to 00:00 hours (midnight)

#### Conditions

1. No open drinks to be taken outside the premises

2. No more than 6 smokers allowed to smoke in the external area at any one time.
3. CCTV camera system covering both internal and external to the premises is to be installed.
4. 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.
5. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
6. No noise from regulated entertainment shall be audible at any affected residential façade and/ or habitable room so as to cause a nuisance.
7. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
8. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
9. all waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. 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.

#### **4.2 Application for a New Premises Licence for (Convenience Store), 55 Old Bethnal Green Road, London E2 6QA**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Convenience Store, 55 Old Bethnal Green Road, London E2 6QA.

At the request of the Chair, Mr Alan Aylott, Legal Representative, explained that the applicant had 4 years experience of working in the store, had another premises in Redchurch Street and had a robust operating schedule with proposed conditions. It was also noted that there were no representations from responsible authorities.

Mr Aylott further explained that the hours applied for were within the framework hours and that relevant training would be given to staff to sell alcohol responsibly and would have appropriate notices displayed in the premise.

There were no objectors present at the meeting who wished to address the Sub Committee, therefore Members noted and considered their written representations contained in the agenda.

In response to questions it was noted that no more than 25% of the premises would be used to display alcohol and the Applicant accepted a start time of 09:00 hours for the sale of alcohol.

#### The Licensing Objectives

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

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to the applicant's representative and noted and considered the written objections contained in the agenda. Members were satisfied that a reduction in the morning hours and conditions restricting the sale of single super strength alcohol cans would help address the concerns raised by the objectors and promote the Licensing Objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Convenience Store, 55 Old Bethnal Green Road, London E2 6QA be **GRANTED** with conditions.

#### The sale by retail of alcohol (off sales)

- Monday to Sunday from 09:00 hours to 23:00 hours

#### Hours Premises is open to the Public

- Monday to Sunday from 07:00 hours to 23:00 hours

#### Conditions

1. This premises will not sell any beer, larger or cider that exceeds the strength of 6.5% abv or higher, unless 3 or more bottles/cans are purchased together.

2. The premises licence holder shall ensure that notices shall be prominently displayed at all the exists requesting patrons to respect the needs of local residents and leave the area quietly.
3. The premise licence holder shall take all responsibility steps to ensure that any patrons loitering outside the premises disperse quickly and do not congregate.
4. The premises licence holder shall ensure that there is no external disposal of refuse after 21:00 hours and before 08:00 hours daily and as far as possible, to ensure deliveries are within those hours with the exception of newspaper deliveries.
5. Staff shall routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
6. The premises licence holder shall ensure that responsible and adequate staff training shall be carried out properly documented in relation to dealing with incidents and prevention of crime and disorder, sale of alcohol (to underage, persons over 18 purchasing for underage drunks etc) prior to being allowed to sell alcohol.
7. The premise licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
8. The premises licence holder shall ensure refresher training shall be satisfactorily completed every six months for all staff and documented as above.
9. The premise licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
10. CCTV camera system covering both internal and external to the premises is to be installed.
11. 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.
12. The premises license holder shall operate a Challenge 25 at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
13. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' operates in the premises.



14. The premises licence holder shall ensure that any refusal of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the product sought, the gender and approximate age of the customer together with a description of the customer. The refusals log shall be checked and signed monthly by a designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
15. The premises licence holder shall ensure that no alcoholic goods will ever be purchased from sellers calling to the shop.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor David Snowdon  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 4.00 P.M. ON THURSDAY, 15 MAY 2014**

**COMMITTEE ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed  
Councillor Rajib Ahmed

**Other Councillors Present:**

Councillor Joshua Peck

**Officers Present:**

Luke Elford – (Lawyer – Enforcement and Litigation Team)  
Alex Lisowski – (Licensing Officer)  
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Simon Taylor - (Lovebox)  
Mick Bowles - (Lovebox)  
Saun DeSouza Brady - (Lovebox)  
Paul Jenkins - (Peloton & Co)  
Craig Baylis - (Pizzaluxe)  
Paul Goodale - (Pizzaluxe)

**Objectors In Attendance:**

PC Alan Cruickshank - (Metropolitan Police)

**Apologies**

None

**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. ITEMS FOR CONSIDERATION**

### **3.1 Application for Time Limited Premises Licence for Lovebox 2014**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a Time Limited premises licence for LoveBox 2014, Victoria Park, London E3. It was noted that an objection had been made by local Ward Councillor. It was noted that was a 4 year application for a three day event each year and this year it was planned for 18<sup>th</sup> – 20<sup>th</sup> July 2014.

At the request of the Chair Mr Simon Taylor, Legal Representative explained that this application mirrored previous applications made over the past years; however this was for a 4 year term. He explained that each year a detailed notification and consultation period would take place before an event was organised and would also seek agreement from the Police and Licensing Authority before an event was finalised. Mr Taylor then highlighted the improvements in the process leading up to the event;

- Robust consultation process
- Two public meetings with more publicity
- Engagement with responsible authorities
- Take feedback from local residents and community groups
- Employed a Crime and Reduction Manager
- Stronger Crime Reduction Policy
- Detailed Drugs Plan

He stated that crime statistics from the Metropolitan Police confirmed that there had been a reduction in crime at the last event in 2013 compared to previous years i.e. there had been 5 violent crimes in 2012 and 3 in 2013. Mr Taylor then went on to give a detailed breakdown of the crime statistics in relation to Lovebox.

Members then heard from Cllr Josh Peck, Ward Councillor for Bow West, he explained that he was representing ward residents, as complaints from residents had been made year after year with no or little change made each year.

Cllr Peck stressed that he was not against the Lovebox festival but wanted assurance that it would run well as there were serious issues which had not been addressed.

Cllr Peck referred to the three licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. Cllr Peck referred to his written objection contained in the agenda on pages 55-58 and highlighted the Metropolitan Police's published crime figures which showed that there was a dramatic increase in crime and disorder in the month that Lovebox happened each year. That there were serious concerns of crowd crushes and believe that the crowd management of these events was insufficient to cope with 30,000 people leaving Victoria Park in one go. Cllr Peck lastly highlighted examples of anti-social behaviour, public nuisance and noise nuisance experienced by local residents during Lovebox events.

Cllr Peck concluded by putting forward proposed amendments and conditions;

- A one year licence for 2014
- A 10.30pm finish time on each night
- A maximum capacity of 25,000 at any one time
- Reduction in noise limit to 70db
- Stewards to be paid by the applicants
- Steward to be placed on certain roads and entrances and exits and on particular hotspot areas at particular times.

In response to questions the following was noted;

- Why concerns had not been raised with the organisers during debrief before and after the event.
- That 11pm terminal hour aids with dispersal and this theory was also supported by the Police.
- That if the terminal hour was brought forward then people would go on to other licensed venues after the event.
- That there would be 98 stewards outside the venue in addition to Police officers
- That the Applicant was happy to add additional stewards in the areas suggested by Cllr Peck
- That a four year application would show confidence in the applicants and also enable them to make more investments to improve the event.
- That there were concerns around public urination and that there would be 400 toilets made available at the event.
- That there were discrepancies over the crime figures provided by Cllr Peck in relation to those provided to Applicant from the Police. .
- The applicant assured Members that there would be more direct liaison with residents, local community groups etc.

Members retired to consider their decision at 5.20pm and reconvened at 5.40pm.

The Licensing Objectives

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

### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had considered all of the evidence before them and took account of the evidence submitted for and on behalf of the Applicant by Mr Taylor and by the objector Councillor Joshua Peck.

Members reached a decision and it was unanimous. The decision was to reject the decision on the grounds of crime and disorder and public nuisance. The Sub Committee had real concerns about the increase in crime and disorder, which Members felt was attributable to Lovebox.

Likewise the Sub Committee were concerned by the public nuisance suffered by residents of Bow West. The Sub Committee did not consider that there were any further conditions that could be added to those advanced by the Applicant and so rejected the application.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a Time Limited Premises Licence for, Lovebox 2014 be **REFUSED**.

## **3.2 Application for a New Premises Licence for Peloton and Co, 4 Market Street, London, E1 6DT**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Peloton & Co, 4 Market Street, London E1 6DT. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Paul Jenkins, Applicant, briefly explained that the premise was a bicycle shop/café which had been open for a year and if the application was granted it would mean that customers could have a beer whilst watching a cycle race etc. he further explained that the sale of alcohol would be a small part of his existing trade as it would only be available to existing customers and would not be advertised.

Mr Jenkins stated that this would not add to the existing problems in the areas and would consciously work with the police in promoting the licensing

objectives. He concluded that no spirits would be served, it would only be beer and there would be a waiter and table service.

Members then heard from PC Alan Cruickshank, Metropolitan Police, who referred to his statement contained in the agenda on pages 126 to 127 and explained that the representation was based on the saturation policy and not the company itself, and argued that the introduction of a licensed premises would mean more people in the Cumulative Impact Zone.

In response to a question it was noted that the premises had a capacity of 30/40 people.

Members retired to consider their decision at 6.00pm and reconvened at 6.05pm.

### The Licensing Objectives

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

### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application. Members' had carefully listened to Applicant and the objection made on behalf of the Metropolitan Police.

The Chair stated that the Cumulative Impact Zone should not be taken as an excuse to make a representation for every application by responsible authorities. The policy does make it clear that regard should be had to the operating schedule. Responsible authorities have the advantage of seeing this schedule. Members would therefore expect representations against to set out what is wrong with the operating schedule. An objection solely on the basis that it is within the cumulative impact zone was unhelpful.

Members' believed that CCTV conditions would help address the concerns raised by the objectors and that Members were satisfied that the operation of the premises will not add to the cumulative impact being experienced.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, Peloton and Co, 4 Market Street, London E1 6DT be **GRANTED** with conditions.

### Sale of Alcohol (on sales)

Monday to Friday from 12:00 noon to 17:00 hours  
Saturday and Sunday from 11:00 hours to 17:00 hours

The Provision of Regulated Entertainment (Recorded Music)

Monday to Friday from 08:30 noon to 17:30 hours  
Saturday and Sunday from 11:00 hours to 17:00 hours

Hours Premises is open to the Public

Monday to Friday from 08:30 noon to 17:30 hours  
Saturday and Sunday from 11:00 hours to 17:00 hours

Conditions

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

**3.3 Application for a Premises for Pizzaluxe, Unit 11, Avante Garde, Sclater Street, London, E1 6HZ**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a new premises licence for Pizzaluxe, Unit 11 Avante Garde, Sclater Street, London E1 6HZ. It was noted that objections had been made by the Metropolitan Police and the Licensing Authority.

At the request of the Chair, Mr Craig Baylis, Legal Representative gave a brief summary of the nature of the application and the type of venue it was. He stated that they would remove the non-standard timings applied for and accepted the conditions proposed by the Police, Trading Standards and Environmental Health.

He further explained that an average spend at the premises would be £20 per person, with approximately a 40 minutes dining experience.

Members noted and considered the written objection from the Licensing Authority.



Members then heard from PC Alan Cruickshank, Metropolitan Police, who referred to his statement contained in the supplemental agenda on pages 29 to 34 and explained that the representation was based on the Cumulative Impact Zone and the hours applied for. He argued that the introduction of another licensed premises in this parade would mean more people in the Cumulative Impact Zone especially during peak times.

Members questioned why off sales had been applied for and it was noted that it was an option for customers to takeaway drinks together with takeaway food.

Members retired to consider their decision at 6.20pm and reconvened at 6.35pm.

### 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, the amendments to the application and conditions offered, and noted and considered the objections made on behalf of the Metropolitan Police and the Licensing Authority.

The Chair stated that the Cumulative Impact Zone should not be taken as an excuse to make a representation for every application by responsible authorities. The policy does make it clear that regard should be had to the operating schedule. Responsible authorities have the advantage of seeing this schedule. Members would therefore expect representations against to set out what is wrong with the operating schedule. An objection solely on the basis that it is within the cumulative impact zone was unhelpful.

Members' believed that the amended hours and conditions would help address the concerns raised by the objectors and that Members were satisfied that the operation of the premises will not add to the cumulative impact being experienced.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, Pizzaluxe, Unit 11, Avant Garde, Sclater Street, London E1 6HZ be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Sunday to Wednesday from 09:00 hours to 23:00 hours

Thursday to Saturday from 09:00 hours to 00:00 hours (midnight)

The Provision of Late Night Refreshments

Thursday to Saturday from 23:00 hours to 00:00 hours (midnight)

Hours premises is open to the public

Sunday to Wednesday from 08:00 hours to 23:30 hours

Thursday to Saturday from 08:00 hours to 00:30 hours (the following day)

Conditions

1. No vertical drinking outside
2. No more than 6 smokers allowed to smoke in the external area at any one time.
3. CCTV camera system covering both internal and external to the premises is to be installed.
4. 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.
5. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
6. A Drugs Policy to be agreed with the Tower Hamlets Police Licensing Unit.
7. Two SIA door staff to be employed from 22:00 hours until closing on a Friday and Saturday.
8. F696 to be completed if there are outside promoters or DJs.
9. The premises shall operate a 'Challenge 21' policy in relation to the sale of alcohol.
10. All street furniture to be removed by 22:30 hours, thus all external area usage to cease by 22:30 hours. It might be prudent, therefore, to state that last orders are taken at 21:30 hours.

The meeting ended at 6.40 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

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# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	26 June 2014	<b>Unrestricted</b>	LSC 01/145	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation Services</b>	Title <b>Licensing Act 2003</b> <b>Application for a new Premises Licence for</b> <b>Qualm Free Tearoom / The Hawkhurst Vault, 240</b> <b>Brick Lane, London, E2 7EB.</b>
Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Ward affected <b>Weavers</b>

## 1.0 Summary

Applicant:	<b>Mr Theodore Holder</b>
Name and	<b>Qualm Free Tearoom / The Hawkhurst</b> <b>Vault</b>
Address of Premises:	<b>240 Brick Lane</b> <b>London E2 7EB</b>
Licence sought:	<b>Licensing Act 2003 Application For A</b> <b>New Premises Licence licence to allow:</b> <ul style="list-style-type: none"><li>• <b>The Sale Of Alcohol</b></li><li>• <b>The Provision Of Regulated</b> <b>Entertainment</b></li></ul>
Objectors:	<b>Local Residents</b>

## 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

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

- 3.1 This is an application for a new premises licence for the Qualm Free Tearoom / The Hawkhurst Vault, 240 Brick Lane, London, E2 7EB. The applicant has applied for the on & off sale of alcohol and the provision of regulated entertainment,.

The venue is already operating as a café. The applicant has agreed amended conditions with the Police and the Licensing Authority. The sub-committee is requested to consider these when making their decision on the licence.

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

The hours applied for are:

#### **On and Off Sale of Alcohol**

- Monday to Saturday, 08.00am to 23.00pm
- Sunday, 08.00am to 22.00pm

#### **The Presentation of Films**

- Monday to Saturday, 08.00am to 23.00pm
- Sunday, 08.00am to 22.00pm

#### **The Performance of Plays**

- Monday to Saturday, 08.00am to 23.00pm
- Sunday, 08.00am to 22.00pm

#### **The Performance of Live Music**

- Monday to Sunday, 12.00noon to 22.00pm

#### **The Playing of Recorded Music**

- Monday to Saturday, 08.00am to 23.00pm
- Sunday, 08.00am to 22.00pm

#### **The Performance of Dance**

- Monday to Sunday, 08.00am to 23.00pm

#### **The Opening Hours of The Premises**

- Monday to Saturday, 07.00am to 23.00pm
- Sunday, 07.00am to 22.00pm

As a result of discussions with the Police and the Licensing Authority, the above times have been amended as follows:

#### **The Presentation of Films**

- Monday to Sunday, 08.00am to 21.00pm

### **The On & Off Sale of Alcohol**

- Sunday to Thursday, 11.00am to 20.00pm
- Friday and Saturday, 11.00am to 21.00pm

The application for the performance of plays has been withdrawn as plays are covered by The Live Music Act, 2012. The application for the performance of recorded music has been withdrawn because recorded music will only be played at the venue as background music. See **Appendix 4**.

Maps showing the relevant premises are included as **Appendix 2**.

#### **4.0 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 1<sup>st</sup> 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](http://www.homeoffice.gov.uk). It was last revised in June 2014.
- 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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.6 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.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents

See **Appendix 5**.

- 5.8 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

- 5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 5.10 The objections cover allegations of
- Crime and public disorder
  - Public nuisance
- 5.11 There are strict time limits to any representations. The time limits contained in The Licensing Act, 2003 (Premises licences and club premises certificates) Regulations 2005.



## 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).

- v 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 "In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives." (2.38)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200,

additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

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

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

## **8.0 Legal Comments**

8.1 The Council’s legal officer will give advice at the hearing.

## **9.0 Finance Comments**

9.1 There are no financial implications in this report.

## 10.0 Appendices

- Appendix 1** A copy of the application for a new premises licence.
- Appendix 2** Maps of the surrounding area of the premises.
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 4** Revised conditions agreed by applicant with the Police and the Licensing Authority.
- Appendix 5** Representations of local residents.
- Appendix 6** Photographs of the venue on 8<sup>th</sup> June, 2014.
- Appendix 7** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 8** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 9** Access and egress problems.
- Appendix 10** Planning.
- Appendix 11** Licensing Policy relating to hours of trading.

# Appendix 1



\* required information

**Section 1 of 19**

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

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

**Applicant Business**

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

\* Registration number

\* Business name  If your business is registered, use its registered name.

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

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

This commercial property is situated at the very top of Brick Lane, on the corner where the street meets Padbury Court. The ground floor and basement combined is just shy of 1000 sq ft. The counter/till area will be stationed on the ground floor opposite the main entrance to the property, the area will seat approximately 15 covers, we have a customer toilet and a fire exit to the rear of the property. We have two staircases leading down to the basement, one of which will be used as the customer staircase and the other as a staff/fire escape staircase. The basement will seat approximately 20 covers. We will be trading as a specialist tea room serving a wide range of teas, coffees and pastries with the option to serve a small number of alcoholic beverages, have occasional live entertainment in the form of independent film showings and acoustic performances.

The idea of The Hawkhurst Vault is to create, as we call it, a 'Qualm Free Tearoom', whereby the community is the most

Continued from previous page...

important aspect of the experience. Serving 16 specialist teas, plus a range of coffee and pastry from a variety of local suppliers all based as close to the Tower Hamlets and Hackney area as possible. Due to being en route from Brick Lane to Columbia Road the anticipation of the tearoom will be to draw custom at the weekend, serving hot beverages, cold juice and a variety of pastries to the shoppers. During the week during the quieter periods the tearoom is looking to get the local community involved and invite societies and social groups to fill the space. For example we have been communicating with a sewing club and also local film makers who would like the to display films in the basement. As a company we have been communicating with the local businesses from 230 to our premises and spreading the community feel of the tearoom down our part of the street to make sure that we are not going to be a drain upon the area and add to it and getting the local business community all drinking tea in the establishment.

As a specialist tea room the aim will be to offer a small range of tea based alcoholic beverages served in tea-pots so people can enjoy tea in as many ways as possible. We are aiming to run small tea 'workshops' whereby we invite the residents and beyond to enjoy tea in the same way that we at The Hawkhurst Vault do.

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

## Section 6 of 19

### PROVISION OF PLAYS

Will you be providing plays?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of a play take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

Would like the option for spoken word performances from local residents and poets. No powered amplification is planned for this and would be situated in the basement room.

State any seasonal variations for performing plays

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

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

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

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes       No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start  End

Start  End

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

Will the exhibition of films take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

Occasional screenings of independent films shot and directed by local film makers, friends and local residents. Also vintage films and silent films as background entertainment.

State any seasonal variations for the exhibition of film

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

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

Continued from previous page...

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

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes                       No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes                       No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

Acoustic music sessions only, always located in the basement room. No powered amplification is planned.

State any seasonal variations for the performance of live music

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

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

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

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes       No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start  End

Start  End

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

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

- Indoors       Outdoors       Both

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

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

Conversation level music played through four small speakers with two on the ground floor and two in the basement. Music will be played using a combination of computer playlists and a record player as background music.

State any seasonal variations for playing recorded music

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

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

Continued from previous page...

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

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes  No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Will the performance of dance take place indoors or outdoors or both?

Indoors  Outdoors  Both

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



Continued from previous page...

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.

Small group, occasional dancing may be planned for community groups if they request to use the venue.

State any seasonal variations for the performance of dance

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

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

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

**Section 13 of 19**

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

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

Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

Plan to stay open later on bank holidays and public holidays where appropriate.

Continued from previous page...

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

Continued from previous page...

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Continued from previous page...

--

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

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

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

- Risk assessment, health and safety, fire assessment and management strategy will be submitted to the relevant authorities if so requested.
- Staff training to ensure all objectives are met with accompanying training manual explaining how hot beverages and alcoholic beverages should be served and appropriate actions thereafter.
- Company policy written and kept in the office that will set out our objectives and regularly reviewed and updated.
- The DPS has experience running licensed premises and is already familiar with the sales of alcohol, hot drinks and food
- For the purpose of health and safety the experienced DPS will be the first aid and health and safety manager, logging all training undertaken with staff.
- There will be no advertisement of alcohol sale via on street flyering or promotion of anything that creates unsavoury atmosphere in the area.
- The primary use is not music, plays, film or alcohol but hot beverage and pastry sales from early morning until 11pm if so necessary.

b) The prevention of crime and disorder

- Fully lit establishment with signs warning of bag thieves in the area.
- Refusal of service to anyone intoxicated.
- The site will be regularly walked by staff to monitor the goings on both on ground level, basement level and surrounding area eg. table service.
- Zero drugs policy with accompanying signage
- Challenge 25 policy on all alcohol sales.

c) Public safety

- Risk assessments and fire assessments kept on file and regularly reviewed and updated.
- Public liability insurance acquired.
- Accident book log for both customers and staff.
- Company policy on safety for both the staff and public, reviewed regularly.
- 2 Fire escapes, fire prevention measures, 2 fire exit signs, emergency lighting and fire fighting equipment as well as mind your head signs where appropriate.
- The capacity will be monitored and set at 35, 15 on ground level and 20 downstairs.
- The table layout will encourage seated imbibing not standing
- The premises will be seating only with clear and easy access to both sets of stairs and fire exits.
- We will liaise with the fire assessment officer if we require help or are advised to change.

d) The prevention of public nuisance

- 'Please keep quiet' sign near exit for customers upon their exit from the premises.
- Only one door for any sound to leak out and no open windows therefore maintaining sound insulation.
- Music will be kept only at conversation level and controlled behind the counter by the DPS.
- If any live music is performed it will be in the basement and kept at a reasonable volume, where it is still easy to talk normally, acoustic rather than amplified.
- Refusal of service to anyone intoxicated, DPS has experience and will offer training to all staff.

Continued from previous page...

- Zero drug policy with relevant signage placed in the bathroom.
- No drinks outside after 9pm, whether glass or ceramic.

e) The protection of children from harm

- No under 18's after 9pm.
- The establishment will not be primarily for alcohol, we are a tea room selling sandwiches and lite food predominantly.
- We will be regularly monitoring the site and walking the site to check for any untoward behaviour.
- An operate a challenge 25 policy will be instigated to protect any underage customers being served. All staff will be suitably trained by the DPS.

### Section 19 of 19

#### PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

Continued from previous page...

**Address**

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

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

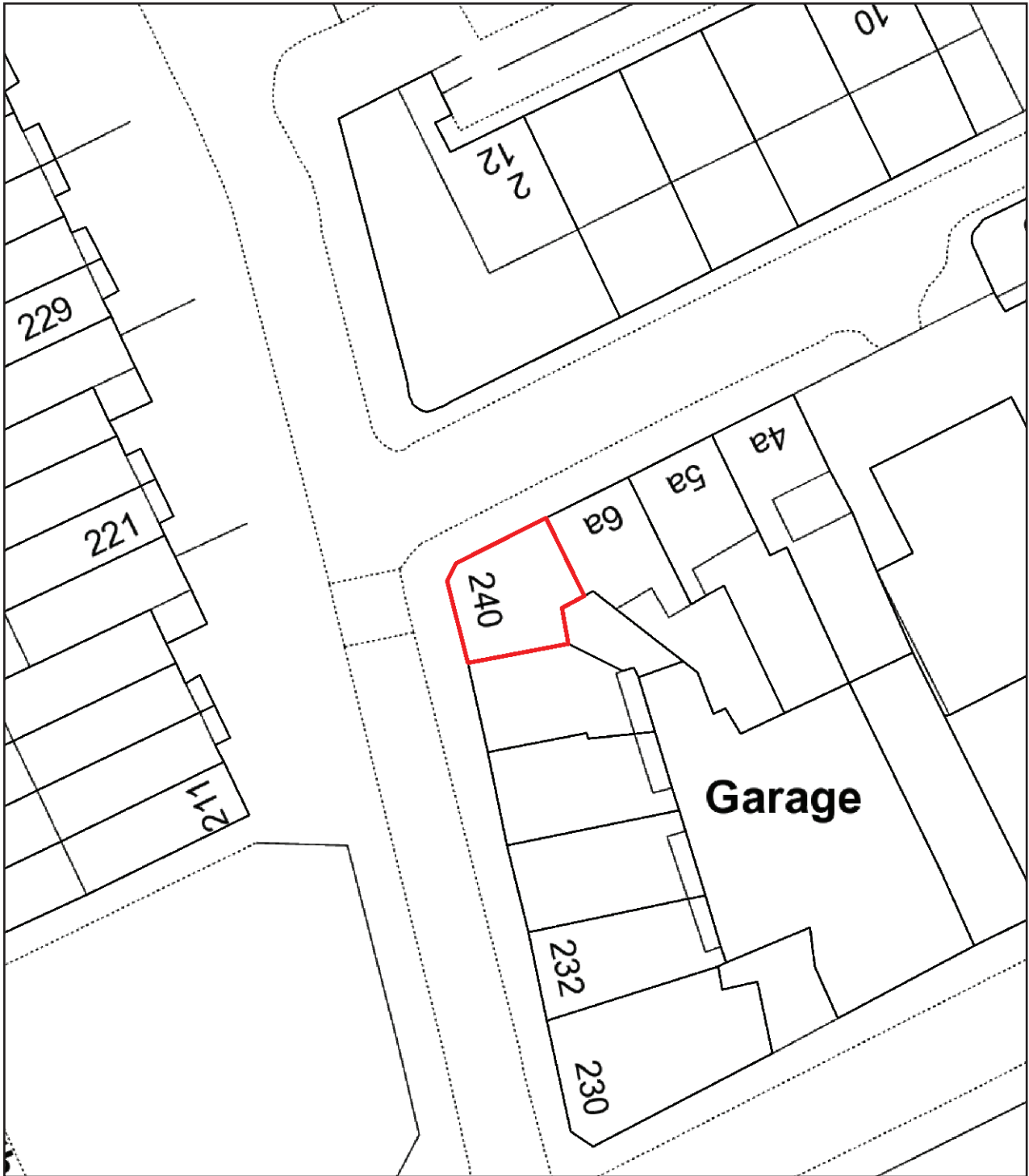
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

# Appendix 2

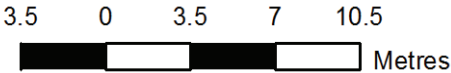




# 240 Brick Lane



Scale 1:383



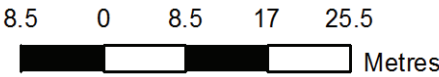
Produced by London Borough of Tower Hamlets on 14/06/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



# 240 Brick Lane



Scale 1:957



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# Appendix 3

## Section 182 Advice by the Home Office

Updated October 2010

### Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

# Appendix 4

## Alex Lisowski

---

**From:** Theodore Holder [REDACTED]  
**Sent:** 27 March 2014 17:44  
**To:** Alex Lisowski  
**Subject:** Re: Premises licence application for 240 Brick Lane

Dear Mr Lisowski,

I do indeed confirm these conditions are acceptable to me. We have decided to not go with CCTV for now.

I will let you know how well/badly the meeting with the residents goes and let you know if there are any conditions to be changed afterwards.

Regards  
Theo Holder

On Thu, Mar 27, 2014 at 4:50 PM, Alex Lisowski <[Alex.Lisowski@towerhamlets.gov.uk](mailto:Alex.Lisowski@towerhamlets.gov.uk)> wrote:

Dear Mr Holder,

Re our meeting this morning, below are the amended conditions which we discussed:

Application for provision of plays withdrawn as under The Live Music Act, 2012, a licence is no longer required for plays shown

anytime between 8am and 11pm provided the audience does not exceed 500.

Films to be shown in basement area only, 11am to 9pm.

Application for recorded music withdrawn as only background music will be played.

Alcohol sold Sunday to Thursday, 11am to 8pm. Friday and Saturday, 11am to 9pm.

Outside areas will only be used between 8am and 9pm.

There will be no advertisement of alcohol sale via on street flyers.

Signs displayed at venue warning of bag thieves in the area.

The site will be regularly walked by staff to monitor the goings on both on ground level, basement level and surrounding area.

Zero drugs policy, with accompanying signage in toilets.

The capacity will be monitored and set at 35 inside the venue, 15 on the ground floor and 20 in the basement.

No alcohol to be drunk standing up. The premises will be seating only.

“Please leave quietly” notice displayed near exit.

Only one door for any sound to leak out and no open windows therefore maintaining sound insulation.

No alcoholic or non- alcoholic drinks to be consumed outside after 9pm.

No under 18s on premises after 9pm.

A “Challenge 25” policy will be operated at the venue.

A sign stating that “Challenge 25” is in operation will be displayed at the premises.

A refusals register will be kept at the venue. Any refusals to sell alcohol because someone is drunk or under 18 will be recorded in the register as soon after the refusal as is practicable. Details to be recorded are the time and date of the refusal, the reason for the refusal, and a brief description of the person who has been refused service.

When someone attempting to buy alcohol is challenged as to their age, the only acceptable proof of age will be a photographic driving licence, a passport, or a military identity card.

Please confirm that these conditions are acceptable to you. If, as a result of your meeting with the residents on Saturday, you further alter your conditions, please let me know.

If you are going to have CCTV, please let me know as there is a condition that needs to go with the CCTV.

Yours sincerely,

Mr A. Lisowski,

Licensing Officer,

The London Borough of tower Hamlets.



# Appendix 5

## **LIST OF OBJECTORS WHO HAVE MADE PERSONAL REPRESENTATIONS.**

Ben Adler

Tatyana Alexandra, Katy and Ben

Anna Barham and Christian Mooney

Yvonne Cameron

Frances Carroll

Scott Channon

John Cruse

James Collins

James Fletcher

Lawrie and Helen Frere

Julia Gelpke

Michael Holden

James Howgego

Bridget Irving

David Massingham

Prof. Antonio Liotta and Dr Maria Bellatone

Laura McMenemy

Jane Miller

Tom Miller

Tim Rich and Lesley Katon

Nelum and Christopher Ross

Gabrielle Shiner-Hill

Farika Skilton

Nikki and Kelvin Wing

## Alex Lisowski

---

**From:** Ben Adler [REDACTED]  
**Sent:** 24 March 2014 13:06  
**To:** Licensing  
**Subject:** 240 Brick Lane: New Premises Licence Application

Dear Sir/Madam

I'm currently in the process of purchasing [REDACTED] [REDACTED] (completion is due on 17th April), and as part of the process the vendor has told me about the submission of a new premises licence application at 240 Brick Lane, which has previously been a hairdressers and beauty salon.

I would like to register a strong objection to the new licence on the grounds that the area is a very quiet residential area, and does not have the noise associated with bars, cafes and entertainment premises that are usual on Brick Lane on the other side of Bethnal Green Road.

There are lots of places for people to go and drink and be entertained in the area, so granting a new licence and bringing late night noise to a quiet residential area feels like it would be a dreadful shame.

I would ask that you reject the application.

Yours sincerely

Ben Adler

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## Alex Lisowski

---

**From:** Tatyana Alexandra [REDACTED]  
**Sent:** 04 April 2014 22:41  
**To:** Alex Lisowski  
**Subject:** 240 Brick Lane - Objection to alcohol licence

From:

30 Padbury Court  
London  
E2 7EH

We object to the application for an alcohol licence at 240 Brick Lane.

Being a very quiet street in a residential area within minutes of multitudes of bars we already suffer from drunkenness and antisocial behaviour.

The area surrounding the bar is entirely residential including many family homes and homes for the elderly. I also believe the quota has been met for bars in this area.

Yours Sincerely,  
Tatyana, Katy & Ben

[REDACTED]

London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 1BY

01.04.14

**RE: Licensing Application by Qualm Free Tearoom, 240 Brick Lane, E2 7EB  
(aka The Hawkhurst Vault)**

Dear Sirs,

We are writing to register our objection to the premises at 240 Brick Lane being granted a license to sell alcohol.

We live just a few doors away from the property which was formerly a hairdresser (with A1 planning permission). Under the recent permitted development rights this premises has been able to change to A3 for up to 2 years – allowing the premises to be used as a tearoom without local residents having the chance to object; and now for them to apply for an alcohol license, effectively giving the premises A4 status without having to apply for planning consent. In 2007 a similar application for change of use (from A1 to A4) was refused by the planning department after a many objections from local residents including ours. Please see PA/07/00948

Our objection to the business at 240 Brick Lane being granted a license to sell alcohol at any time of day is on the following grounds:

*Increase in public nuisance*

The noise created by customers entering and leaving the premises will be very disruptive; customers standing on a narrow pavement to smoke will create extra noise and force residents and other passers-by into the road to walk around them. These are problems brought about by a license to serve alcohol at any time of day, not only by late licenses.

*Increase in crime and disorder*

Allowing the sale of alcohol in this stretch of Brick Lane will increase crime and disorder which already spreads up from the main part of Brick Lane (south of Bethnal Green Road).

*Overprovision of alcohol in the Brick Lane area in general*

We have lived in Padbury Court for 14 years, during which time we have witnessed more and more bars, clubs and late night food outlets open in Brick Lane, Redchurch

[REDACTED]

To Whom It May Concern

I am writing regarding the premises at 240 Brick Lane, London E2 called The Hawkhurst Vaults we have been informed that they are applying for an Alcohol Licence.

This is a residential area and the people of Brick Lane do not need the problem of the rubbish in the street, the noise, and people urinating in our gardens and doorways, we do not want to open our doors in the morning to the smell.

I understand that people need to earn living but another bar in Brick Lane is not really needed. The houses have a bedroom in the front and we will not be able to sleep due to the noise of people coming and going.

Personally, I am under a lot of stress at the moment as my son is having chemotherapy and this will be the last thing that I need at this moment.

Please think of the residents before granting Licence as there are enough bars at the other end of Brick Lane and I do not need one outside my house. I am strongly opposed.

Yours sincerely

Yvonne Cameron



Street etc. The cumulative effect of this has been an increase in on-street drug use and dealing, prostitution, vagrancy, noise and anti-social behaviour (vomiting in the street, urination in the street and on houses, broken glass and other litter) in Padbury Court and the other residential streets that border the area outlined by the council as the Brick Lane Cumulative Impact Zone. To give a license to 240 Brick Lane which is situated right on the edge of the Cumulative Impact Zone would enlarge this already over-alcoholised area. The north part of Brick Lane (north of Bethnal Green Road) is currently **residential** with four small shop units. Granting a license to Qualm Free Tearoom at 240 Brick Lane would be detrimental to the quality of life of all the people who have decided to live and build a community here.

If the council is to honour the commitments made in the Community Plan – namely to make Tower Hamlets:

A Great Place to Live

A Prosperous Community

A Safe and Cohesive Community

A Healthy and Supportive Community

then this license application must be refused.

Yours faithfully,

A large black rectangular redaction box covers the signature area. To the left of the main redaction, there is a smaller, separate black redaction box.

Anna Barham & Christian Mooney

# Frances Carroll



April 6, 2014

Mr A Lisowski  
London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Dear Mr Lisowski,

## **Licensing Application: 240 Brick Lane**

I am writing to register, in the strongest possible terms, my objection to the granting of a license for the above premises for the following reasons:

**Public Safety:** The application requests the placing of tables outside the bar, on the pavement. The pavement there is not that wide and tables will prevent easy passage for prams, wheelchairs, and walkers, disabled or otherwise. Pedestrians coming from the Columbia Road Flower Market on a Sunday are frequently carrying armfuls of flowers and even small trees or shrubs. All these people will possibly have to step off the pavement into the road to pass the bar. Also, the bar is not that big, and in fine weather, many patrons will choose to drink outside. Smokers will always have to smoke outdoors.

**Public Nuisance** The small length of Brick Lane to the North of Bethnal Green Road is wholly residential and therefore has a completely different feel to the rest of the Lane. The few small businesses operate on a 9-5 basis and cause no problem.

A licensed premises will totally change the atmosphere.



\*There will inevitably be noise from patrons coming and going,, and drinking and smoking outdoors

\*There will inevitably be an increase in the amount of litter, cigarette butts etc around the bar.

\*to date this residential part of Brick Lane does not suffer unduly from vomit, urine and worse. This will change if a licensed bar is permitted to open.

\*There will be an increase of noise. One of the occupants of my house works shifts and therefore sleeps at odd times of the day. I have a small child who visits often and he sleeps in the front bedroom. We will have to keep the windows shut to keep out the worst of the noise from a bar directly across the street.

\*Once the bar closes, it is probable that patrons will drift across to Rhoda Street gardens and continue to party. There is already drug dealing there and we don't want that to escalate.

**Children:** Children play in the Rhoda Street Gardens and use the basketball/football pitch on the corner of Brick Lane and Shacklewell Street. Drinking, smoking and drug use may make use of the Gardens, particularly, a much less appealing place to take children. This would be unfortunate as there is no other green space nearby.

When I moved to this area, I specifically chose to live on the North side of Bethnal Green Road because it was quiet and away from the nearly 24 hour culture of the rest of the Lane. The opening of a licensed premises, directly across the street from my house, will significantly impact on the quality of my life I understood that the Council had decided against licensing any more bars as saturation point had been reached and I am very disappointed that this decision has been rescinded. This Northern end of Brick Lane is wholly residential and is quiet and peaceful. I think it is fair to say that we would all like to keep it that way.

I would urge that the licensing application for 240 Brick Lane is rejected.

Yours sincerely,

FRANCES CARROLL

## Alex Lisowski

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:33  
**To:** Alex Lisowski  
**Subject:** FW: Proposed Venue Objection - The Hawkshurst Vaults

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

From: scott channon [REDACTED]  
Sent: 21 March 2014 09:15  
To: Licensing  
Subject: Proposed Venue Objection - The Hawkshurst Vaults

Dear Sir,

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkshurst Vault, 240, Brick Lane, London, E2 7EB.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

The reason people move to the North Brick area is that it is free of the hubbub and noise experienced in the area around the rest of Brick Lane and allowing a bar to operate on the corner of Padbury Court and Brick lane would be contrary to earlier recommendations made by the council and supported by local residents and businesses alike to keep this area a quiet residential area.

The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

The proposed venue - The Hawkshurst Vaults - is located at the rear of Equity Square next to the communal gardens and will no doubt provide further discomfort and disturbance to the residents of Equity Square and Padbury Court. The site backs on to a courtyard which will only help to increase the resonance of the noise created by the venue and this will in turn cause noise pollution to the bedrooms of the residences of Equity Square, Padbury Court and North Brick Lane which overlook the courtyard.

While the current application suggests closing at 11pm, I have no doubt that, like every bar in the area, the operators will soon apply for a variation to the licence to extend operating hours to 2am or later. The application also asks to be allowed to sell alcohol at 8am which is clearly not suitable in a residential area.

There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Kind regards,

Scott Channon



## Alex Lisowski

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**From:** James Collins [REDACTED]  
**Sent:** 08 April 2014 23:46  
**To:** Alex Lisowski  
**Subject:** 240 Brick Lane E2 7EB

240 Brick Lane licensing application

Dear Mr Lisowski

In regards to the application to sell alcohol from the above location I would like to state my objections.

The first part of my objection concerns on street smoking. Any patrons wishing to smoke would be doing so outside the premises which would be uncontrolled. As the premises wish to be open until 11pm this will not only cause late noise which will be a disturbance to the residents of the area but could also cause an obstruction to any pedestrians causing them to walk in the road. As there are no limits on the amount of patrons outside the premises these two matters could cause a considerable disturbance. This has actually already happened before the opening. Today at around 6pm there were so many people on the pavement that it was blocked to the point of pedestrians having to walk in the road.

The second part of my objection involves the selling of alcohol for consumption off the premises.

At present we already have uncontrolled alcohol consumption on the grassed area between Brick Lane, Swanfield Street and Rhoda Street. This is especially bad during the summer months when you often have the passed out bodies of drunks littering the grass.

I believe that with a license to sell alcohol for consumption off the premises the grassed area will, due to the lack of capacity by necessity become an uncontrolled extension of 240 Brick Lane during the summer months further excluding it's use by non drinkers as well as causing a considerable disturbance to the residents of the area.

In fact considering the high rent of 240 Brick Lane coupled with its low capacity for patrons I can see no other way other than to use the grassed area as an extension for the business to be commercially viable

I would not go so far as to say that the consumption of alcohol by itself presents a danger to minors but the amount of drunken behaviour on the grassed area over the last few years does suggest it would no longer be a place for children to play or families to eat lunch after a visit to the area on say a Sunday afternoon.

Regards

James E Collins

[REDACTED]  
[REDACTED]  
[REDACTED]

## Alex Lisowski

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:32  
**To:** Alex Lisowski  
**Subject:** FW: Hawkhurst Vaults - objection to application

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**From:** RickyJohn [REDACTED]  
**Sent:** 20 March 2014 17:59  
**To:** Licensing  
**Subject:** Hawkhurst Vaults - objection to application

Dear Sir,

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, 240, Brick Lane, London, E2 7EB.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

The reason people move to the North Brick area is that it is free of the hubbub and noise experienced in the area around the rest of Brick Lane and allowing a bar to operate on the corner of Padbury Court and Brick Lane would be contrary to earlier recommendations made by the council and supported by local residents and businesses alike to keep this area a quiet residential area.

The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

The proposed venue - The Hawkhurst Vaults - is located at the rear of Equity Square next to the communal gardens and will no doubt provide further discomfort and disturbance to the residents of Equity Square and Padbury Court. The site backs on to a courtyard which will only help to increase the resonance of the noise created by the venue and this will in turn cause noise pollution to the bedrooms of the residences of Equity Square, Padbury Court and North Brick Lane which overlook the courtyard.

While the current application suggests closing at 11pm, I have no doubt that, like every bar in the area, the operators will soon apply for a variation to the licence to extend operating hours to 2am or later. The application also asks to be allowed to sell alcohol at 8am which is clearly not suitable in a residential area.

There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Kind regards,

John Cruse  
[REDACTED]  
[REDACTED]

## Alex Lisowski

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:33  
**To:** Alex Lisowski  
**Subject:** FW: Objection to plans to permit a new bar in a residential area

**Importance:** High

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**From:** James Fletcher [REDACTED]  
**Sent:** 21 March 2014 09:03  
**To:** Licensing  
**Subject:** Objection to plans to permit a new bar in a residential area  
**Importance:** High

Dear Sir,

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, 240, Brick Lane, London, E2 7EB.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

The reason people move to the North Brick area is that it is free of the hubbub and noise experienced in the area around the rest of Brick Lane and allowing a bar to operate on the corner of Padbury Court and Brick lane would be contrary to earlier recommendations made by the council and supported by local residents and businesses alike to keep this area a quiet residential area.

The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

The proposed venue - The Hawkhurst Vaults - is located at the rear of Equity Square next to the communal gardens and will no doubt provide further discomfort and disturbance to the residents of Equity Square and Padbury Court. The site backs on to a courtyard which will only help to increase the resonance of the noise created by the venue and this will in turn cause noise pollution to the bedrooms of the residences of Equity Square, Padbury Court and North Brick Lane which overlook the courtyard.

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There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Kind regards,

James Fletcher  
[REDACTED]

## Alex Lisowski

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**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 18 March 2014 13:29  
**To:** [REDACTED]  
**Cc:** Alex Lisowski  
**Subject:** FW: 240 Brick Lane

Dear Lawrie and Helen Frere,

Your e-mail has been passed to me as I am the officer dealing with this application. Because of objections from other people and yourself, this will be dealt with at a hearing of the Council's licensing sub-committee. The last day for objections is 8<sup>th</sup> April, 2014. Once that date has passed, you will get further information about the hearing and an invitation to attend the hearing.

Yours sincerely,

Mr A. Lisowski,

Licensing Officer,

The London Borough of Tower Hamlets.

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**From:** Lawrie Frere [<mailto:lozf@hotmail.com>]  
**Sent:** 15 March 2014 18:21  
**To:** Licensing  
**Subject:** 240 Brick Lane

Dear Sir

Thank you for your letter about the changes proposed to 240 Brick Lane's licence and premises use, dated 12/3/14.

We are concerned about the proposed changes particularly the selling of alcohol, music and opening beyond office hours.

We understand similar changes was refused in 2007 with good reason. Since then the reasons for rejection have strengthened. Firstly the area has become a restricted zone due to saturation and growing down sides that nightlife has brought to the area. Secondly, there are well documented problems with antisocial behaviour in the area - specifically at night on the green area opposite 240 Brick Lane. Over the last two summers there have been many complaints and police have been called regarding alcohol, littering, drug taking, rough sleeping, public defaecation and urination on the green area and in the driveways of the surrounding properties. This was not a rare occurrence but night in and night out from May until late September. Enormous distress was caused to many as I'm sure you will appreciate. And this was particularly difficult for families with young children living in the area who had been disturbed through the night. (We are happy to show you some of the footage we took last year to illustrate how bad things had got.)

We have always supported new business and people moving to the community here (we have lived here since 2001). I think most people living in these few roads are very welcoming. We think that the opening of a tea room, during office hours has the potential to positively impact on the area. However, we feel very strongly that the hours and remit should not extend beyond that.

Yours Sincerely

Lawrie and Helen

[REDACTED]

**Alex Lisowski**

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**From:** Sophie Partridge [REDACTED] >  
**Sent:** 05 April 2014 01:45  
**To:** Licensing  
**Subject:** Licensing Act 2003 Qualm Free Tearoom, 240 Brick Lane, London E2 7EB

Dear John McCrohan,

Thank you for the notice of application for a licence application for 240 Brick Lane.

I am writing to object to the licence to sell alcohol for the following reasons: This is a residential area and is the quiet end of Brick Lane. There is already an ongoing problem in this neighbourhood created from people drinking alcohol on the green in front of the property. This causes a lot of problems late at night, with noise and disturbance to me and my neighbours, particularly in the summer months. I have no doubt that issuing the property in question with an alcohol licence would encourage further noise and disruption to me and others in the neighbourhood. There are plenty of venues serving alcohol further down Brick Lane and in Bethnal Green Road. It is not in keeping with this residential area and to introduce one here would create a precedent for similar venues to follow suit.

I have no problem with the premises being a tearoom. It is the licence to serve alcohol which is an issue.

Please let me know if you would like this sent to you hard copy and could you please also kindly inform me that you have received this email.

Yours sincerely,

Julia Gelpke

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



## Alex Lisowski

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**From:** Michael Holden [REDACTED]  
**Sent:** 08 April 2014 10:00  
**To:** Alex Lisowski  
**Cc:** Licensing  
**Subject:** 240 Brick Lane  
**Attachments:** Objection 2014 b.docx

Dear Licensing team – please find attached and copied below amended objection to license application No: PA/14/00518 re 240 Brick Lane

Many thanks

Michael Holden

London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place PO BOX 55739  
5 Clove Crescent  
London E14 1BY

Michael Holden  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE – Application No: PA/14/00518 – 240 Brick Lane (amended)

To: Mr A Lisowski – Tower Hamlets Licensing team

Hello there – I posted an objection to the above application last week, since then the terms have been amended, however I would like to reiterate my objection in terms of the alcohol licence *at any time* and also clarify my existing points in terms of your own specific objection criteria (1) Prevention of crime and disorder; (2) Prevention of public nuisance; (3) Public Safety; (4) Protection of children from harm.

I would also like to add to the prior objection that the provision of outside seating (which already appears to be deployed sporadically by the applicants) is already causing pedestrians and those with children to step out into the road (4).

I'd like to object to the above application's provision for the sale of alcohol from 240 Brick Lane *at any time or under any circumstances* as I believe the effects on the immediate and surrounding area of such a license would be entirely negative for those of us that live and work there.

This northernmost section of Brick Lane remains primarily a residential area, albeit one already affected (in terms of crime, nuisance, litter, safety, the well being of children and the local elderly population) [1,2,3,4] by the saturation of licensed premises along the more southern portion of the lane and around the junction with Bethnal Green Road. Given the disturbances [1,2,3 & 4] already created by the existing situation it would seem obvious that the opening of licensed premises at 240 Brick Lane would only impact negatively on the way things are to the detriment of all those of us that live here by effectively extending the drinking culture and placing us rather than on the periphery – right in the middle of it.

In addition to the problems already faced by local residents - accumulation of litter, food, urination, defecation, aggressive and antisocial behaviour, [1,2,3] in an area where rubbish collections and street cleaning are already sporadic [2,3] – 240 Brick Lane is also adjacent to Rhoda St Green – an open space which is already a site that attracts street drinking, violence, litter, public indecency, music, noise and even people sleeping overnight in the warmer months [1,2,3,4]. Somewhere selling alcohol can only magnify these problems and to some degree endorse the issues many of us and you at the council have worked hard to prevent and often end up cleaning up after.

A similar change of use application was made for the same premises and rejected in 2007. The reasons given in the decision then that: "noise and general disturbance generated by the proposed use would have a detrimental impact

upon amenity of adjoining residential properties and is therefore contrary to policies DEV2, HSG15 and S7 of the Unitary Development Plan (1998) and policies DEV1 and RT5 of the Emerging Local Development Framework (2006) which seek to ensure that non-residential uses such as bars are only supported where there is no adverse effects on the amenity of adjoining residential occupiers or damage to the local environment," are as valid today as they were in 2007 and given the explosion in visitor numbers and residents since then, are even more so. The decision document is copied below for your reference.

I would also reiterate the concerns made by the North Brick Lane residents Association at that time:

"Our primary reason for objection to the proposal is because the immediate and surrounding area is predominately residential, with no local precedent for night time entertainment. In addition to the inappropriate situation in a residential quarter we have strong concerns about the following;-

1. The potential anti-social behaviour associated with such businesses and the fact that the local police do not have enough resources to manage such an extension of the Brick Lane pub/bar culture.
2. The bar is so small, with the arrival of the non-smoking law, people will (whatever the applicant promises) be drinking and smoking outside in the street all hours and all year round. We also foresee a strong likelihood of drinking /smoking overspill on the Rhoda Street Green space opposite during the summer months.
3. People coming and going into the early hours, in these quiet residential streets.
4. Unnecessary and invasive noise - boisterous drinkers and loud music generated by the bar. (The applicant promises soft music but who will police this?)
5. Delivery vehicles, creating extra noise and traffic in a road that has double-yellow lines on both sides of the narrow lane.
6. Waste collection in this area is poor and irregular. We only foresee an increase in waste and in particular smelly food and drinks waste. Noisy bottle/glass collection.

Above all we are concerned that the change of use category would make it make it much easier for 240 Brick Lane to quickly become a full blown restaurant or other such establishment - setting a new and unwelcome precedent for this isolated group of shop fronts.

Furthermore this business is not in keeping with the others that currently exist in this part of Brick Lane, these are predominately craft based shops and offices. We feel that the bars and restaurants should be kept to the designated tourism-leisure area of Brick Lane (south of Bethnal Green Road) which is a less residential area. In the recent Tower Hamlets local development framework( 2006) this area of Weavers (Northern Brick Lane), is designated as predominately residential, and the development framework covers the area for the next 10-15 years.

We would also like to draw your attention to the fact that the proposed pub/bar will be adjacent to residential homes for elderly and retired people.

To sum up, we urge you please not to allow such a change of use in a historically quiet and predominantly residential area. It will not be a welcome addition or improvement to the area. Thank you for your time and careful consideration of this matter.

Sincerely

Chair, North Brick Lane Residents Association"

As with your decision against the granting of the 2007 license I would say that all the issues raised above have become even more pronounced in the intervening years and the case for not granting a license to sell alcohol at 240 Brick Lane is even stronger and more urgent now than it was then.

Thanks for your time in considering this – below is a copy of the council’s decision on the 2007 application.

Many thanks



Michael Holden

**SCHEDULE**

**Refusal of Full Planning Permission**

**Location:** 240 Brick Lane, London, E2 7EB

**Proposal:** Change of use from Sun Tan parlour (Sui generis) to a Cocktail Lounge (Class A4)

**Date:** 4 May, 2007 **Reference:** PA/07/00948

**Application Received on:** 26 March, 2007  
**Application Registered on:** 26 March, 2007

**Drawings Submitted:**

**Registered Number:** PA/07/00948

**Applicant’s Number:** Ref 1, Ref 2, Ref 3

**Reasons for Refusal**

1. The noise and general disturbance generated by the proposed A4 use would have a detrimental impact upon amenity of adjoining residential properties and is therefore contrary to policies DEV2, HSG15 and S7 of the Unitary Development Plan (1998) and policies DEV1 and RT5 of the Emerging Local Development Framework (2006), which seek to ensure that non-residential uses such as bars are only supported where there is no adverse effects on the amenity of adjoining residential occupiers or damage to the local environment.



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

## Alex Lisowski

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:34  
**To:** Alex Lisowski  
**Subject:** FW: The Hawkhurst Vault, 240 Brick Lane, E2 7EB

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**From:** James Howgego [REDACTED]  
**Sent:** 21 March 2014 09:19  
**To:** Licensing  
**Subject:** The Hawkhurst Vault, 240 Brick Lane, E2 7EB

Dear Sir,

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, 240, Brick Lane, London, E2 7EB.

The south side is hugely populated with bars and it would be ridiculous to give a shop a bar license that would disrupt the calmer, residential north side of Bethnal Green Road.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

The reason people move to the North Brick area is that it is free of the hubbub and noise experienced in the area around the rest of Brick Lane and allowing a bar to operate on the corner of Padbury Court and Brick lane would be contrary to earlier recommendations made by the council and supported by local residents and businesses alike to keep this area a quiet residential area.

The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

The proposed venue - The Hawkshurst Vaults - is located at the rear of Equity Square next to the communal gardens and will no doubt provide further discomfort and disturbance to the residents of Equity Square and Padbury Court. The site backs on to a courtyard which will only help to increase the resonance of the noise created by the venue and this will in turn cause noise pollution to the bedrooms of the residences of Equity Square, Padbury Court and North Brick Lane which overlook the courtyard.

While the current application suggests closing at 11pm, I have no doubt that, like every bar in the area, the operators will soon apply for a variation to the licence to extend operating hours to 2am or later. The application also asks to be allowed to sell alcohol at 8am which is clearly not suitable in a residential area.

There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Kind regards,

James Howgego  
[REDACTED]

James Howgego  
Finance Director



9-11, The Quadrant  
Richmond  
Surrey TW9 1BP



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## Alex Lisowski

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**From:** John Mccrohan  
**Sent:** 03 April 2014 16:30  
**To:** Alex Lisowski  
**Subject:** FW: HawkshurstVault 240 BrickLane  
**Attachments:** general\_info.rtf; ATT00001.htm

John McCrohan

Trading Standards and Licensing Manager  
London Borough of Tower Hamlets  
6<sup>th</sup> Floor,  
Mulberry Place,  
5 Clove Crescent,  
E14 2BG.  
Tel: 020 7364 6674  
Fax 020 7364 6901  
Mob:07930 343878  
[john.mccrohan@towerhamlets.gcsx.gov.uk](mailto:john.mccrohan@towerhamlets.gcsx.gov.uk)  
[www.tradingstandards.gov.uk/towerhamlets](http://www.tradingstandards.gov.uk/towerhamlets)

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**Twitter:** [www.twitter.com/loansharknews](http://www.twitter.com/loansharknews)

**Visit :** [www.tradingstandardsecrime.org.uk](http://www.tradingstandardsecrime.org.uk)

**Visit:** [www.isitfair.eu](http://www.isitfair.eu)

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**From:** Mohammed Mukit [REDACTED]  
**Sent:** 03 April 2014 09:46  
**To:** Janet E Wood  
**Subject:** Fwd: HawkshurstVault 240 BrickLane

Hello Jan,  
Could you please take an appropriate action regarding this issue.  
Regards,

Cllr A Mukit MBE  
Weavers Ward

Sent from my iPhone

Begin forwarded message:

**From:** Bridget Irving <[REDACTED]>  
**Date:** 2 April 2014 20:28:16 BST  
**To:** [REDACTED]  
**Subject:** HawkshurstVault 240 BrickLane

Councillors,

I received your petition today for clean up the area around [REDACTED].  
[REDACTED] have met. :)

I have recently become aware of a late night alcohol application for 240 Brick Lane.  
This is on the Chambord street side of Bethnal Green Road.

The proposed bar appears to be opening as a tea shop but has a licence application for alcohol to be served until 3 a.m.

I have attached some information about the application.

The owners have already behaved in a drunk and disorderly manner that involved certain activities which I know residents found to be disgusting.

Residents do not want the noise and mess to cross the Bethnal Green Road.

Once it does this entire area between Brick Lane and in to Columbia Road will be at risk of development into bars and late night licenses.

The application is in complete opposition to your Not on Our Doorstep campaign.

Are you aware of this application? can you help?

We have a meeting Saturday morning if you are available.

You may also hear from Jane Miller who lives opposite the proposed bar.

Kind Regards

Bridget Irving

## Alex Lisowski

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:35  
**To:** Alex Lisowski  
**Subject:** FW: Objection to plans to permit a new bar in a residential area

**From:** Antonio Liotta [REDACTED]  
**Sent:** 21 March 2014 10:04  
**To:** Licensing  
**Cc:** Maria Bellantone  
**Subject:** Objection to plans to permit a new bar in a residential area

Dear Sir,

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, 240, Brick Lane, London, E2 7EB.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

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The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

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There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Kind regards,

==  
Prof. Antonio Liotta  
Dr Maria Bellantone  
[REDACTED]  
[REDACTED]



To Alex Lisowski Licensing officer

I wholeheartedly object to the granting of this license for the premises at 240 Brick Lane. The fact that the applicants want to sell alcohol and have off sales will be extremely detrimental to this relatively quiet corner of Brick Lane.

The potential for on street consumption is obvious given the close proximity of the Green on Rhoda Street and the Basket Ball Court on Shacklewell Street.

There are numerous drinking establishments on Brick lane, Redchurch Street and on this stretch of Bethnal Green Road. There are also a fantastic range of quality cafes in these same streets. There is no need another which is hemmed in by residential houses and flats. Despite the applicant describing reaching out to the community, at equity Square which is literally within the same block as 240 brick Lane, no communication has been received inviting us to be its potential clientel and indeed provide the 'locally created' entertainment. Rich Mix on Bethnal Green Road already provides the local residents with a strong locally created cultural offer set within a purpose built and appropriate premises.

The quaint wording of the license application about sewing clubs does not ring true to the conversation I have had with the license applicants who described stand up comedy nights to me happening in the basement.

At Equity square we are already affected by the incredible noise from the Well And Bucket, Bethnal Green Road, having been granted a license only last year. Now to have a new bar at the back of my property, will inevitably make living in my flat even worse in terms of noise and public nuisance.

David Massingham

██████████  
██████ ██████  
██████████

## Alex Lisowski

---

**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 21 March 2014 10:35  
**To:** Alex Lisowski  
**Subject:** FW: Licensing Act 2003 and Qualm Free Tearoom, 240 Brick Lance, London E2 7EB

**From:** Laura McMenemy [REDACTED]  
**Sent:** 20 March 2014 15:57  
**To:** Licensing  
**Subject:** Licensing Act 2003 and Qualm Free Tearoom, 240 Brick Lance, London E2 7EB

Hi John

I wonder if you can help me, I received a letter dated 12th March 2014 informing me that 240 Brick Lane was applying for a late license to serve alcohol after 23:00hrs.

I am writing to contest this application.

[REDACTED]  
This part of Brick Lane is heavily residential, with only a few quiet shops on the road.

At the moment work is being done in the property and this can carry on till 22:00hrs which is quite disturbing as it stands. If the tearoom was to be granted a late night license it would severely disturb our sleep and also the sleep of the young families which live directly across the road. Not to mention the disruption trying to enter my flat with people smoking outside the Tearoom. If this was the case we would have constant noise issues (which would need to be dealt with). Also who would be responsible for clearing up cigarette butts etc outside our front door?

This part of Brick Lane is very quiet and home to a number of young families and young professions, having a tearoom which serves alcohol late at night would not be appropriate.

I would also like to enquire to the license that they already have, do they have a license to serve alcohol as it stands? What time is this till?

I look forward to hearing from you

Laura McMenemy



8 April 2014

Mr Alex Lisowski, Licensing Officer  
London Borough Tower Hamlets  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Dear Mr Lisowski

### **240 Brick Lane, London E2 7EB – Licensing Application**

Further to recent communications with your office in response to the above application, I object to the licensing of 240 Brick Lane on the basis that rejection of the application will:

a) prevent:

- i. A reduction in peaceful living, from both front and rear aspects of my home, due to:
- ii. Inevitable increase in noise and general disturbance (from deliveries+sirens and voices+music to sustained upsurge in footfall near and over-spilling the premises).
- iii. Further threat to the quiet occupation and passing through of Rhoda Street Green.
- iv. An escalation of general litter, urination, discarded/used personal items (e.g. tampons, syringes, glass phials, condoms). Onerous for street-cleaners; hazardous for children.

b) protect:

- i. The personal privacy of individual residents in the immediate vicinity.  
(NB - Residential property surrounds the ground floor of 240 Brick Lane: i.e. above / right and left / in both directions opposite its corner location.)
- ii. The right to challenge (not accept) further degradation of a community environment. I chose to move from the Truman Brewery area, where licensed premises accepted, to the north end of Brick Lane because of its predominantly residential environment.
- iii. Older residents less able to protect themselves: e.g. elderly, social tenants in Tomlinson Close and the ground floor units along Brick Lane to Chambord Street – who have a right to maintain peaceable living.
- iv. Younger residents less able to protect themselves: e.g. children who were exposed to the Rhoda Street Green incident on 16 March 2014; recreational youth at the netted sports pitch within view of the Green and close proximity of 240 Brick Lane.
- v. The authority of LBTH to uphold decisions: *“The noise and general disturbance generated by the proposed A1 to A4 use would have a detrimental impact upon amenity of adjoining residential property and is therefore contrary to policies DEV2, HSG15 and S7 of the Unitary Development Plan (1998) and policies DEV1 and RT5 of the Emerging Local Development Framework (2006), which seek to ensure that non-residential uses such as bars are only supported where there is no adverse effects on the amenity of adjoining residential occupiers or damage to the local environment.”* ‘Reasons for Refusal’ 2007 planning application

The following points/queries appear relevant:

- Hawkhurst Vault is being promoted as a 'tearoom'. The business of selling teas and sandwiches/pastries, etc. is referenced repeatedly in the original application.
- Despite the applicant's emphasis on "communicating with local businesses" / "the community is the most important aspect of the experience" [section 5], neighbouring retailers were unaware of the Licensing Application until yesterday, 7 April, when a local resident visited them. Until then, retailers believed that 240 Brick Lane was preparing to open as a (unlicensed) tearoom. At lunchtime today, 8 April, I called you to report that the public notice had been removed from outside 240 Brick Lane.
- Mr Holder, self-declared Designated Premises Supervisor with "experience running licensed premises" / "already familiar with the sales of alcohol, hot drinks and food" [section 18] has told residents that a licence is required to allow for the serving of premises-prepared food ("more than sandwiches"). LBTH advise that is incorrect.
- Under A3 status, there is stated intent for 240 Brick Lane to be 'open to the public' between 7am-11pm Mon-Sat, 7am-10pm Sunday. Is it correct that nothing other than A3 status is required for unlicensed activity 24 hours a day? (i.e. beyond a Late Night Refreshment Licence if hot food is to be served between 11pm-5am)
- Is the use of outdoor / pavement space for diners and smokers assumed?
- It is evident that Rhoda Street Green would be an attractive 'overspill' for a premises with maximum capacity for 35 (plus outside seating) covers.
- The revised Licensing Application was posted outside 240 Brick Lane on or around 4 April (and removed by 8 April!). The original application remains the only version available on the LBTH website.

The terms "unsavoury" and "untoward behaviour", removed from the original [section 18] Licensing Application when it was modified, may be fair descriptors of an incident that occurred during the afternoon of Sunday 16 March 2014 on Rhoda Green, and was subsequently recounted to you by phone. Attached herewith is a witness statement relating to that incident. A copy has been provided to Cllr Mukit (Weavers Ward), who has also watched the video from which the transcript was typed verbatim.

I object to this application in its entirety.

Yours sincerely



(Mrs) Jane Miller

Attached:

1. Witness statement (2 files).
2. Petitioned signatures (8 files) - gathered by residents in Brick Lane, Tomlinson Close, Padbury Court and Equity Square.

NB - hard copies to follow by registered post, as agreed.

## Alex Lisowski

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:34  
**To:** Alex Lisowski  
**Subject:** FW: Strong Objection to plans to permit a new bar in a residential area

**Importance:** High

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**From:** Tom Miller [REDACTED]  
**Sent:** 21 March 2014 09:38  
**To:** Licensing  
**Subject:** Strong Objection to plans to permit a new bar in a residential area  
**Importance:** High

Dear Sir, Madam

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, 240, Brick Lane, London, E2 7EB.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

The reason people move to the North Brick area is that it is free of the hubbub and noise experienced in the area around the rest of Brick Lane and allowing a bar to operate on the corner of Padbury Court and Brick Lane would be contrary to earlier recommendations made by the council and supported by local residents and businesses alike to keep this area a quiet residential area.

The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

The proposed venue - The Hawkhurst Vaults - is located at the rear of Equity Square next to the communal gardens and will no doubt provide further discomfort and disturbance to the residents of Equity Square and Padbury Court. The site backs on to a courtyard which will only help to increase the resonance of the noise created by the venue and this will in turn cause noise pollution to the bedrooms of the residences of Equity Square, Padbury Court and North Brick Lane which overlook the courtyard.

While the current application suggests closing at 11pm, I have no doubt that, like every bar in the area, the operators will soon apply for a variation to the licence to extend operating hours to 2am or later. The application also asks to be allowed to sell alcohol at 8am which is clearly not suitable in a residential area.

There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Regards,  
Tom

[REDACTED]  
[REDACTED]

## Alex Lisowski

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**From:** Mohshin Ali  
**Sent:** 02 April 2014 11:08  
**To:** Alex Lisowski  
**Cc:** Andrew Heron  
**Subject:** FW: Objection re. 240 Brick Lane

Alex's

Regards

### *Mohshin Ali - Senior Licensing Officer*

✉ London Borough of Tower Hamlets . Licensing . Mulberry Place . 5 Clove Crescent . London E14 2BG  
Tel☎: 020 7364 5498 | Fax☎: 020 7364 0863 | Email✉: [Mohshin.Ali@towerhamlets.gov.uk](mailto:Mohshin.Ali@towerhamlets.gov.uk)

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**From:** Andrew Heron **On Behalf Of** Licensing  
**Sent:** 02 April 2014 11:05  
**To:** Mohshin Ali  
**Subject:** FW: Objection re. 240 Brick Lane

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**From:** Tim Rich [REDACTED]  
**Sent:** 01 April 2014 17:06  
**To:** Licensing  
**Subject:** Objection re. 240 Brick Lane

1<sup>st</sup> April 2014

To: Licensing section

Mulberry Place

PO Box 55739

5 Clove Crescent

London E14 1BY

Re. 240 Brick Lane, E2 7EB



## Alex Lisowski

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 14:13  
**To:** Alex Lisowski  
**Subject:** FW: [EquitySquare] Objection to plans to permit a new bar in a residential area  
**Importance:** High

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**From:** nina pabari [REDACTED]  
**Sent:** 21 March 2014 14:03  
**To:** Licensing; c [REDACTED]  
**Subject:** FW: [EquitySquare] Objection to plans to permit a new bar in a residential area  
**Importance:** High

Dear Sir,

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, 240, Brick Lane, London, E2 7EB.

This premises was previously a hairdressers and has never been used for the purposes of entertainment or alcoholic consumption. The premises is situated in the North Brick Lane conservation zone and falls outside the traditional area zoned for the purpose of providing bars and restaurants, which is located in the South Brick Lane area to the south of Bethnal Green Road.

The reason people move to the North Brick area is that it is free of the hubbub and noise experienced in the area around the rest of Brick Lane and allowing a bar to operate on the corner of Padbury Court and Brick lane would be contrary to earlier recommendations made by the council and supported by local residents and businesses alike to keep this area a quiet residential area.

The residents of Equity Square have already had their peace and quiet disrupted thanks to the council allowing a late night licence to the Well and Bucket on Bethnal Green Road. The Well and Bucket has a courtyard which backs on to Shacklewell Street which causes significant disturbance and disrupts the peace of the residents in Equity Square. While both the council's licensing team and the management of the pub assured the residents that this would be controlled and managed, no such management has taken place and the residents suffer a continued onslaught of noise and disturbance in their own homes.

The proposed venue - The Hawkshurst Vaults - is located at the rear of Equity Square next to the communal gardens and will no doubt provide further discomfort and disturbance to the residents of Equity Square and Padbury Court. The site backs on to a courtyard which will only help to increase the resonance of the noise created by the venue and this will in turn cause noise pollution to the bedrooms of the residences of Equity Square, Padbury Court and North Brick Lane which overlook the courtyard.

While the current application suggests closing at 11pm, I have no doubt that, like every bar in the area, the operators will soon apply for a variation to the licence to extend operating hours to 2am or later. The application also asks to be allowed to sell alcohol at 8am which is clearly not suitable in a residential area.

There is no need for a bar on the north side of Bethnal Green Road and this does not conform to council policy. The permission of a licensed venue in this area will cause significant disruption to the local residents as revellers will be drawn into a residential area which is renowned for its calm and tranquillity. There is a significant risk of increased crime and disorder in the area as a result, including breach of the peace and disruption to public safety.

I strongly object to this application and ask that the application be denied.

Kind regards,





## Alex Lisowski

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**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 21 March 2014 11:35  
**To:** Alex Lisowski  
**Subject:** FW: Objection to Hawkhurst Vault

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**From:** Gabby Shiner-Hill [REDACTED]  
**Sent:** 21 March 2014 09:59  
**To:** Licensing  
**Subject:** Objection to Hawkhurst Vault

Dear Sir/Madam -

I would like to lodge my objection to the application of a licence for the provision of plays, films, live music, recorded music and the supply of alcohol at the premises listed as The Hawkhurst Vault, [240, Brick Lane, London, E2 7EB](#).

This is in the north brick lane area where we have not had any bars. The noise from the well & bucket garden already impacts us as our balcony double doors cannot be open due to the noise. Our bedroom windows back on to the equity square garden and the proposed courtyard, we would be significantly disturbed by any noise coming from this proposed venue.

Gabrielle Shiner - Hill  
[REDACTED]

Sent from my phone

London Borough of Tower Hamlets

Licensing Section  
Mulberry Place PO BOX 55739  
5 Clove Crescent  
London E14 1BY

Farika Skilton



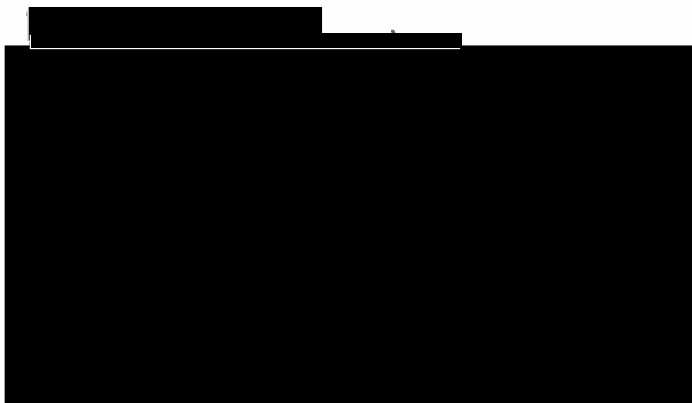
RE – Application No: PA/14/00518 – 240 Brick Lane

To whom it may concern,  
I object to the above application's provision for the sale of alcohol from 240 Brick Lane at any time or under any circumstances as I believe the effects on the immediate and surrounding area of such a license would be entirely negative for those of us that live and work there.

This kind of business is not in keeping with the others that currently exist in this part of Brick Lane. The change of use category would make it much easier for 240 Brick Lane to quickly become a full blown restaurant or Bar - setting a new and unwelcome precedent for this charming group of shop fronts.

The shop is so small, people will be drinking and smoking outside in the street all hours and all year round. There is strong likelihood of drinking /smoking on the Rhoda Street Green space opposite. As a licensee in London myself, I understand how difficult it is to keep under control and the extra strain this puts on the council and the neighbours. If the shop is granted a licence and they don't make it work the shop will still have a licence making it even more unpredictable for the future

In addition to the problems already faced by local residents - accumulation of litter, food, urination, defecation, aggressive and antisocial behaviour, in an area where rubbish collections and street cleaning are already sporadic. Somewhere selling alcohol can only magnify these problems and to some degree endorse the issues many of us and you at the council have worked hard to prevent and often end up cleaning up after.



To Whom It May Concern

I am writing regarding the premises at 240 Brick Lane, London E2 called The Hawkhurst Vaults we have been informed that they are applying for an Alcohol Licence.

This is a residential area and the people of Brick Lane do not need the problem of the rubbish in the street, the noise, and people urinating in our gardens and doorways, we do not want to open our doors in the morning to the smell.

I understand that people need to earn living but another bar in Brick Lane is not really needed. The houses have a bedroom in the front and we will not be able to sleep due to the noise of people coming and going.

Please think of the residents before granting Licence as there are enough bars at the other end of Brick Lane and I do not need one outside my house. I am strongly opposed.

Yours sincerely

Nikki & Kelvin Wing



240 Brick Lane, London E2 7EB – Licence Application for the provision of:

**Live performance, films (11am-9pm), live music, and the supply of alcohol on and off the premises between 11am-8pm Sun-Thurs, 11am-9pm Fri+Sat. Outside areas in use 8am-9pm**

We, the undersigned, object to the above premises becoming licensed due to **inevitable increase** in:

- **noise** (the hubbub of groups, music, 'carrying' voices)
- **interruption** to peaceful living – e.g. residents' enjoying open windows / quiet gardens
- **disruption** of routine access – e.g. for prams, everyday walkers, people with disability aids competing with diners on the pavement area (or having to divert into the road)
- **degradation** of the surrounding environment (for both residents and users of local amenities, such as the Green and netted football pitch)
- **litter, vomit and other mess** in an established residential community

Name	Address	Signature
Maryam Ali	[REDACTED]	[REDACTED]
Yvonne Cameron	[REDACTED]	[REDACTED]
KEVIN NING	[REDACTED]	[REDACTED]
SULTANA CHOWDHURY	[REDACTED]	[REDACTED]
Frances Carroll	[REDACTED]	[REDACTED]
B. SANDSUWAN	[REDACTED]	[REDACTED]
Stuart King	[REDACTED]	[REDACTED]
MOHAMMED ALI	[REDACTED]	[REDACTED]
CHRIS WILKINSON	[REDACTED]	[REDACTED]
SUE ALLEN	[REDACTED]	[REDACTED]
Kazi Rahman	[REDACTED]	[REDACTED]
D Constantinou	[REDACTED]	[REDACTED]
Athina Constantinou.	[REDACTED]	[REDACTED]



240 Brick Lane, London E2 7EB – Licence Application for the provision of:

**Live performance, films (11am-9pm), live music, and the supply of alcohol on and off the premises between 11am-8pm Sun-Thurs, 11am-9pm Fri+Sat. Outside areas in use 8am-9pm**

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- **degradation** of the surrounding environment (for both residents and users of local amenities, such as the Green and netted football pitch)
- **litter, vomit and other mess** in an established residential community

Name	Address	Signature
A Russell	[REDACTED]	[REDACTED]
J. Dwyer	[REDACTED]	[REDACTED]
Joyce	[REDACTED]	[REDACTED]
M. Bish.	[REDACTED]	[REDACTED]
Shirpa Khatoon	[REDACTED]	[REDACTED]
MUJAN AHMED	[REDACTED]	[REDACTED]
D. EZEKIEL	[REDACTED]	[REDACTED]
D. EZEKIEL	[REDACTED]	[REDACTED]
P. HANUMA	[REDACTED]	[REDACTED]
Id Jones	[REDACTED]	[REDACTED]
N. KECMAN	[REDACTED]	[REDACTED]
M. RAHMAN	[REDACTED]	[REDACTED]
A. DAHHANE	[REDACTED]	[REDACTED]

240 Brick Lane, London E2 7EB – Licence Application for the provision of:

**Live performance, films (11am-9pm), live music, and the supply of alcohol on and off the premises between 11am-8pm Sun-Thurs, 11am-9pm Fri+Sat. Outside areas in use 8am-9pm**

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- **degradation** of the surrounding environment (for both residents and users of local amenities, such as the Green and netted football pitch)
- **litter, vomit and other mess** in an established residential community

Name	Address	Signature
M. CONSTANT, MDU	[REDACTED]	[REDACTED]
FRITA SKILTON	[REDACTED]	[REDACTED]
T. Miller	[REDACTED]	[REDACTED]
M. HOLDEN	[REDACTED]	[REDACTED]
Y. GREGORY	[REDACTED]	[REDACTED]
Morgan Massey	[REDACTED]	[REDACTED]
DAVID MASSINGHAM	[REDACTED]	[REDACTED]
C PERIS	[REDACTED]	[REDACTED]
S. Khanom	[REDACTED]	[REDACTED]
J. MILLER	[REDACTED]	[REDACTED]



240 Brick Lane, London E2 7EB – Licence Application for the provision of:

**Live performance, films (11am-9pm), live music, and the supply of alcohol on and off the premises between 11am-8pm Sun-Thurs, 11am-9pm Fri+Sat. Outside areas in use 8am-9pm**

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- **degradation** of the surrounding environment (for both residents and users of local amenities, such as the Green and netted football pitch)
- **litter, vomit and other mess** in an established residential community

Name	Address	Signature
PHIL McCLUNEY.	[REDACTED]	[REDACTED]
E. RAMPLING	[REDACTED]	[REDACTED]
D COLE	[REDACTED]	[REDACTED]
J BATES	[REDACTED]	[REDACTED]
SID BRYAN	[REDACTED]	[REDACTED]
P SKILTON	[REDACTED]	[REDACTED]
Leann James	[REDACTED]	[REDACTED]
TOM LINDSEY	[REDACTED]	[REDACTED]
TIM RICH	[REDACTED]	[REDACTED]
Kate Chishti	[REDACTED]	[REDACTED]



**Live performance, films (11am-9pm), live music, and the supply of alcohol on and off the premises between 11am-8pm Sun-Thurs, 11am-9pm Fri+Sat. Outside areas in use 8am-9pm**

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- **degradation** of the surrounding environment (for both residents and users of local amenities, such as the Green and netted football pitch)
- **litter, vomit and other mess** in an established residential community

Name	Address	Signature
B. BASS,	[REDACTED]	[REDACTED]
J BASSI	[REDACTED]	[REDACTED]
J.N. Al-Mamun	[REDACTED]	[REDACTED]
Abdullah Al-Mamun	[REDACTED]	[REDACTED]
Kerrie Shuttlear	[REDACTED]	[REDACTED]
Teresa Shuttlear	[REDACTED]	[REDACTED]
Syed Jafar Cabal	[REDACTED]	[REDACTED]
MOMTAZ BEGUM	[REDACTED]	[REDACTED]
A Bannan	[REDACTED]	[REDACTED]
V. GEORGIOU	[REDACTED]	[REDACTED]
Alex Hossan	[REDACTED]	[REDACTED]
Katherine Birkinshaw	[REDACTED]	[REDACTED]

**240 Brick Lane, London E2 7EB – Licence Application for the provision of:**

**Live performance, films (11am-9pm), live music, and the supply of alcohol on and off the premises between 11am-8pm Sun-Thurs, 11am-9pm Fri+Sat. Outside areas in use 8am-9pm**

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- **degradation** of the surrounding environment (for both residents and users of local amenities, such as the Green and netted football pitch)
- **litter, vomit and other mess** in an established residential community

Name	Address	Signature
T. SOMM	[REDACTED]	[REDACTED]
Tom.		
AF7UL.		
T. MÄCHLER	[REDACTED]	[REDACTED]
Paul Milton		
[REDACTED]		
Scor		
Mick		
Scor	[REDACTED]	[REDACTED]
John.		
[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

*signed on behalf of disabled neighbours (with their permission) (in their presence)*

# Appendix 6

## Alex Lisowski

---

**From:** Jane Miller [REDACTED]  
**Sent:** 11 June 2014 11:27  
**To:** Alex Lisowski  
**Subject:** 240 Brick Lane - Sunday 8 June event  
**Attachments:** Sunday8June,event\_notice.jpg; 1.8June14.JPG; 1a.8June14,closeup.JPG; 2.PadburyCourt.JPG; 3.RhodaGreen.JPG; 4.sofa\_removed.JPG; 5.replacement\_chairs.JPG; 6.passersby.JPG; 7.MrHolden,Green\_to\_Vault.JPG; 8.pedestrians.JPG; 9.240BrickLane,everyday\_pic.JPG

Dear Mr Lisowski

Further to our phone conversation yesterday, I confirm that a planned entertainment event took place at The Hawkhurst Vault, 240 Brick Lane, E2 7EB on Sunday 8 June 2014. A promotional notice, delivered the day before with a Hawkhurst Vault business card, is attached as requested (the scribbled comments are mine). You will see it also refers to future events. Please could you confirm whether a licence for live entertainment has been obtained for Friday 13 June? (and, since evidently more than tea-based beverages are available at events, does such licence include permission to sell alcohol?)

The attached images were taken between 7.00-7.30pm on Sunday 8 June. I've numbered them in chronological order; titles tell the story. When I first went out to investigate the noise, there was a Chesterfield sofa outside on the pavement. I also observed a man walking across from Rhoda Street Green with an empty wine glass. As he walked towards Hawkhurst Vault, Theodore Holden shook his head and ushered the man into Hawkhurst Vault. The man stayed inside the premises. Mr Holden then came outside and assisted taking the Chesterfield inside before he made several return trips outside to clear used glasses from the pavement tables. During that process he looked across to where I was standing directly opposite, clearly aware that he was being observed. Mr Holden then brought out wooden chairs to replace the Chesterfield, making apologetic gestures to customers as he did so. Thereafter, from the front room window of my home I was aware of comings and goings at odd times until approx. 9.00-9.30pm, but cannot be accurate as to what time the premises closed. Hawkhurst Vault's Facebook page stated 10.30pm closure - i.e.

THIS SUNDAY: LIVE MUSIC & POP UP BAR

[King Eider](#) and [Matt Pound & Lieutenant Leek](#) play two feet-stompin' live sets upstairs at the tearoom from 2 - 5pm (Think Arcade Fire/Mumfords delivered by a five piece and a duo)

For that saloon vibe we're also open til 10:30pm selling our favourite [East London Brewing Company](#) beers alongside wonderful reds and whites.

<https://www.facebook.com/hawkhurstvault?fref=ts> - where an event for Friday 13 June is now listed

I am concerned that the event went ahead despite your refusal to a temporary licence application (MA Reference Number 076226). I am also confused as to why temporary licences can be granted whilst a Licensing Application Hearing is pending. Since I was not at home on Sunday afternoon, I was only aware of noise and disruption from early evening. However, the series of events held over Saturday 24 & Sunday 25 of the May Bank Holiday weekend (MA Reference Number 075927) intruded on a rare family reunion and denied a peaceful holiday weekend. I am not prepared to accept that the quality of my day-to-day life should be threatened in this way.

For visual comparison I have also attached an 'everyday' image of Hawkhurst Vault - where blocking the pavement and attracting delivery vehicles clearly does not cause residential disturbance on the same scale as 'events' that provide live entertainment and alcohol - the very reasons for the Licensing Application.

Please can you advise me how this matter will be managed? Thank you.

Yours faithfully,  
Jane Miller























# Appendix 7

## Anti-Social Behaviour On The Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003.

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

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 (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003  
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 8

## 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 9

## **Access and Egress problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Sections 8.2 of the Licensing Policy, and also Section 12.5)**.

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

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

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

# Appendix 10

## **Planning**

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

# Appendix 11

## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

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

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

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# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	26 June 2014	<b>Unclassified</b>	LSC 02/145	

Report of: <b>David Tolley</b> <b>Head of Consumer and Business Regulations Service</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a Premises Licence for (As Nature Intended), 132 Commercial Street, London E1 6NG</b>  Ward affected: <b>Spitalfields and Banglatown</b>
---	--

## 1.0 Summary

Applicant: **As Nature Intended Limited**

Name and **As Nature Intended**

Address of Premises: **132 Commercial Street  
London  
E1 6NG**

Licence sought: **Licensing Act 2003**  
**•The sale by retail of alcohol**

Representation: **Local Residents  
Met Police**

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali  
020 7364 5498

### 3.0 **Background**

3.1 This is an application for a premises licence for (As Nature Intended), 132 Commercial Street, London E1 6NG

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

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

#### **The sale by retail of alcohol (Off sales)**

- Monday to Friday, from 08:00 hours to 20:00 hours
- Saturday and Sunday, from 09:00 hours to 19:00 hours

#### **Hours open to the public**

- Monday to Friday, from 08:00 hours to 20:00 hours
- Saturday and Sunday, from 09:00 hours to 19:00 hours

#### **Non standard timings**

- In the month of December each year the terminal hour is extended to 22:00 hours on Monday and on Saturday and Sunday to 20:00 hours

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

### 4.0 **Licensing Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> 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](http://www.homeoffice.gov.uk). It was last revised in June 2013.

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

### 5.0 **Representations**

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

- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Met police and local residents.
- 5.9 Please see **Appendix 4** for the representation of Met police.
- 5.10 Please see **Appendix 5** for the representation of Mrs Win Kwok who is a local resident.
- 5.11 Please see **Appendix 6** for the representation of Tina Kohli who is a local resident.
- 5.12 Please see **Appendix 7** for the representation of Mr Sean Moore, who owns a property in the immediate vicinity of the premises.
- 5.13 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

- 5.14 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
- 5.15 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.
- 5.16 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.
- 5.17 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 8 - 14** 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

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Section 182 Guidance by the Home Office
<b>Appendix 4</b>	Representation of Met police
<b>Appendix 5</b>	Representation of Mrs Win Kwok
<b>Appendix 6</b>	Representation of Tina Kohli
<b>Appendix 7</b>	Representation of Mr Sean Moore
<b>Appendix 8</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 9</b>	Licensing Officer comments on access/egress problems
<b>Appendix 10</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 11</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 12</b>	Planning
<b>Appendix 13</b>	Licensing Policy relating to hours of trading
<b>Appendix 14</b>	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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# Appendix 1

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

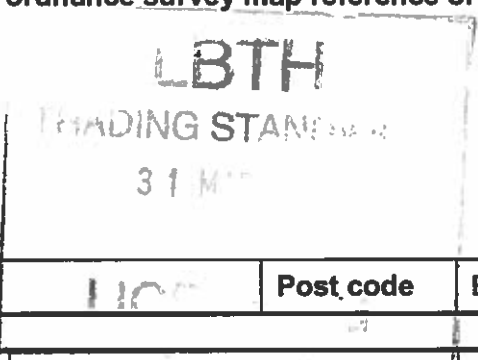
Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish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

**I/We AS NATURE INTENDED LIMITED**

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description AS NATURE INTENDED 132 COMMERCIAL STREET			
			
Post town	LONDON	Post code	E1 6NG
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£TBC - BAND A	

**Part 2 - Applicant Details**

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

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

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

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

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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



**SECOND INDIVIDUAL APPLICANT** (if applicable)

<b>Mr</b> <input type="checkbox"/>	<b>Mrs</b> <input type="checkbox"/>	<b>Miss</b> <input type="checkbox"/>	<b>Ms</b> <input type="checkbox"/>	<b>Other Title</b> (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>I am 18 years old or over</b>				<input type="checkbox"/> <b>Please tick yes</b>	

<b>Current postal address if different from premises address</b>			
<b>Post Town</b>		<b>Postcode</b>	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(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.

<b>Name</b> AS NATURE INTENDED LIMITED
<b>Address</b> 
<b>Registered number (where applicable)</b> 3824881
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> COMPANY
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b> 

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
0	7	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

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

A specialist organic products retail outlet which will be a supermarket offering a full range of organic groceries, fruit and veg, meat fish and dairy products natural remedies and supplements. skin care products, cosmetics, nutritional supplements,herbal remedies, and a range of organic beer, wine and spirits.

Retail area is approx 2,600 square feet , store space utilised for sale of intoxicants not more than 5%

An example of the product range for intoxicants is included with the application.

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

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

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

**Provision of regulated entertainment**

Please tick 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)

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

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed					
Thur					
			<b>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</b> (please read guidance note 5)		
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**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><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></b> (please read guidance note 5)		
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed			<b>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</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

# H

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

I

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

**J**

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

**K**

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



**L**

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

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  In the month of December each year the terminal hour is extended to 22.00 on Monday to Friday and on Saturday and Sunday to 20.00		
Mon	0800	2000			
Tue	0800	2000			
Wed	0800	2000			
Thur	0800	2000			
Fri	0800	2000			
Sat	0900	1900			
Sun	0900	1900			
			<b>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</b> (please read guidance note 5)		

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

<b>Name</b> JEFFREY MICHAEL MARTIN	
<b>Address</b> 12 SHERWOOD COURT SEYMOUR PLACE LONDON	
<b>Postcode</b>	W1H 5TH
<b>Personal Licence number (if known)</b> 1401509/LIPERS	
<b>Issuing licensing authority (if known)</b> CITY OF WESTMINSTER	

**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 APPLICABLE

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  In the month of December each year the terminal hour is extended to 22.00 on Monday to Friday and on Saturday and Sunday to 20.00
Day	Start	Finish	<b>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</b> (please read guidance note 5)
Mon	0800	2000	
Tue	0800	2000	
Wed	0800	2000	
Thur	0800	2000	
Fri	0800	2000	
Sat	0900	1900	
Sun	0900	1900	

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

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

The applicant has been trading and operating specialist organic supermarket premises since June 2000 and currently trades from three other outlets in Ealing, Balham and Chiswick in the London area. The applicant is committed to providing APLH training for management staff. The applicant has comprehensive and appropriate written policies to cover all aspect of its trading operations including those which pertain to the sale of alcoholic products. An unlicensed specialist supplements and cosmetics store is operated at Westfield, Stratford. Not more than 5% of available retail space to be used for the offer and sale of intoxicants.

**b) The prevention of crime and disorder**

Comprehensive written organisational policies are implemented throughout the business and where it is necessary or required to do so appropriate training of colleagues is supplied.

Legal, security and health and safety or other professional advice is available to all branch colleagues and is provided centrally via the Company Head Office.

These premises will have the benefit of a digital CCTV system as described by a dedicated plan included with the application.

Challenge 25 is adopted as the age restriction policy.

**c) Public safety**

Please refer to (b) above.

**d) The prevention of public nuisance**

Please refer to (b) above.

**e) The protection of children from harm**

In addition to these measures detached in (b) above it is also a written, trained and refreshed Policy of the Company to challenge any customers who are apparently under the age of 25 years and attempting to purchase alcoholic products to provide evidence (in PASS approved formats only or other acceptable ID) to prove that they are in fact over the age of 18 years. Challenge 25 is adopted as the age restriction policy.


Please tick yes

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

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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	
Date	28 <sup>TH</sup> MARCH 2014
Capacity	SOLICITORS FOR THE APPLICANT

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b> TURBERVILLES SOLICITORS(REF: DCS) HILL HOUSE 118 HIGH STREET			
<b>Post town</b>	UXBRIDGE	<b>Post code</b>	UB8 1JT
<b>Telephone number (if any)</b>	[REDACTED]		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> [REDACTED]			

### Notes for Guidance

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

# as nature intended

LBTH  
TRADING STANDARDS

31 MAR 2014



LICENSING

18<sup>th</sup> March 2014

Products to be listed At As Nature Intended – Spitalfields

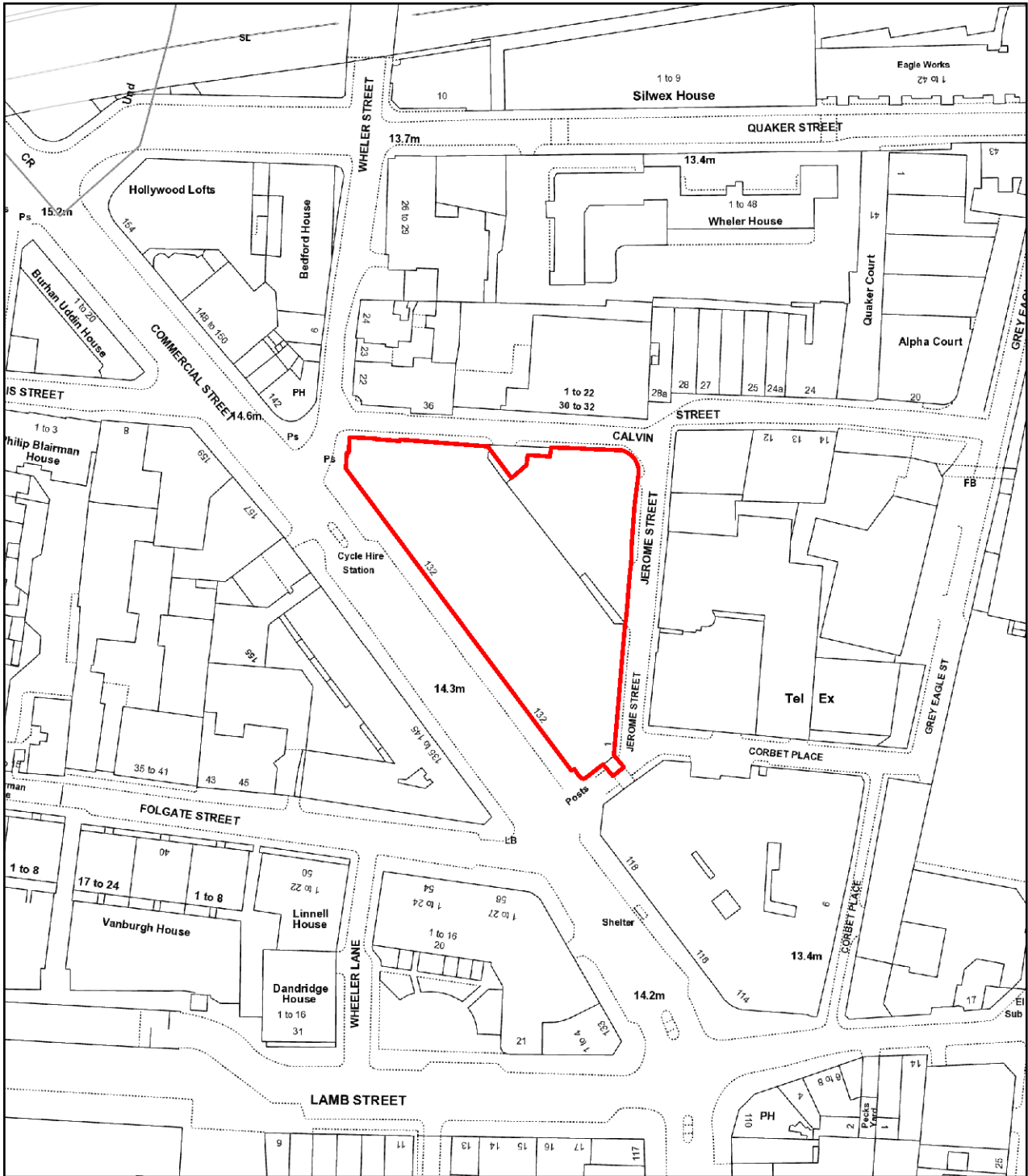
132 Commercial Street, London E1 6NG

Description - all are Organic	Size	Supp Product Code	Bar Code	ABV Alcohol by Volume
Arkells Bees Organic Honey Al	50cl	IEZ43	5016175100204	4.5
Ashridge Devon Blush Organic	50cl	JEZ24	5060152560123	4.5
Ashridge Devon Organic Cider	50cl	JEZ23	5060152560093	6.5
Budding Organic Pale Ale	50cl	IEZ32	5060159920036	4.5
Cannabia Beer Org Vegan	33cl	IGZ06	4021912006023	5
Couronneau Bordeaux Org V	75cl	EFA10	3760095110219	14
Cuvee Gabriel Merlot Org Vega	75cl	EFB40	5060011620296	12.5
Daas Org Blonde Lager Gluten	33cl	IBZ01	5060184550000	6.5
Freedom Lager Organic	33cl	IEZ13	5030548606070	4.8
Fullers Honeydew Ale Org	50cl	IEZ10	5011885008420	5
Giol Organ Pinot Grigio Vegan	75cl	CII10	8032535560829	12
Giol Prosecco Frizzante Blanc	75cl	B1E02	8032535560201	11.5
Insieme Nero D'Avola No Sulph	75cl	EIS06	8034041270414	13
Montalbano Prosecco Frizzante	75cl	BIJ01	8030316004005	11.5
Natural Star Mini Red	18.7c	ERZ17	6009679893979	13.5
Natural Star Mini White	18.7c	CRZ14	6009679893993	13
Natural Star Shiraz Vegan	75cl	ERZ15	6009679893788	14
Normandy Organic Cider	75cl	JFZ01	3760004520016	5
Organic Blanc Vegan	75cl	CFA14	5060011620050	12
Organic German Lager V	50cl	IGZ05	5060011620135	5
Organic Rosso Org Vegan	75cl	EII03	5060011620036	12.5
Organic Rouge Org Vegan	75cl	EFB25	5060011620012	12
Organic Tinto Org Vegan	75cl	ESM03	8437001679140	13
Premium Organic Cider V	50cl	JEZ09	5023295000017	6.8
Sam Smiths Org Strawberry Bee	50cl	IEZ29	5010149200952	5.1

Samuel Smiths Best Ale Org V	55cl	IEZ03	5010149200556	5
Samuel Smiths Chocolate Stout	55cl	IEZ39	5010149201157	5
Samuel Smiths Organic Lager V	55cl	IEZ05	5010149200358	5
Stellar Merlot Org No Added S	75cl	ERZ10	6009679891760	13
Stroud Brewery Big Cat Stout	50cl	IEZ38	5060159920173	4.5
Stroud Brewery Tom Long Ale O	50cl	IEZ44	5060159920043	3.8
Touchstone Chardonnay Org Veg	75cl	COT02	5060011620524	13.5
Touchstone Sauvignon Blanc Or	75cl	COT01	5060011620531	13.5
Westons Organic Cider V	50cl	JEZ12	5014201203554	6
Utkins UK5 Organic Vodka	70cl	HEV01	5026273000559	37.5
*Davenport Horsmonden Dry Whi	750ml	CEZ01	5060148780009	11.5
*Highland Harvest Blended Malt Whiskey	750ml	HSS11		40
*Juniper Gin 70cl	70cl	HEV02	5026273000535	37.5



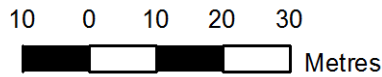
# Appendix 2



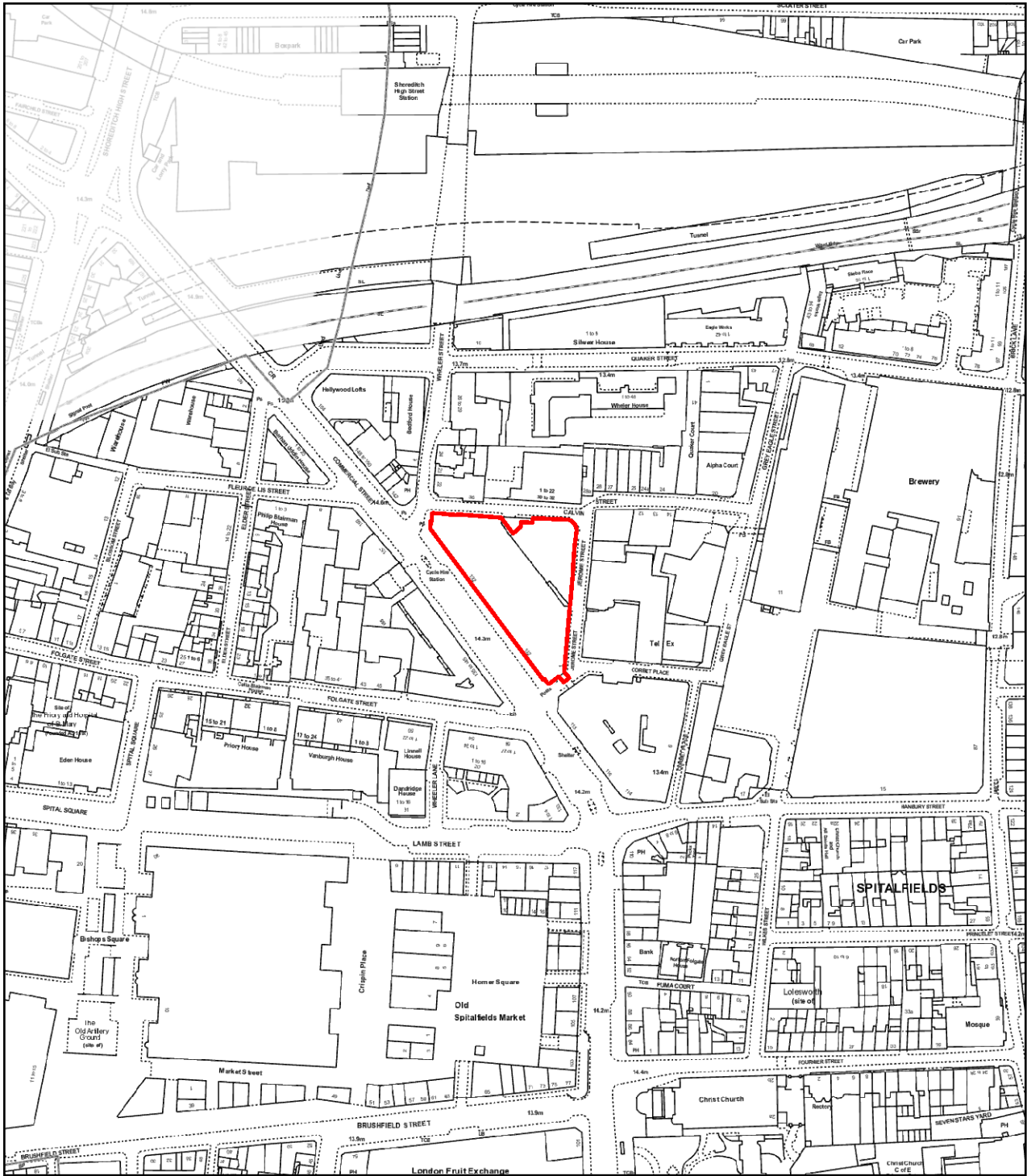
# 132 Commercial Street



Scale 1:1381



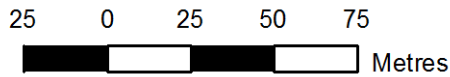
Produced by London Borough of Tower Hamlets on 06/06/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



# 132 Commercial Street



Scale 1:2762



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# Appendix 3

## 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 4

## Mohshin Ali

---

**From:** Alan.D.Cruickshank@met.pnn.police.uk  
**Sent:** 09 April 2014 13:52  
**To:** Mohshin Ali  
**Subject:** As Nature Intended , 132 Commercial St, E1  
**Attachments:** As Nature Intended ( April 14 ).doc

Dear Mohshin

Please find my representation re: the above application.

Best wishes

Alan

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LBTH Licensing  
Toby Club  
Vawdrey Close  
E1 4UA

**HT - Tower Hamlets Borough  
HH - Limehouse Police Station**

Licensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ

Telephone: 0207 275 4911

Facsimile:

Email:

Alan.Cruickshank@met.police.uk  
www.met.police.uk

Your ref:

Our ref:

4 April 2014

Dear Mr McCrohan

Re: An Application for a New Premises Licence  
As Nature Intended, 132 Commercial St, E1 6NG

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

The prevention of crime and disorder

The prevention of public nuisance

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

Monday - Friday: 0800 - 2000

Saturday - Sunday: 0900 - 1900

They have also applied for a seasonal variation for December, extending the Mon-Fri hours until 2200 and on Saturday and Sunday, until 2000.

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

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

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

This objection is not a reflection on the applicant but a response to the Saturation Policy. Since the introduction of the policy and the CIZ, licences have been granted in this area but the continuing introduction of new licensed premises however small or well run, will compound the problems in the CIZ

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

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

If not, I ask the committee to refuse this application.

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

If they are to consider granting a licence, I would ask that they consider removing the seasonal variation.

Conditions

1. Install / maintain CCTV

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

(Can one camera be placed o/s the entrance and on entry)

Alan Cruickshank PC 189HT

# Appendix 5

## Mohshin Ali

---

**From:** Andrew Heron on behalf of Licensing  
**Sent:** 10 April 2014 12:40  
**To:** Mohshin Ali  
**Subject:** FW: LICENSING ACT 2003 and AS NATURE INTENDED, 132 COMMERCIAL STREET, LONDON E1 6NG and IRRESPONSIBLE SANCTIONING OF CHANGE OF USE REF PA/09/02545

**From:** Win Kwok [REDACTED]  
**Sent:** 10 April 2014 12:04  
**To:** Licensing; Planning & Building LBTH  
**Subject:** LICENSING ACT 2003 and AS NATURE INTENDED, 132 COMMERCIAL STREET, LONDON E1 6NG and IRRESPONSIBLE SANCTIONING OF CHANGE OF USE REF PA/09/02545

### To Whom it May Concern,

I am a Leaseholder of an apartment which is on the first floor in relation to planning and licensing of this case.

I wish to express my concerns and object to the application on 2 accounts.

#### 1 / Licensing

The Exchange Building is a residential block which contains 100 apartments. To sanction a license on the ground floor to sell alcohol past 23,00 hours is wholly inappropriate. The only people that will benefit are Hampstead homes and the pockets of "As Nature Intended". The ones that will suffer are the residents above as music will no doubt be played and general excitable noise as customers exit the bar.

#### 2/ Use of premises

I refer to the original application **PA/09/02545**, that was registered **24 Nov 2009**, where it was stated.

Change of use of part of ground floor of existing Exchange Building from spa (sui generis) to create three units to be used for either Class A1, A2, B1, D1 (Art Gallery) or Sui Generis (Showroom) together with alterations to the existing shop front.

Nowhere in this application did it mention the category class A3 (defined as a restaurant and cafe for the consumption of food). Not only now do we have a Costa Cafe with sprawling tables on the pavement. As Nature Intended is clearly another such establishment which should also be considered A3.

<http://planreg.towerhamlets.gov.uk/WAM/showCaseFile.do?sessionId=18621482F2D2C15CA7C4BAF78ED08672?action=show&appType=Planning&appNumber=PA/09/02545>

In short, as residents we have not been transparently informed of the change in use of both Costa and As Nature Intended changing to Cafes and restaurants that was never mentioned.

I feel that the sanctioning of these businesses was irresponsible and esoteric and wish to understand why I cannot find any correspondence relating to the opening of the organic shop other than when the shop signs started appearing.

I have been a resident for over 12 years. Prior to the change of use there was a Spa and a Furniture showroom - both of which did not interrupt residential living conditions. I will not even begin to go into the noise that now comes from Urban Outfitters as of course, the use of very loud music is goes hand in hand with a youth clothing brand.

Take this letter as a strong objection. I have a right to live in this property which I have done so for so long with my young family and rest in peace.

Please reply and let us know if we have to post a hard copy to bolster our position.

Sincerely,

Mrs Win Kwok



# Appendix 6

## Mohshin Ali

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 11 April 2014 14:17  
**To:** Mohshin Ali  
**Subject:** FW: LICENSING ACT 2003 and AS NATURE INTENDED, 132 COMMERCIAL STREET, LONDON E1 6NG and IRRESPONSIBLE SANCTIONING OF CHANGE OF USE REF PA/09/02545

---

**From:** [REDACTED]  
**Sent:** 11 April 2014 09:47  
**To:** Licensing; Planning & Building LBTH  
**Subject:** LICENSING ACT 2003 and AS NATURE INTENDED, 132 COMMERCIAL STREET, LONDON E1 6NG and IRRESPONSIBLE SANCTIONING OF CHANGE OF USE REF PA/09/02545

11 April 2014  
Head of Service: David Tolley  
Licensing section  
Mulberry Place (AH), 6th Floor  
5 Clove Crescent  
London E14 2BG

Tina Kohli  
[REDACTED]

RE:- LICENSING ACT 2003 and AS NATURE INTENDED, 132 COMMERCIAL STREET, LONDON E1 6NG and IRRESPONSIBLE SANCTIONING OF CHANGE OF USE REF PA/09/02545

To Whom it May Concern,

I wish to express my concerns and object to the application on 2 counts.

1 / Licensing: The Exchange Building is a residential block which contains over 100 apartments. To sanction a license on the ground floor to sell alcohol past 23,00 hours is wholly inappropriate. This is a residential block, there are copious bars in the area already as well as a Tesco's within a few hundred yards, which already sells alcohol. The sanctioning of the license would not benefit the residents or the area.

2/ Use of premises I refer to the original application PA/09/02545 that was registered 24 Nov 2009, where it was stated. Change of use of part of ground floor of existing Exchange Building from spa (sui generis) to create three units to be used for either Class A1, A2, B1, D1 (Art Gallery) or Sui Generis (Showroom) together with alterations to the existing shop front. Nowhere in this application did it mention the category class A3 (defined as a restaurant and cafe for the consumption of food). Not only now do we have a Costa Cafe with sprawling tables on the pavement. As Nature intended is clearly another such establishment which should also be considered A3.

Please also note that when the Costa Coffee planning application came in, I contacted the council in writing, requesting that no tables be put on the pavement, given the noise we already suffer from the Commercial Tavern which is further away. I received no response and in addition, when I called the council, I was informed that tables on pavements are handled by the markets department and that



residents are not consulted. I strongly believe that we should have been consulted and should have been given a chance to object.

To be clear: I object to any alcohol / food being sold past 23:00, in the units below the Exchange Building. Furthermore, I strongly object to tables being placed on the pavement – the noise carries to all residents above and I dread the summer, when our windows will be open and we will have no choice other than to put up with the noise from below.

Sincerely,  
Tina Kohli



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# Appendix 7

14<sup>th</sup> April 2014

Head of Service - David Tolley  
Licensing Section  
Mulberry Place (AH)  
6th Floor  
5 Clove Crescent  
London E14 2BG

**REFERENCE:- LICENSING ACT 2003 and AS NATURE INTENDED, 132  
COMMERCIAL STREET, LONDON E1 6NG and IRRESPONSIBLE  
SANCTIONING OF CHANGE OF USE REF PA/09/02545**

To Whom it May Concern,

I wish to express my concerns and object to the application on 2 accounts.

1 / Licensing

The Exchange Building is a residential block which contains 100 apartments. To sanction a license on the ground floor to sell alcohol past 23,00 hours is wholly inappropriate. The only people that will benefit are Hampstead homes and the pockets of "As Nature Intended". The ones that will suffer are the residents above as music will no doubt be played and general excitable noise as customers exit the bar.




2/ Use of premises

I refer to the original application PA/09/02545, that was registered 24 Nov 2009, where it was stated.

Change of use of part of ground floor of existing Exchange Building from spa (sui generis) to create three units to be used for either Class A1, A2, B1, D1 (Art Gallery) or Sui Generis (Showroom) together with alterations to the existing shop front.

Nowhere in this application did it mention the category class A3 (defined as a restaurant and cafe for the consumption of food). Not only now do we have a Costa Cafe with sprawling tables on the pavement. As Nature Intended is clearly another such establishment which should also be considered A3.

Sincerely,

  
Mr Sean Moore  
Owner of   
  
London E1



Mr S P Moore  
  


# Appendix 8

## 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 12.4**).

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 12.5**).

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 Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.39).

### 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 9

## Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See 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 12.4**).

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 12.5**)

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

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

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

#### Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.37).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.39)

# Appendix 10

## Crime and disorder on the premises

### Licensing Policy

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

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

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

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

### Police Powers

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



Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police 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 and their staff or agents, but can directly impact on the behaviour of customers on, or in 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, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

# Appendix 11

## Crime and disorder 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.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

### 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 (Annexe D).

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 and their staff or agents, but can directly impact on the behaviour of customers on, or in 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, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

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

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

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.37)

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 12

## **Planning**

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

# Appendix 13

## Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

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

(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

(see 12.9 of the licensing policy)

# Appendix 14

### **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.

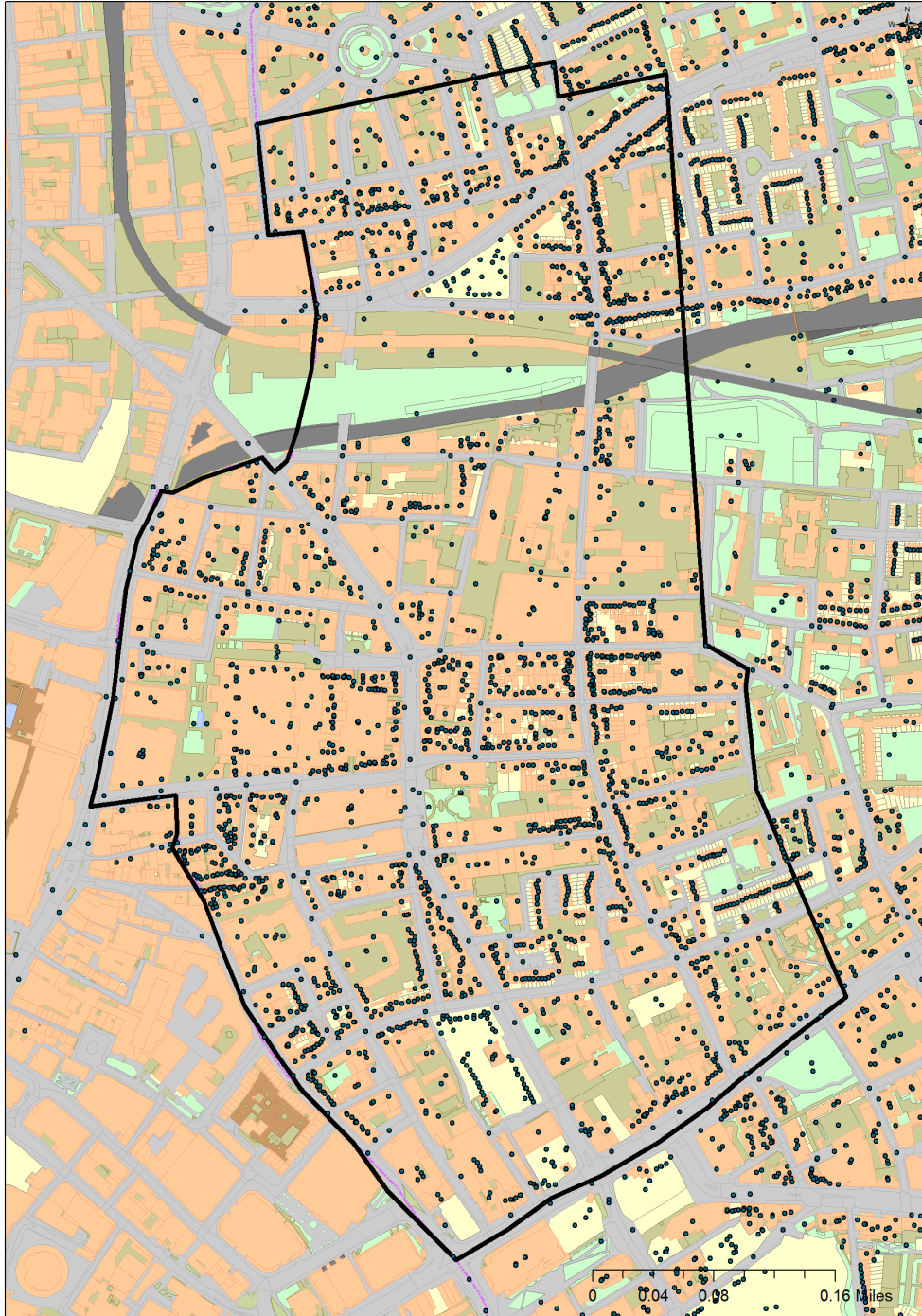
The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications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

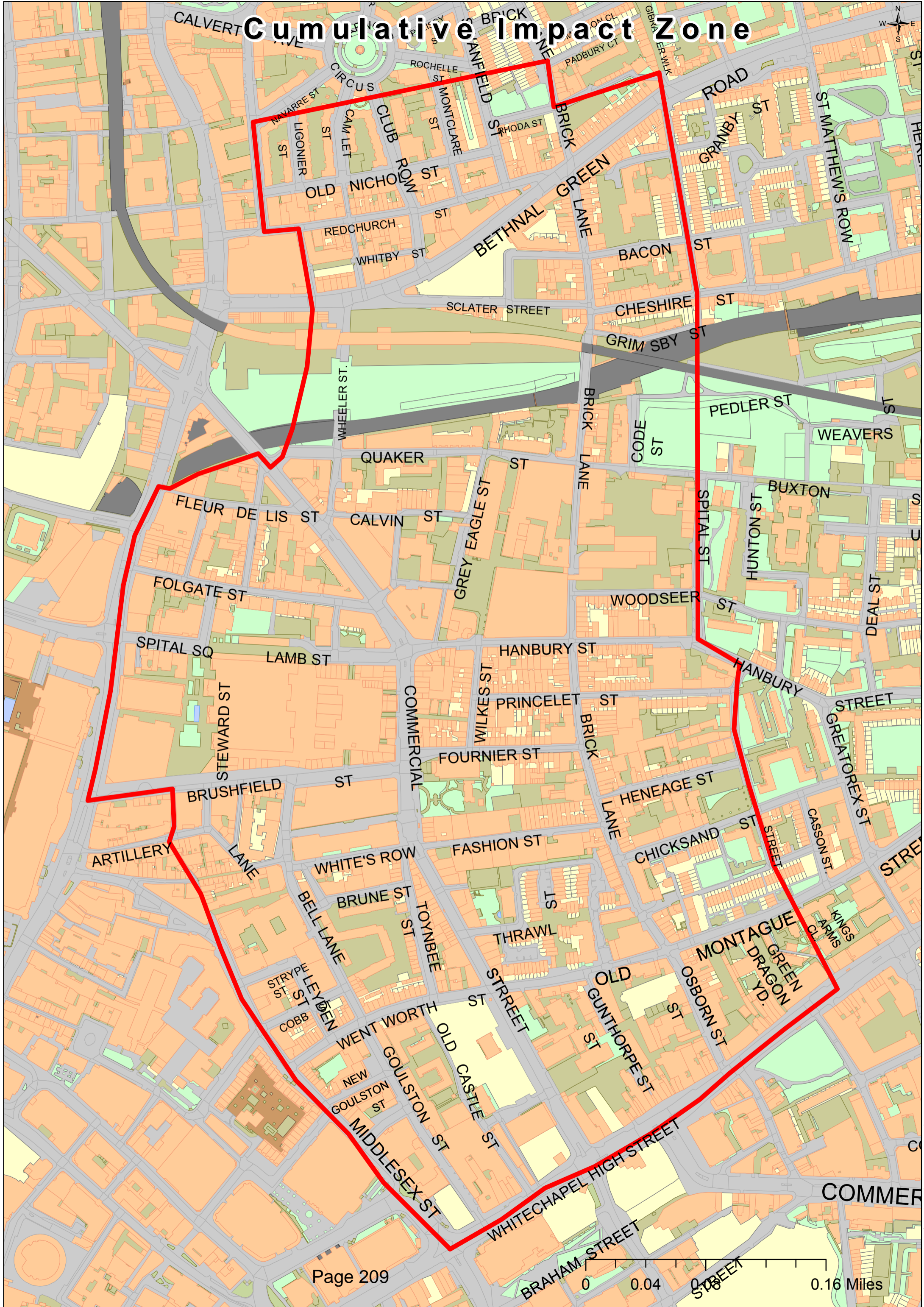
The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



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



# Cumulative Impact Zone



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# Agenda Item 6

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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